

## RULE

### Department of Agriculture and Forestry Office of Forestry

#### Prescribed Burner Certification (LAC 7:XXXIX.907 and 909)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority set forth in R.S. 3:17, notice is hereby given that the Department of Agriculture and Forestry through the Office of Forestry, has amended LAC 7:XXXIX.907-909 relative to the certification of prescribed burners to clarify the requirements for obtaining said certification and for renewing the same. The Department of Agriculture and Forestry has amended LAC 7:XXXIX.907 and 909 to clarify the requirements for obtaining a prescribed burner certification and for renewing the same. The amendments remove the requirement that the department offer workshops for the certification of prescribed burners, changing the language from a mandate that the department do so, to a permissive statement that the department "may" offer such workshops. This reflects the reality that applicants for certification attend workshops offered by third parties, rather than by the department. The department has not offered workshops in recent years. The amendments also change the requirement that applicants submit an affidavit attesting to certain application prerequisites to merely a signed statement attesting to the same, thereby eliminating the requirements for applicants to have the statement notarized. The amendments also add the requirement that applicants must complete all requirements for certification within five years of submitting their prescribed burner certification application and further provide that failure to complete all requirement within the five year period shall result in the revocation of the applicant's certified prescribed burner application, after which all program requirements must be repeated in order to be considered for certification.

The amendments add provisions for the renewal of the prescribed burner certification, requiring certified burners to renew their certification every five years by completing a refresher course and producing proof their attendance via a submission of a certificate of completion or, if no certificate of completion is available, a signed statement attesting to their attendance. The amendments provide that the failure to complete a certified prescribed burner refresher course and submit proof thereof every five years shall result in the revocation of prescribed burner certification and all program requirements must be repeated in order to regain certification. This Rule is hereby adopted on the day of promulgation.

#### Title 7

#### AGRICULTURE AND ANIMALS

#### Part XXXIX. Forestry

#### Chapter 9. Prescribed Burning

#### §907. Prescribed Burner Certification; Prerequisites and Training

A. The department may offer workshops for the certification of prescribed burners.

B. The department shall certify qualified individuals as certified burners who meet the following requirements:

1. complete a university-sponsored prescribed-burn continuing education course or other program approved by the department;
2. attend a certification workshop conducted or approved by the department;
3. score a passing grade on a certification test administered or approved by the department;
4. participate in a minimum of five prescribed burns as the person in charge of the execution of the burns;
5. submit a completed application on a form provided by the department; and
6. submit a signed statement indicating that:
  - a. the applicant has participated in a minimum of five prescribed burns as the person in charge of the execution of those burns; and
  - b. the applicant has completed a university-sponsored prescribed-burn continuing education course or other program approved by the department.

C. Applicants seeking certification shall have five years from the completion of the prescribed burning course to complete all other requirements for certification under the Louisiana Certified Prescribed Burner Program:

1. the required signed statement must be received by the department by December 31st of the fifth year following the applicant's final test date; and
2. any applicant who fails to complete all requirements within the five-year period shall have their application voided. Cancelled applicants shall have to repeat all program requirements in order to be considered for certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 21:670 (July 1995), amended LR 48:2084 (August 2022).

#### §909. Renewal of Prescribed Burner Certification

A. In order to maintain a valid certification, all certified prescribed burners shall renew their certification every five years.

B. A certified prescribed burner shall renew their certification by:

1. completing a certified prescribed burner refresher course every five years, prior to the end of each fifth year following certification; and
2. producing proof of completion of the course to the department, prior to the end of each fifth year following certification.

a. Proof of completion may consist of a certificate of completion or, if no certificate is provided by the course, submission of a signed statement attesting to attendance, including course name, date(s) attended, and provider of the course.

C. Failure to complete a certified prescribed burner refresher course and to provide proof of attendance prior to the end of each fifth year following certification shall result in the revocation of the prescribed burner certification and all program requirements must be repeated in order to regain certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 21:670 (July 1995), amended LR 48:2084 (August 2022).

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Commissioner

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## RULE

### Board of Elementary and Secondary Education

#### BESE/8(g) Operations—Advisory Councils (LAC 28:I.503 and 505)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:I. *BESE/8(g) Operations*. The revisions codify the MFP Task Force and provide for the membership structure and operating procedures of the council. The revisions establish and align advisory councils across all bulletins, in compliance with Louisiana Open Meetings Law and meeting procedures outlined in *Robert's Rules of Order*. The revision, part of an effort to codify all BESE advisory councils in policy, to include processes and procedures, will eliminate the need for bylaws for each individual council and standardizes operational guidelines. This Rule is hereby adopted on the day of promulgation.

#### Title 28

#### EDUCATION

#### Part I. BESE/8(g) Operations

#### Subpart 1. Board of Elementary and Secondary Education

#### Chapter 5. Organization

#### §503. Advisory Councils

A. ...

B. Composition. Unless otherwise provided by state or federal law, each advisory council of the board is created by board policy. The policy determines the size of the council membership; the number of persons to be appointed by the board; the persons, organizations, affiliations, or interest groups to be represented on a council; and the length of terms.

C. - C.3.d.ii. ...

D. Officers. Unless otherwise provided by state or federal law or board policy, each advisory council shall select from among its membership in attendance a chair and a vice-chair. Elections shall be held annually at the first meeting in a fiscal year, and the councils shall report election results to the board.

E. Membership

1. Terms. Unless otherwise provided by state or federal law, persons appointed by board members shall serve at the pleasure of their recommending authority. Persons appointed by organizations and agencies other than BESE shall serve terms determined by the appointing authority. A council member may be removed without cause by the board member recommending the appointment, by the board member's successor, or by the recommending agency at any

time. Appointees must maintain employment/qualifications appropriate to the organizational category being represented. Once a member retires, becomes employed in a different capacity, or otherwise fails to maintain eligibility, the member shall become ineligible to continue to serve and shall be replaced. In the event that council appointments are defined by term limits, the current council appointee, whose term has expired, may remain in place until a replacement is recommended or approved by the appointing authority and subsequently ratified by the board.

2. Vacancies. A vacancy in an appointed position shall occur if an appointee, for any reason, is unable to serve the full extent of his/her term. Appointments to fill vacancies shall be considered interim appointments.

3. Expenses. Members of advisory councils may be entitled to reimbursement for travel expenses, if specified by statute or not prohibited by board policy, pending availability of funds. Requests for reimbursement for expenses shall be submitted in accordance with the regulations promulgated by the commissioner of administration in the *Louisiana Travel Guide*.

4. Quorum. Unless otherwise provided, a quorum is a majority of the appointed membership. In the absence of a quorum, the advisory council may take unofficial action, but minutes submitted to the board shall indicate that the recommendations are being presented without the required quorum being present. When it is known beforehand that a quorum is unlikely, the council chair shall be so notified and the meeting shall be canceled.

5. Action/Quorum. Official council action requires that any matter be submitted to the council by motion duly seconded. The chair states the motion and calls for discussion, after which the council may act on such matter following repetition of the motion by the chair. All official action of the council shall require the favorable vote of a majority of the total appointed membership (i.e. quorum). Proxies cannot be included for the purpose of establishing a quorum.

6. Proxy. Any person serving on an advisory council who cannot attend a scheduled meeting may designate a person to attend as that member's proxy if the appointing authority does not object. To receive reimbursement for travel and other expenses, a proxy must be properly designated by the active member and recorded in the minutes as being present. If the proxy is representing an advisory council member who is prohibited by board policy from receiving reimbursement for travel expenses, the proxy is likewise prohibited from receiving reimbursement. Proxies do not retain voting privileges.

7. Voting. All voting shall be by voice vote, except when taken by roll call vote or when a member requests that his/her vote be recorded for the record. A roll call vote must be taken on any motion if requested by the chair. Roll call votes shall be taken alphabetically, except that the presiding officer or chair shall have the option of voting last in order or not voting. Proxies do not retain voting privileges

8. Attendance Policy

a. Appointed members are expected to attend all scheduled meetings of an advisory body. Unless otherwise provided, if a member is unable to attend a meeting, a request for an excused absence should be submitted to the