

By: Representative Shows

To: Forestry

HOUSE BILL NO. 620
(As Sent to Governor)

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; TO REQUIRE RESTITUTION OF FIRE SUPPRESSION COSTS
9 FROM THE VIOLATOR; AND FOR RELATED PURPOSES.

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

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

13 49-19-3. The duties and powers of the commission shall be:

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

29 (b) To take such action and provide and maintain such
30 organized means as may seem necessary and expedient to prevent,

31 control and extinguish forest fires, including the enforcement of
32 any and all laws pertaining to the protection of forests and
33 woodland.

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

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

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

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

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

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

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

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

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

97 copies. Such citation shall show, among other necessary
98 information, the name of the issuing officer, the name of the
99 court in which the cause is to be heard and the date and time the
100 person charged with a violation is to appear to answer the charge.
101 The uniform citation form shall make a provision on it for
102 information that will constitute a complaint charging the offense
103 for which the citation was issued and, when duly sworn to and
104 filed with a court of competent jurisdiction, prosecution may
105 proceed under that complaint. For the purposes of this paragraph,
106 the fact that any person is found to have a brush or debris pile
107 or other material which is or was being burned and reasonable and
108 prudent efforts were not taken to prevent the spread of the fire
109 onto the lands of another shall be evidence that such person
110 recklessly or with gross negligence caused the land to burn.

111 This paragraph shall stand repealed on June 30, 2006.

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

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

121 (2) (a) * * * If any person recklessly or with gross
122 negligence causes fire to burn any woods, meadow, marsh, field or
123 prairie, not his own, he is guilty of a misdemeanor and shall, on
124 conviction, be fined not less than One Hundred Dollars (\$100.00)
125 nor more than Five Hundred Dollars (\$500.00), or imprisoned in the
126 county jail not more than three (3) months, or both, in the
127 discretion of the court.

128 (b) If a person has a brush or debris pile or other
129 material which is or was being burned and reasonable and prudent

130 efforts were not taken to prevent the spread of the fire onto the
131 lands of another shall be evidence that such person recklessly or
132 with gross negligence caused the land to burn.

133 (3) In addition to the penalties provided in this section,
134 upon conviction, a person shall be ordered to reimburse and pay in
135 restitution directly to any organized fire suppression agency
136 recognized by the Mississippi Forestry Commission all the costs
137 the agency incurred related to the suppression and abatement of
138 the fire.

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