

By: Representative Shows

To: Forestry

HOUSE BILL NO. 620

1 AN ACT TO AMEND SECTION 49-19-3, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE MISSISSIPPI FORESTRY COMMISSION LAW ENFORCEMENT OFFICERS
3 TO ISSUE CITATIONS FOR ANY VIOLATION OF THOSE LAWS DESIGNED FOR
4 THE PROTECTION FROM FIRE RECKLESSLY OR WITH GROSS NEGLIGENCE BEING
5 COMMUNICATED ON THE LANDS OF ANOTHER; TO AMEND SECTION 97-17-13,
6 MISSISSIPPI CODE OF 1972, TO REVISE THE PENALTY FOR PERSONS
7 CONVICTED OF BURNING THE LANDS OF ANOTHER DUE TO RECKLESSNESS OR
8 GROSS NEGLIGENCE; AND FOR RELATED PURPOSES.

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

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

12 49-19-3. The duties and powers of the commission shall be:

13 (a) To appoint a State Forester, who shall serve at the
14 will and pleasure of the commission and who is qualified to
15 perform the duties as set forth herein; and to pay him such salary
16 as is provided by the Legislature, and allow him such office
17 expenses incidental to the performance of his official duties as
18 the commission, in its discretion, may deem necessary; and to
19 charge him with the immediate direction and control, subject to
20 the supervision and approval of the commission, of all matters
21 relating to forestry as authorized herein. Any person appointed
22 by the commission as State Forester shall have received a
23 bachelor's degree in forestry from an accredited school or college
24 of forestry and shall be licensed and registered under the
25 provisions of the Mississippi Foresters Registration Law (Section
26 73-36-1 et seq.) and in addition shall have had at least five (5)
27 years' administrative experience in a forestry-related field.

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

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

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

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

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

52 (f) To encourage public interest in forestry by means
53 of correspondence, the public press, periodicals, the publication
54 of bulletins and leaflets for general distribution, the delivery
55 of lectures in the schools and other suitable means, and to
56 cooperate to the fullest extent with the extension department
57 services of the state colleges in promoting reforestation. It
58 shall be the duty of the State Forester to cooperate with private
59 timber owners in laying plans for the protection, management and
60 replacement of forests and in aiding them to form protection
61 associations. It shall be his duty to examine all timbered lands
62 belonging to the state and its institutions and report to the
63 commission upon their timber conditions and actual value, and also

64 whether some of these lands may not be held as state forests. He
65 shall be responsible for the protection and management of lands
66 donated, purchased or belonging to the state or state
67 institutions, and all other lands reserved by the state as state
68 forests.

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

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

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

84 (j) To appoint, upon the State Forester's
85 recommendation, six (6) individuals who shall be designated
86 Mississippi Forestry Commission Law Enforcement Officers with
87 authority to bear arms, investigate and make arrests; however, the
88 law enforcement duties and authority of the officers shall be
89 limited to woods arson. The officers shall comply with applicable
90 minimum educational and training standards for law enforcement
91 officers. These officers may issue citations for any violation of
92 those laws designed for the protection from fire recklessly or
93 with gross negligence being communicated on the lands of another.
94 A citation issued by a Forestry Commission law enforcement officer
95 shall be issued on a uniform citation form consisting of an
96 original and at least two (2) copies. Such citation shall show,

97 among other necessary information, the name of the issuing
98 officer, the name of the court in which the cause is to be heard
99 and the date and time the person charged with a violation is to
100 appear to answer the charge. The uniform citation form shall make
101 a provision on it for information that will constitute a complaint
102 charging the offense for which the citation was issued and, when
103 duly sworn to and filed with a court of competent jurisdiction,
104 prosecution may proceed under that complaint. For the purposes of
105 this section, the fact that any person is found to have a brush or
106 debris pile or other material which is or was being burned and
107 from which fire communicated on the lands of another shall be
108 prima facie evidence that such person recklessly or with gross
109 negligence caused the land to burn.

110 This subsection shall stand repealed on June 30, 2006.

111 **SECTION 2.** Section 97-17-13, Mississippi Code of 1972, is
112 amended as follows:

113 97-17-13. If any person willfully, maliciously, and
114 feloniously sets on fire any woods, meadow, marsh, field or
115 prairie, not his own, he shall be guilty of a felony and shall,
116 upon conviction, be sentenced to the State Penitentiary for not
117 more than two (2) years nor less than one (1) year, or fined not
118 less than Two Hundred Dollars (\$200.00) nor more than One Thousand
119 Dollars (\$1,000.00), or both, in the discretion of the court.

120 Provided, however, if any person recklessly or with gross
121 negligence causes fire to be communicated to any woods, meadow,
122 marsh, field or prairie, not his own, he shall be guilty of a
123 misdemeanor and shall, on conviction, be fined not less than One
124 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
125 (\$500.00), or imprisoned in the county jail not more than three
126 (3) months, or both, in the discretion of the court. For the
127 purposes of this section, the fact that any person is found to
128 have a brush or debris pile or other material which is or was
129 being burned and from which fire communicated on the lands of

130 another shall be prima facie evidence that such person recklessly
131 or with gross negligence caused the land to burn.

132 In addition to the fines provided herein, upon conviction, a
133 person shall be ordered to reimburse and pay in restitution
134 directly to any organized fire suppression agency recognized by
135 the Mississippi Forestry Commission all the costs the agency
136 incurred related to the suppression and abatement of the fire.

137 **SECTION 3.** This act shall take effect and be in force from
138 and after July 1, 2005.