

Regular Session, 2009

HOUSE BILL NO. 408

BY REPRESENTATIVE ANDERS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FORESTRY: Revises the duties and powers of forestry officers

1 AN ACT

2 To amend and reenact R.S. 3:4274.1 and R.S. 32:402(C)(1), relative to the duties and  
3 powers of forestry officers; to provide for driver's license requirements for certain  
4 operators of firefighting equipment; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 3:4274.1 is hereby amended and reenacted to read as follows:

7 §4274.1. Appointment of forestry officers; duties and powers

8 To secure the protection of interests relating to forest woodlands, the state  
9 forester may appoint and commission forestry officers who shall enforce the laws,  
10 rules, and regulations for the protection of interests relating to forest woodlands, may  
11 carry weapons concealed or exposed while in the performance of their duties, shall  
12 take such action as is authorized by law, rule, or regulation to protect interests  
13 relating to forest woodlands, and shall be vested with the same authority and powers  
14 conferred by law upon regular law enforcement officers of this state with respect to  
15 issuing civil citations for littering and with respect to ~~the following criminal~~  
16 ~~offenses: arson, littering, theft, burglary, disorderly conduct, disturbing the peace,~~  
17 ~~observed during the performance of their normal duties, and conduct constituting~~  
18 ~~resisting arrest, assault, or battery of a commissioned forestry officer~~ criminal and  
19 other offenses affecting the protection of interests relating to forest woodlands and  
20 affecting the performance of their duties. Additionally, while on special assignment

1 during any riot, insurrection, or any natural disaster or while in protection of real  
 2 property of the ~~Louisiana Forestry Commission~~ commission and the property, assets,  
 3 and resources of the office of forestry, any commissioned forestry officer shall  
 4 possess all the powers and authority of regular law enforcement officers of this state.  
 5 During the course of normal duties or upon the request of any regular law  
 6 enforcement agency of this state, forestry officers shall prevent and detect crime,  
 7 apprehend criminals, enforce the criminal and traffic laws of the state, keep the peace  
 8 and good order in the state in the enforcement of the state's police powers, and  
 9 perform any other related duties imposed upon them by the legislature.

10 Section 2. R.S. 32:402(C)(1) is hereby amended and reenacted to read as follows:

11 §402. All drivers must secure license; exception; emergency vehicle exceptions;  
 12 military personnel exceptions; violations

13 \* \* \*

14 C.(1) Notwithstanding any provision of this Section or any other law to the  
 15 contrary, the only driver's license required of a full-time, regularly paid operator of  
 16 an emergency medical vehicle or firefighting equipment employed by the state, or  
 17 a municipality, parish, fire protection district, or other political subdivision of the  
 18 state, or civilian employees of the ~~U.S.~~ United States military who are required to  
 19 operate emergency vehicles, shall be a Class "E" driver's license when operating  
 20 such vehicle or equipment in the course and scope of his employment.

21 \* \* \*

22 Section 3. This Act shall become effective upon signature by the governor or, if not  
 23 signed by the governor, upon expiration of the time for bills to become law without signature  
 24 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 25 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 26 effective on the day following such approval.

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**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Anders

HB No. 408

**Abstract:** Clarifies the duties and powers of forestry officers and expands the issuance of Class "E" driver's licenses for the operation of firefighting equipment to include full-time employees of the state of La.

Present law provides for the appointment and commissioning of forestry officers by the state forester to enforce the laws for protection of forest woodlands. Further provides the forestry officers with the same authority and powers of regular law enforcement officers with respect to issuing civil citations for littering and criminal offenses to include: arson, littering, theft, burglary, disorderly conduct, disturbing the peace, and conduct constituting resisting arrest, assault, or battery of a commissioned forestry officer. Additionally, provides forestry officers with the powers and authority of regular law enforcement officers during any riot, insurrection, or natural disaster, or while protecting the real property of the La. Forestry Commission.

Proposed law adds any interests relating to forest woodlands in the enforcement of laws protecting woodlands and expands the enforcement parameters to include rules and regulations. Allows the forestry officers to take such action as authorized by law, rule, or regulation to protect interests relating to forest woodlands.

Proposed law removes the specific list of criminal offenses for citation issuance and provides for citations for criminal and other offenses affecting the protection of interests relating to forest woodlands and affecting the performance of duties. Adds the protection of property, assets, and resources of the office of forestry to the jurisdiction of forestry officers with respect to their authority and powers during any riot, insurrection, or natural disaster. Expands the powers of the forestry officers during the course of normal duties or at the request of any state law enforcement agency in the enforcement of the state's police powers and other related duties as imposed by the legislature. Proposed law otherwise retains present law.

Present law provides that a Class "E" driver's license is the only driver's license required of a full-time, regularly paid operator of emergency medical vehicles or firefighting equipment employed by a municipality, parish, fire protection district, or other political subdivision of the state, or civilian employees of the U.S. military who are required to operate emergency vehicles.

Proposed law adds the state of La. to the list of employers of full-time, regularly paid operators of an emergency medical vehicle or firefighting equipment required to obtain a Class "E" driver's license when operating such vehicles or equipment in the scope of employment. Proposed law otherwise retains present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 3:4274.1 and R.S. 32:402(C)(1))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Agriculture, Forestry, Aquaculture, and Rural Development to the original bill.

1. Expands the powers of forestry officers during the course of normal duties or upon the request of any regular state law enforcement agency in the enforcement of the state's police powers and other related duties as imposed by the legislature.