

House Bill 983

By: Representatives Hagan of the 156<sup>th</sup>, Cannon of the 172<sup>nd</sup>, Meeks of the 178<sup>th</sup>, and Burchett of the 176<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia Annotated,  
2 relating to forest resources, so as to clarify that prescribed burning for silviculture purposes  
3 is exempt from certain burning notice and permit requirements; to revise requirements for  
4 prescribed burning; to provide for definitions; to provide for related matters; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia Annotated, relating to  
9 forest resources, is amended by revising subsection (d) of Code Section 12-6-90, relating to  
10 permit required for burning woods, lands, marshes, or other flammable vegetation and  
11 exceptions, as follows:

12 “(d) In addition to the notice and permit requirements set forth in this Code section, any  
13 county or municipality of this state may, by law or by ordinance, resolution, or regulation,  
14 provide additional notice or permit requirements for burning; provided, however, that no  
15 such additional requirements shall restrict prescribed burning, as such term is defined in  
16 Code Section 12-6-147 ~~The notice or permit required by this Code section shall be in~~

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17 ~~addition to any other notice or permit or other requirement for burning provided for by law~~  
 18 ~~or by ordinance, resolution, or regulation of any county or municipality of this state;~~  
 19 ~~provided, however, that no additional restrictions provided by local ordinance shall prohibit~~  
 20 ~~burning the understory for the health of the forest and wildlife or prohibit the landowner's~~  
 21 ~~ability to reduce fuel loads on the forest floor for the safety of the community; provided,~~  
 22 ~~further, that the foregoing exception shall not apply to the burning of leaf or brush piles not~~  
 23 ~~necessary to accomplish the purposes of prescribed burning."~~

24 **SECTION 2.**

25 Said article is further amended by revising Code Section 12-6-147, relating to definitions,  
 26 as follows:

27 "12-6-147.

28 As used in this part, the term:

29 (1) 'Commission' means the State Forestry Commission.

30 (2) 'Prescribed burning' means the controlled application of fire to existing vegetative  
 31 fuels for silviculture purposes, which is confined to a predetermined area, is conducted  
 32 under specified environmental conditions and following appropriate precautionary  
 33 measures, which causes the fire to be confined to a predetermined area and accomplishes  
 34 one or more planned land management objectives or to mitigate mitigates catastrophic  
 35 wildfires. Such term shall include, but shall not be limited to, burning for site preparation  
 36 of land for timber cultivation, hazard fuel reduction, understory control, wildlife habitat  
 37 improvement, natural regeneration, longleaf pine ecosystem maintenance, and timber  
 38 stand improvement.

39 (3) 'Silviculture' means the science and practice of managing the establishment, growth,  
 40 composition, health, and quality of forests, including, but not limited to, harvesting,  
 41 planting, thinning, and burning, to maintain or improve forest productivity, ecological  
 42 health, wildlife habitat, and economic value."

43

**SECTION 3.**

44 Said article is further amended by revising subsection (a) of Code Section 12-6-148, relating  
45 to requirements for prescribed burning and limitation on liability, as follows:

46 "(a) Prescribed burning conducted under the requirements of this part shall:

47 (1) Be accomplished only when an individual with previous prescribed burning  
48 experience or training is in charge of the burn and is present on site until the fire is  
49 adequately confined to reasonably prevent escape of the fire from the area intended to be  
50 burned;

51 (2) Be considered in the public interest and shall not create a public or private nuisance;

52 (3) Be considered a property right of the landowner; and

53 (4) Be conducted in accordance with ~~a permit issued under~~ any requirements set forth  
54 in Part 3 of this article."

55

**SECTION 4.**

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