

Regular Session, 2014

SENATE BILL NO. 664

BY SENATOR CORTEZ

AGRICULTURE/FOREST COMR. Authorizes the commissioner of agriculture and forestry to receive and investigate complaints about prescribed burns and to revoke his authorization in certain situations. (8/1/14)

1 AN ACT

2 To amend and reenact R.S. 3:17(B) and to enact R.S. 3:17(F), relative to prescribed burning;
3 to provide for the powers, duties, and authority of the commissioner of agriculture
4 and forestry; to allow the commissioner to receive complaints of prescribed burns
5 and investigate such complaints; to provide the commissioner with authority to
6 suspend or revoke certain authorizations; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 3:17(B) is hereby amended and reenacted and R.S. 3:17(F) is hereby
9 enacted to read as follows:

10 §17. Prescribed burning; intent and purpose; authorization; definitions

11 * * *

12 B. The commissioner of agriculture and forestry shall adopt and promulgate
13 voluntary rules and regulations, consistent with applicable state and federal law, and
14 the general intent and purpose of this Section, to authorize and promote the
15 continued use of prescribed burning for ecological, silvicultural, wildlife
16 management, agricultural, and range management purposes. **Such rules and**
17 **regulations shall be adopted and promulgated by the commissioner pursuant**

1 **to the provisions of the Administrative Procedure Act.**

2 * * *

3 **F. Persons who wish to complain about certain prescribed burns shall**
4 **issue their complaints to the commissioner. The commissioner shall investigate**
5 **such complaints and have the authority to suspend or revoke his authorization**
6 **for the prescribed burn for such persons found to be in violation of the**
7 **prescribed burn requirements or rules and regulations promulgated pursuant**
8 **to this Section.**

The original instrument was prepared by Heyward Jeffers. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tammy Crain-Waldrop.

DIGEST

Cortez (SB 664)

Present law requires the commissioner of agriculture and forestry to adopt and promulgate voluntary rules and regulations, consistent with applicable state and federal law, the intent and general purpose is to authorize and promote the continued use of prescribed burning for ecological, sivicultural, wildlife management, agricultural, and range management purposes. Proposed law requires the rules and regulations to be adopted and promulgated by the commissioner pursuant to the provisions of the APA. Proposed law provides that complaints by citizens about prescribed burns shall be made to the commissioner, who shall investigate such complaints and who will possess the authority to suspend or revoke his authorization issued to persons found to be in violation of the prescribed burn requirements or rules and regulations.

Effective August 1, 2014.

(Amends R.S. 3:17(B); adds R.S. 3:17(F))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Environmental Quality to the engrossed bill

1. Requires the rules and regulations to be adopted pursuant to the APA.