

By: Robinson (63rd), Reeves

To: County Affairs

## HOUSE BILL NO. 1015

1 AN ACT TO AMEND SECTION 19-3-71, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE ALL COUNTY FIRE COORDINATORS TO PROHIBIT OR RESTRICT  
3 OUTDOOR FIRE BURNING ACTIVITIES IN CERTAIN AREAS OF THE COUNTIES;  
4 TO REENACT SECTION 49-19-3, MISSISSIPPI CODE OF 1972, WHICH  
5 PROVIDES THE DUTIES AND POWERS OF THE MISSISSIPPI FORESTRY  
6 COMMISSION; TO AMEND REENACTED SECTION 49-19-3, MISSISSIPPI CODE  
7 OF 1972, TO PROVIDE THAT THE MISSISSIPPI FORESTRY COMMISSION AND  
8 THE STATE FORESTER SHALL ASSIST AND COOPERATE WITH THE COUNTY FIRE  
9 COORDINATORS IN THE PROTECTION OF THE FORESTS AND WOODLANDS; AND  
10 FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 SECTION 1. Section 19-3-71, Mississippi Code of 1972, is  
13 amended as follows:[LH1]

14 19-3-71. (1) The board of supervisors in each county shall  
15 appoint a county fire coordinator, and may compensate him from any  
16 available county funds. The county fire coordinator shall serve  
17 as a liaison between the Commissioner of Insurance and local  
18 governments and shall be a fire fighter who is a member of a fire  
19 crew of a volunteer or municipal fire department serving any fire  
20 district, county or municipality. The director of the local  
21 organization for emergency management serving the county may be  
22 such coordinator if he is a fire fighter as described in this  
23 section.

24 (2) The fire coordinator shall determine whether drought  
25 conditions, as defined herein, exist in all or part of his county.  
26 If such drought conditions exist, the county fire coordinator may  
27 prohibit or restrict outdoor fire burning activities in the part  
28 of the county that is experiencing drought conditions. For  
29 purposes of this subsection, "drought conditions" means the  
30 existence of a long-term deficit of moisture creating atypically

31 severe conditions with increased wildfire occurrence as determined  
32 through the use of the Keetch-Byram Drought Index or, when such  
33 index is not available, through a comparable measurement which  
34 takes into consideration the burning index, spread component or  
35 ignition component for that particular area. The Mississippi  
36 Forestry Commission shall make available to each county fire  
37 coordinator the measurement index guidelines that determine  
38 whether a particular area is in drought condition.

39 (3) Nothing in this section shall be construed to limit the  
40 authority of the Mississippi Forestry Commission as provided in  
41 Section 49-19-1 et seq.

42 SECTION 2. Section 49-19-3, Mississippi Code of 1972, is  
43 reenacted and amended as follows:

44 49-19-3. The duties and powers of the commission shall be:

45 (1) To appoint a state forester, who shall serve at the will  
46 and pleasure of the commission and who is qualified to perform the  
47 duties as set forth herein; and to pay him such salary as is  
48 provided by the Legislature, and allow him such office expenses  
49 incidental to the performance of his official duties as the  
50 commission, in its discretion, may deem necessary; and to charge  
51 him with the immediate direction and control, subject to the  
52 supervision and approval of the commission, of all matters  
53 relating to forestry as authorized herein. Any person appointed  
54 by the commission as state forester shall have received a  
55 bachelor's degree in forestry from an accredited school or college  
56 of forestry and shall be licensed and registered under the  
57 provisions of the Mississippi Foresters Registration Law (Section  
58 73-36-1 et seq.) and in addition shall have had at least five (5)  
59 years' administrative experience in a forestry-related field.

60 (2) To take such action and provide and maintain such  
61 organized means as may seem necessary and expedient to prevent,  
62 control and extinguish forest fires, including the enforcement of  
63 any and all laws pertaining to the protection of forests and  
64 woodland.

65 (3) To encourage forest and tree planting for the production  
66 of a wood crop, for the protection of water supply, for windbreak  
67 and shade, or for any other beneficial purposes contributing to

68 the general welfare, public hygiene and comfort of the people.

69 (4) To cause to be made such technical investigations and  
70 studies concerning forest conditions, the propagation, care and  
71 protection of forest and shade trees, the care and management of  
72 forests, their growth, yield and the products and by-products  
73 thereof, and any other competent subject, including forest  
74 taxation, bearing on the timber supply and needs of the state,  
75 which the commission, in its discretion, may deem proper.

76 (5) To assist and cooperate with any federal or state  
77 department or institution, county, town, corporation or  
78 individual, including any county fire coordinator, under such  
79 terms as in the judgment of the commission will best serve the  
80 public interest, in the preparation and execution of plans for the  
81 protection, management, replacement, or extension of the forest,  
82 woodland and roadside or other ornamental tree growth in the  
83 state.

84 (6) To encourage public interest in forestry by means of  
85 correspondence, the public press, periodicals, the publication of  
86 bulletins and leaflets for general distribution, the delivery of  
87 lectures in the schools and other suitable means, and to cooperate  
88 to the fullest extent with the extension department services of  
89 the state colleges in promoting reforestation. It shall be the  
90 duty of the state forester to cooperate with private timber owners  
91 in laying plans for the protection, management and replacement of  
92 forests and in aiding them to form protection associations. It  
93 shall be his duty to examine all timbered lands belonging to the  
94 state and its institutions and report to the commission upon their  
95 timber conditions and actual value, and also whether some of these  
96 lands may not be held as state forests. He shall be responsible  
97 for the protection and management of lands donated, purchased or  
98 belonging to the state or state institutions, and all other lands  
99 reserved by the state as state forests.

100 (7) To control the expenditure of any and all funds

101 appropriated or otherwise made available for the several purposes  
102 set forth herein under suitable regulations and restrictions by  
103 the commission and to specifically authorize any officer or  
104 employee of the commission to incur necessary and stipulated  
105 expenses in connection with the work in which such person may be  
106 engaged.

107 (8) To submit annually to the Legislature a report of the  
108 expenditures, proceedings and results achieved, together with such  
109 other matters including recommendations concerning legislation as  
110 are germane to the aims and purposes of this chapter.

111 (9) To create, establish and organize the State of  
112 Mississippi into forestry districts for the most effective and  
113 efficient administration of the commission.

114 (10) To appoint, upon the state forester's recommendation,  
115 two (2) individuals who shall be designated Mississippi Forestry  
116 Commission Law Enforcement Officers with authority to bear arms,  
117 investigate and make arrests; however, the law enforcement duties  
118 and authority of such officers shall be limited to woods arson.  
119 Such officers shall comply with applicable minimum educational and  
120 training standards for law enforcement officers. This subsection  
121 (10) shall stand repealed on June 30, 2001.

122 SECTION 2. This act shall take effect and be in force from  
123 and after June 30, 2000.