MISSISSIPPI LEGISLATURE  
REGULAR SESSION 2003  

By: Representative Ford  
To: Agriculture  

HOUSE BILL NO. 779  
(As Sent to Governor)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49-19-115. (1) The board of supervisors of all counties are
hereby directed to levy a special tax to be known as "the forest
acreage tax." Such tax shall be Two Cents (2¢) per acre on all
timbered and uncultivatable lands in the county in order to
receive the financial and supervisory cooperation of the State
Forestry Commission in carrying out organized forest fire control and other provisions of Sections 49-19-111 through 49-19-117.

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

<table>
<thead>
<tr>
<th>Total Acreage</th>
<th>Increase</th>
<th>Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiscal year ending</td>
<td></td>
<td></td>
</tr>
<tr>
<td>September 30, 1990</td>
<td>3¢ per acre</td>
<td>5¢ per acre</td>
</tr>
<tr>
<td>September 30, 1991</td>
<td>2¢ per acre</td>
<td>7¢ per acre</td>
</tr>
<tr>
<td>September 30, 1992</td>
<td>2¢ per acre</td>
<td>9¢ per acre</td>
</tr>
</tbody>
</table>

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

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

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

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

(6) This section shall be repealed from and after June 30, 2006.
SECTION 3. This act shall take effect and be in force from and after June 30, 2003.