

By: Representative Ford

To: Agriculture

HOUSE BILL NO. 779  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 49-19-3, MISSISSIPPI CODE OF 1972,  
2 TO EXTEND THE DATE OF REPEAL ON THE APPOINTMENT OF THE MISSISSIPPI  
3 FORESTRY COMMISSION LAW ENFORCEMENT OFFICERS; TO AMEND SECTION  
4 49-19-115, TO EXTEND THE DATE OF REPEAL ON THE FOREST ACREAGE TAX;  
5 AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 49-19-3, Mississippi Code of 1972, is  
8 amended as follows:

9 49-19-3. The duties and powers of the commission shall be:

10 (1) To appoint a state forester, who shall serve at the will  
11 and pleasure of the commission and who is qualified to perform the  
12 duties as set forth herein; and to pay him such salary as is  
13 provided by the Legislature, and allow him such office expenses  
14 incidental to the performance of his official duties as the  
15 commission, in its discretion, may deem necessary; and to charge  
16 him with the immediate direction and control, subject to the  
17 supervision and approval of the commission, of all matters  
18 relating to forestry as authorized herein. Any person appointed  
19 by the commission as state forester shall have received a  
20 bachelor's degree in forestry from an accredited school or college  
21 of forestry and shall be licensed and registered under the  
22 provisions of the Mississippi Foresters Registration Law (Section  
23 73-36-1 et seq.) and in addition shall have had at least five (5)  
24 years' administrative experience in a forestry-related field.

25 (2) To take such action and provide and maintain such  
26 organized means as may seem necessary and expedient to prevent,  
27 control and extinguish forest fires, including the enforcement of



28 any and all laws pertaining to the protection of forests and  
29 woodland.

30 (3) To encourage forest and tree planting for the production  
31 of a wood crop, for the protection of water supply, for windbreak  
32 and shade, or for any other beneficial purposes contributing to  
33 the general welfare, public hygiene and comfort of the people.

34 (4) To cause to be made such technical investigations and  
35 studies concerning forest conditions, the propagation, care and  
36 protection of forest and shade trees, the care and management of  
37 forests, their growth, yield and the products and by-products  
38 thereof, and any other competent subject, including forest  
39 taxation, bearing on the timber supply and needs of the state,  
40 which the commission, in its discretion, may deem proper.

41 (5) To assist and cooperate with any federal or state  
42 department or institution, county, town, corporation or  
43 individual, under such terms as in the judgment of the commission  
44 will best serve the public interest, in the preparation and  
45 execution of plans for the protection, management, replacement, or  
46 extension of the forest, woodland and roadside or other ornamental  
47 tree growth in the state.

48 (6) To encourage public interest in forestry by means of  
49 correspondence, the public press, periodicals, the publication of  
50 bulletins and leaflets for general distribution, the delivery of  
51 lectures in the schools and other suitable means, and to cooperate  
52 to the fullest extent with the extension department services of  
53 the state colleges in promoting reforestation. It shall be the  
54 duty of the state forester to cooperate with private timber owners  
55 in laying plans for the protection, management and replacement of  
56 forests and in aiding them to form protection associations. It  
57 shall be his duty to examine all timbered lands belonging to the  
58 state and its institutions and report to the commission upon their  
59 timber conditions and actual value, and also whether some of these  
60 lands may not be held as state forests. He shall be responsible



61 for the protection and management of lands donated, purchased or  
62 belonging to the state or state institutions, and all other lands  
63 reserved by the state as state forests.

64 (7) To control the expenditure of any and all funds  
65 appropriated or otherwise made available for the several purposes  
66 set forth herein under suitable regulations and restrictions by  
67 the commission and to specifically authorize any officer or  
68 employee of the commission to incur necessary and stipulated  
69 expenses in connection with the work in which such person may be  
70 engaged.

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

75 (9) To create, establish and organize the State of  
76 Mississippi into forestry districts for the most effective and  
77 efficient administration of the commission.

78 (10) To appoint, upon the state forester's recommendation,  
79 six (6) individuals who shall be designated Mississippi Forestry  
80 Commission Law Enforcement Officers with authority to bear arms,  
81 investigate and make arrests; however, the law enforcement duties  
82 and authority of the officers shall be limited to woods arson.  
83 The officers shall comply with applicable minimum educational and  
84 training standards for law enforcement officers. This  
85 subsection \* \* \* shall stand repealed on June 30, 2006.

86 **SECTION 2.** Section 49-19-115, Mississippi Code of 1972, is  
87 amended as follows:

88 49-19-115. (1) The board of supervisors of all counties are  
89 hereby directed to levy a special tax to be known as "the forest  
90 acreage tax." Such tax shall be Two Cents (2¢) per acre on all  
91 timbered and uncultivable lands in the county in order to  
92 receive the financial and supervisory cooperation of the State



93 Forestry Commission in carrying out organized forest fire control  
94 and other provisions of Sections 49-19-111 through 49-19-117.

95 (2) In addition to the tax levied under subsection (1) of  
96 this section, the board of supervisors of all counties are hereby  
97 directed to levy an additional forest acreage tax on all timbered  
98 and uncultivable lands in the county beginning October 1, 1989,  
99 and continuing for three (3) succeeding years in the following  
100 amounts:

		Total Acreage
	Increase	Tax
101 Fiscal year ending		
102 September 30, 1990.....	3¢ per acre	5¢ per acre
103 Fiscal year ending		
104 September 30, 1991.....	2¢ per acre	7¢ per acre
105 Fiscal year ending		
106 September 30, 1992.....	2¢ per acre	9¢ per acre

107 Upon completion of the third year, the total acreage tax  
108 shall remain at the Nine Cents (9¢) per acre per year, provided  
109 that this subsection shall stand repealed from and after June 30,  
110 2006.

111 (3) Uncultivable lands shall not include bogs, unreclaimed  
112 strip mine areas, coastal beach sands, tidal and freshwater  
113 marshes, beaver ponds and flood or flowage easements.

114 (4) Those homeowners described in Section 27-33-67(2), who  
115 qualify for the exemptions allowed in Article 1, Chapter 33, Title  
116 27, Mississippi Code of 1972, shall be exempt from any forest  
117 acreage tax levied pursuant to this section.

118 (5) The provisions of this section and the tax levy required  
119 herein shall not be applicable to any counties which were not  
120 levying such forest acreage tax on January 1, 1989.

121 (6) This section shall be repealed from and after June 30,  
122 2006.



125           **SECTION 3.** This act shall take effect and be in force from  
126 and after June 30, 2003.

