

Regular Session, 2012

ACT No. 808

HOUSE BILL NO. 907

BY REPRESENTATIVES KATRINA JACKSON AND HENRY BURNS AND
SENATORS ALLAIN, LONG, AND THOMPSON

1 AN ACT

2 To amend and reenact R.S. 3:2(D), 4274.1, 4276, 4279(A), 4292, 4325, and 4326 and to
3 repeal R.S. 3:4271(B), 4274(6), 4274.2, 4279(B) and (C), 4280, 4284 through 4289,
4 4290, 4291, 4293 through 4295, and 4302, relative to forests and forestry; to provide
5 for cooperative endeavors; to provide for the powers and duties of the state forester;
6 to provide for the duties of forestry officers; to provide for the clearing of
7 combustible material; to provide for the instruction of forestry on certain days; to
8 provide for a parish board of forestry; to provide for a forestry program; to repeal
9 certain provisions for the protection and reforestation of lands; to repeal certain
10 provisions relative to forest tree seedling nurseries; to repeal the provisions of
11 acreage tax on certain forest lands; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 3:2(D), 4274.1, 4276, 4279(A), 4292, 4325, and 4326 are hereby
14 amended and reenacted to read as follows:

15 §2. Creation, powers, and duties of Department of Agriculture and Forestry and the
16 commissioner of agriculture and forestry

17 * * *

18 D. The Department of Agriculture and Forestry, through the office of
19 forestry, may participate in cooperative endeavors with the federal government and
20 with local governments in this state relating to the Federal Excess Property Program
21 and the Firefighter Property Program for rural fire defense.

22 * * *

1 §4274.1. Appointment of forestry officers; duties and powers

2 A. To ~~secure the protection of~~ provide for the protection of the assets,
3 property, personnel, and interests relating to forest woodlands, the state forester may
4 appoint and commission forestry officers who shall enforce the laws, rules, and
5 regulations for the protection of interests relating to forest woodlands, may carry
6 weapons concealed or exposed while in the performance of their duties, shall take
7 such action as is authorized by law, rule, or regulation to protect interests relating to
8 forest woodlands, and shall be vested with the same authority and powers conferred
9 by law upon regular law enforcement officers of this state with respect to issuing
10 civil citations for littering and with respect to criminal and other offenses affecting
11 the protection of interests relating to forest woodlands or affecting the performance
12 of their duties.

13 B. All forestry officers shall be Peace Officers Standard Training (P.O.S.T.)
14 certified.

15 C. Additionally, while on special assignment during any riot, insurrection,
16 or any natural disaster or while in protection of ~~real~~ immovable property of the
17 commission and the property, assets, and resources of the office of forestry or the
18 department, any commissioned forestry officer shall possess all the powers and
19 authority of regular law enforcement officers of this state.

20 D. Upon the request of any regular law enforcement agency of this state,
21 forestry officers shall prevent and detect crime, apprehend criminals, enforce the
22 criminal and traffic laws of the state, keep the peace and good order in the state in
23 the enforcement of the state's police powers, and perform any other related duties
24 imposed upon them by the legislature.

25 * * *

26 §4276. Powers and duties of state forester

27 The state forester shall:

28 (1) Have direction of all forest interests and all matters pertaining to forestry
29 within the jurisdiction of the state.

1 (2) ~~Select and employ the personnel of the office of forestry.~~ Determine
2 annual goals, objectives, and priorities and conduct annual reviews per established
3 department protocol.

4 (3) ~~Superintend the office of forestry.~~ Serve as lead department liaison
5 responsible for the detection and rapid suppression of all forest wildfires in the state
6 including all state-owned and private forest lands and non-forested open areas
7 threatening forest lands.

8 (4) ~~Serve as secretary of the commission and be custodian of books, records,~~
9 ~~and papers of the commission and office of forestry.~~ Work with state cooperators
10 that may offer assistance during wildfire suppression efforts.

11 (5) Take such action as is authorized by law to prevent and extinguish forest
12 fires.

13 (6) Enforce laws pertaining to forest woodlands and recommend
14 prosecutions for violations.

15 (7) ~~Carry on educational work in the interest of forest conservation.~~ Act as
16 lead department liaison to educate and train industry professionals and the public on
17 matters vital to the long-term stability and sustainability of Louisiana's forests. Lead
18 and support programs that educate the public on the importance of forest resources
19 and their contribution to the economic health of the state, and the social and
20 recreational benefits derived from vibrant, healthy, working forests and the dynamic
21 ecosystems they support.

22 (8) Cooperate with and encourage private timber owners in laying plans to
23 protection, management, and the replacement of forests, and in aiding them to form
24 protective associations.

25 (9) ~~Examine all timbered lands belonging to the state and report to the~~
26 ~~commission upon their timber condition and actual value, and also whether some of~~
27 ~~these lands should be held as state forests.~~ Provide wildfire suppression training to
28 the office of forestry employees to National Wildfire Coordinating Group standards.

1 (10) ~~Be responsible for protection and management of lands donated to or~~
2 ~~purchased by the state for forestry preserves and all lands reserved as state forests.~~

3 Provide certified burner training.

4 (11) ~~Conduct forest research.~~ Serve as the lead department liaison
5 responsible for wildfire prevention education and training.

6 (12) ~~Prepare a biennial report of progress and conditions of state work in~~
7 ~~forestry to the commission and therein recommend plans for improving the state~~
8 ~~system of forest protection, management, and replacement.~~ Serve as the state liaison
9 for forest inventory and maintain statistically reliable forest inventory data that is
10 publicly accessible, if appropriated in the budget.

11 (13) Serve as lead department liaison responsible for compliance monitoring
12 related to adherence to forest practices mandated by law and voluntary best
13 management practices for forestry as established by the state of Louisiana.

14 (14) Establish an ongoing monitoring protocol that is stable, consistently
15 implemented, and reported to stakeholders and the public on a biennial basis.

16 (15) Direct landowner assistance to encourage reforestation and sustainable
17 land management and make recommendations based on understanding landowner
18 objectives.

19 (16) Administer the Forest Productivity Program which provides reforestation
20 assistance.

21 * * *

22 §4279. Railroad and other public utilities' ~~rights-of-way~~ rights-of-way; clearing of
23 combustible material; fire lines; penalty

24 A. All persons owning or operating railroads, electric transmission lines, or
25 oil or gas pipe lines through forest lands within this state shall keep their ~~rights-of~~
26 ~~way~~ rights-of-way reasonably cleared of all combustible material and safely dispose
27 of the same within the limits of the ~~rights-of-way~~ rights-of-way ~~between the fifteenth~~
28 ~~of November and the fifteenth of April.~~ In addition, whenever in the judgment of the
29 ~~commission any of the rights of way are not of sufficient width to constitute, when~~
30 ~~cleared, an adequate fire line, the commission may require the owners or operators~~

1 ~~thereof to enter upon forest, waste, or cut-over lands adjacent to the rights of way,~~
2 ~~and at not more than two hundred feet from the outer rail on both sides of the track~~
3 ~~in the case of a railway right of way, and not more than two hundred feet from the~~
4 ~~center of the right of way of a person owning or operating electric transmission lines~~
5 ~~or oil or gas pipe lines, to plough a furrow not less than three nor more than six feet~~
6 ~~in width, and to clear the strip lying between the furrow and the right of way in the~~
7 ~~same manner as required in case of the right of way. This requirement does not~~
8 ~~apply in the case of temporary spurs or railroads and tramroads, nor shall in any case~~
9 ~~lands in actual cultivation be entered upon in carrying out these requirements. does~~
10 ~~it prohibit any railroad company from piling or keeping upon the right-of-way, cross~~
11 ~~ties or other materials necessary for operation or maintenance of the railroad.~~
12 ~~However, any person thus required to plough a furrow is relieved of any~~
13 ~~responsibility for damages which the owner of the land may claim as a result thereof.~~

* * *

§4292. Instruction on forestry in public schools; Arbor Day

16 The Department of Education and the parish school boards shall ~~provide for~~
17 ~~proper courses of instruction by textbooks or lectures on the general subject of~~
18 ~~forestry in all public schools. They shall encourage the observance of Arbor Day by~~
19 ~~all public schools. and encourage participation in natural resource education~~
20 ~~programs such as Forestry Awareness, Forestry Skills, 4-H, Future Farmers of~~
21 ~~America, and Project Learning Tree to promote learning about the natural~~
22 ~~environment and the opportunities and benefits it provides for all students.~~

* * *

§4325. Parish board of forestry; appointment and term; compensation

25 Upon approval by the commission and the state forester, the governing
26 authority of each parish cooperating shall may appoint a parish board of forestry. It
27 shall consist of one member of the governing authority of the parish, one
28 representative of the commission, two representatives of the forest products
29 industries presently in a managerial or executive capacity, and one representative of
30 the parish landowners. The last three named members shall serve for terms of three

1 years after the initial terms, of one, two, and three years. Appointments to fill
2 vacancies shall be for the unexpired term. The parish board serves without
3 compensation or per diem.

4 §4326. Supervision of forestry program; detailed plan

5 The state forester with the approval of the forestry commission ~~shall~~ may
6 administer and supervise the forestry program ~~within~~ in each parish. ~~It shall~~ where
7 such programs may be established. ~~submit a detailed forestry program to the parish~~
8 ~~board for approval prior to instituting such a program. The detailed plan shall~~
9 ~~include the budget of proposed expenditures for forestry work in the parish affected.~~

10 * * *

11 Section 2. R.S. 3:4271(B), 4274(6), 4274.2, 4279(B) and (C), 4280, 4284 through
12 4289, 4290, 4291, 4293 through 4295, and 4302 are hereby repealed in their entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____