

By: Representative Warren

To: Forestry

HOUSE BILL NO. 637

1 AN ACT TO AMEND SECTION 49-19-3, MISSISSIPPI CODE OF 1972,
2 WHICH PROVIDES FOR THE SELECTION AND QUALIFICATIONS OF A STATE
3 FORESTER AND ESTABLISHES THE POWERS AND DUTIES OF THE COMMISSION,
4 TO EXTEND THE DATE OF REPEAL; AND FOR RELATED PURPOSES.

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

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

8 49-19-3. The duties and powers of the commission shall be:

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

24 (b) To take such action and provide and maintain such
25 organized means as may seem necessary and expedient to prevent,
26 control and extinguish forest fires, including the enforcement of
27 any and all laws pertaining to the protection of forests and
28 woodland.

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

34 (d) To cause to be made such technical investigations
35 and studies concerning forest conditions, the propagation, care
36 and protection of forest and shade trees, the care and management
37 of 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 (e) 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 (f) To encourage public interest in forestry by means
49 of correspondence, the public press, periodicals, the publication
50 of bulletins and leaflets for general distribution, the delivery
51 of lectures in the schools and other suitable means, and to
52 cooperate to the fullest extent with the extension department
53 services of the state colleges in promoting reforestation. It
54 shall be the duty of the State Forester to cooperate with private
55 timber owners in laying plans for the protection, management and
56 replacement of forests and in aiding them to form protection
57 associations. It shall be his duty to examine all timbered lands
58 belonging to the state and its institutions and report to the
59 commission upon their timber conditions and actual value, and also
60 whether some of these lands may not be held as state forests. He
61 shall be responsible for the protection and management of lands

62 donated, purchased or belonging to the state or state
63 institutions, and all other lands reserved by the state as state
64 forests.

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

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

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

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

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

106 This paragraph shall stand repealed on June 30, 2008.

107 **SECTION 2.** This act shall take effect and be in force from
108 and after July 1, 2006.