

House Bill 1151

By: Representatives Moore of the 22nd, Caldwell of the 20th, Pezold of the 133rd, Gregory of the 34th, and Chapman of the 167th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 12-6-17 of the Official Code of Georgia Annotated, relating to the
2 regulation of controlled burning where drought or other conditions exist, so as to provide for
3 a short title; to provide for legislative findings; to provide that any such regulation shall be
4 based on empirical evidence and not upon a season or calendar period; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Seasonal Burn Ban Repeal Act."

9 **SECTION 2.**

10 WHEREAS, seasonal burn bans prohibit needed outdoor burning without any data indicating
11 the necessity of a ban or any data related to public safety; and

12 WHEREAS, bans on outdoor burning based solely on a season or a calendar period create
13 unfunded and often unneeded mandates by forcing fire departments to enforce unnecessary
14 regulations at the expense of their true job of protecting the public; and

15 WHEREAS, such seasonal burn bans create an undue burden on rural landowners; and

16 WHEREAS, the accumulation of dry brush during the period of a seasonal burn ban creates
17 a high risk of fire; and

18 WHEREAS, such broad and unsupported seasonal burn bans violate the rights of property
19 owners to use their lands as they please.

20

SECTION 3.

21 Code Section 12-6-17 of the Official Code of Georgia Annotated, relating to the regulation
 22 of controlled burning where drought or other conditions exist, is amended by revising
 23 subsection (a) as follows:

24 "(a) Whenever in the judgment of the director, because of drought or other conditions,
 25 controlled burning of woods, lands, marshes, refuse, or other combustible materials in any
 26 county or counties or in any area within a county constitutes an unusual hazard to property,
 27 the director may by order, rule, or regulation prohibit the setting on fire of any woods,
 28 lands, marshes, refuse, or other combustible materials within any county or counties or
 29 within any area within a county, or may permit such burning only upon such conditions and
 30 under such regulations as in his or her judgment are necessary and proper to prevent the
 31 destruction of property; provided, however, that any such regulation shall be based upon
 32 current empirical evidence specific to the region within which such regulation is imposed
 33 and not based upon a particular season or calendar period. Where by rule or regulation the
 34 setting on fire of any woods, lands, marshes, refuse, or other combustible material has been
 35 prohibited, no person shall set or cause to be set any backfire, except under the direct
 36 supervision or permission of a state or federal forest officer, unless it can be established
 37 that the setting of such backfire was necessary for the purpose of saving life or valuable
 38 property, the burden of proving which shall rest on such person claiming same as a defense.
 39 Any order, rule, or regulation promulgated by the director under the authority of this Code
 40 section shall have the force and effect of law."

41

SECTION 4.

42 All laws and parts of laws in conflict with this Act are repealed.