

By: Representative Shows

To: Forestry; Appropriations

## HOUSE BILL NO. 1258

1 AN ACT TO AMEND SECTION 49-19-403, MISSISSIPPI CODE OF 1972,  
2 TO PLACE THE MISSISSIPPI INSTITUTE FOR FOREST INVENTORY WITHIN THE  
3 STATE FORESTRY COMMISSION; TO PROVIDE FOR THE APPOINTMENT OF THE  
4 DIRECTOR OF THE INSTITUTE FOR FOREST INVENTORY; TO PROVIDE FOR AN  
5 ADVISORY BOARD TO THE INSTITUTE; TO AMEND SECTION 49-19-3,  
6 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE FORESTRY  
7 COMMISSION SHALL HAVE POWER AND DUTY TO IMPLEMENT THE FOREST  
8 INVENTORY ACT; TO AMEND SECTION 49-19-1, MISSISSIPPI CODE OF 1972,  
9 TO ADD THE CHAIRMAN OF THE ADVISORY BOARD TO THE INSTITUTE FOR  
10 FOREST INVENTORY SHALL BE AN EX OFFICIO MEMBER OF THE STATE  
11 FORESTRY COMMISSION; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 49-19-403, Mississippi Code of 1972, is  
14 amended as follows:

15 49-19-403. (1) \* \* \* There is hereby created the  
16 Mississippi Institute for Forest Inventory. The institute shall  
17 be under the jurisdiction of the State Forestry Commission. The  
18 budget of the institute shall be funded through a separate line  
19 item within the general appropriation bill for the support and  
20 maintenance of the State Forestry Commission.

21 (2) The institute shall be headed by a director who shall be  
22 appointed by the State Forester. The advisory board shall submit  
23 three (3) qualified nominees to the State Forester for the  
24 position of director. The State Forester shall appoint the  
25 director from the list of nominees submitted. The director shall  
26 serve at the will and pleasure of the State Forester.

27 (3) (a) There is hereby created an advisory board to the  
28 Mississippi Institute for Forest Inventory. The advisory board  
29 shall consist of eleven (11) members. The Director of the  
30 Mississippi Automated Resource Information System; the Executive  
31 Director of the Mississippi Development Authority, or his

32 designee; the Director of the Forest and Wildlife Research Center  
33 at Mississippi State University, or his designee; and the State  
34 Forester, or his designee; shall be ex officio members with full  
35 voting power.

36 (b) The Governor shall appoint four (4) members from  
37 the state at large with the advice and consent of the Senate. The  
38 Governor shall appoint one (1) member from each of the following  
39 categories: a private nonindustrial forest landowner, a  
40 Mississippi registered forester, a certified wildlife or fisheries  
41 biologist, and a representative of an environmental organization.  
42 Appointments made after January 1, 2005, shall be for initial  
43 terms as follows: a private nonindustrial forest landowner, four  
44 (4) years; a Mississippi registered forester, three (3) years; a  
45 certified wildlife or fisheries biologist, two (2) years; and a  
46 representative of an environmental organization one (1) year.  
47 After the expiration of the initial terms, the terms shall be for  
48 four (4) years.

49 (c) The Lieutenant Governor shall appoint three (3)  
50 members from the state at large with the advice and consent of the  
51 Senate. The Lieutenant Governor shall appoint one (1) member from  
52 each of the following categories: the timber harvesting industry,  
53 the forest products industry, and a citizen with forestry related  
54 interests. Appointments made after January 1, 2005, shall be for  
55 initial terms as follows: timber harvesting industry, four (4)  
56 years; forest products industry, three (3) years; and a citizen  
57 with forestry related interests, two (2) years. After the  
58 expiration of the initial terms, the terms shall be for four (4)  
59 years.

60 (d) The advisory board shall elect a chairman from its  
61 membership.

62 (e) The advisory board shall advise, assist and  
63 recommend policies that aid the institute in the development and  
64 implementation of a statewide forest inventory.

65           (f) Members of the advisory board may be reimbursed for  
66 mileage and actual and necessary expenses as provided under  
67 Section 25-3-41.

68           (g) The Chairman of the Senate Forestry Committee and  
69 the Chairman of the House Forestry Committee shall serve as  
70 members of the Joint Institute for Forest Inventory Oversight  
71 Committee. For attending meetings, the legislators shall receive  
72 per diem and expenses from their respective contingent expense  
73 funds at the rate authorized for committee meetings when the  
74 Legislature is not in session. No per diem and expenses will be  
75 paid for attending meetings when the Legislature is in session.

76       \* \* \*

77           (4) The State Forestry Commission shall have the following  
78 powers:

79           (a) To apply for, accept and expend any funds, grants  
80 or gifts from any public or private sources in furtherance of the  
81 institute's duties;

82           (b) To expend funds by appropriation or directly from  
83 any federal, local or private sources;

84           (c) Enter into contracts and execute all instruments to  
85 carry out the duties of the institute; and

86       \* \* \*

87           (d) To do all acts necessary to carry out the duties of  
88 the institute.

89           (5) All funds received by the institute shall be deposited  
90 in the State Treasury for the use of the institute.

91       **SECTION 2.** Section 49-19-3, Mississippi Code of 1972, is  
92 amended as follows:

93       49-19-3. The duties and powers of the commission shall be:

94           (a) To appoint a State Forester, who shall serve at the  
95 will and pleasure of the commission and who is qualified to  
96 perform the duties as set forth herein; and to pay him such salary  
97 as is provided by the Legislature, and allow him such office

98 expenses incidental to the performance of his official duties as  
99 the commission, in its discretion, may deem necessary; and to  
100 charge him with the immediate direction and control, subject to  
101 the supervision and approval of the commission, of all matters  
102 relating to forestry as authorized herein. Any person appointed  
103 by the commission as State Forester shall have received a  
104 bachelor's degree in forestry from an accredited school or college  
105 of forestry and shall be licensed and registered under the  
106 provisions of the Mississippi Foresters Registration Law (Section  
107 73-36-1 et seq.) and in addition shall have had at least five (5)  
108 years' administrative experience in a forestry-related field.

109 (b) To take such action and provide and maintain such  
110 organized means as may seem necessary and expedient to prevent,  
111 control and extinguish forest fires, including the enforcement of  
112 any and all laws pertaining to the protection of forests and  
113 woodland.

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

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

126 (e) To assist and cooperate with any federal or state  
127 department or institution, county, town, corporation or  
128 individual, under such terms as in the judgment of the commission  
129 will best serve the public interest, in the preparation and  
130 execution of plans for the protection, management, replacement, or

131 extension of the forest, woodland and roadside or other ornamental  
132 tree growth in the state.

133           (f) To encourage public interest in forestry by means  
134 of correspondence, the public press, periodicals, the publication  
135 of bulletins and leaflets for general distribution, the delivery  
136 of lectures in the schools and other suitable means, and to  
137 cooperate to the fullest extent with the extension department  
138 services of the state colleges in promoting reforestation. It  
139 shall be the duty of the State Forester to cooperate with private  
140 timber owners in laying plans for the protection, management and  
141 replacement of forests and in aiding them to form protection  
142 associations. It shall be his duty to examine all timbered lands  
143 belonging to the state and its institutions and report to the  
144 commission upon their timber conditions and actual value, and also  
145 whether some of these lands may not be held as state forests. He  
146 shall be responsible for the protection and management of lands  
147 donated, purchased or belonging to the state or state  
148 institutions, and all other lands reserved by the state as state  
149 forests.

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

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

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

165           (j) To appoint, upon the State Forester's  
166 recommendation, six (6) individuals who shall be designated  
167 Mississippi Forestry Commission Law Enforcement Officers with  
168 authority to bear arms, investigate and make arrests; however, the  
169 law enforcement duties and authority of the officers shall be  
170 limited to woods arson. The officers shall comply with applicable  
171 minimum educational and training standards for law enforcement  
172 officers. These officers may issue citations for any violation of  
173 those laws for recklessly or with gross negligence causing fire to  
174 burn the lands of another. A citation issued by a Forestry  
175 Commission law enforcement officer shall be issued on a uniform  
176 citation form consisting of an original and at least two (2)  
177 copies. Such citation shall show, among other necessary  
178 information, the name of the issuing officer, the name of the  
179 court in which the cause is to be heard and the date and time the  
180 person charged with a violation is to appear to answer the charge.  
181 The uniform citation form shall make a provision on it for  
182 information that will constitute a complaint charging the offense  
183 for which the citation was issued and, when duly sworn to and  
184 filed with a court of competent jurisdiction, prosecution may  
185 proceed under that complaint. For the purposes of this paragraph,  
186 the fact that any person is found to have a brush or debris pile  
187 or other material which is or was being burned and reasonable and  
188 prudent efforts were not taken to prevent the spread of the fire  
189 onto the lands of another shall be evidence that such person  
190 recklessly or with gross negligence caused the land to burn.

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

192           (k) To discharge such duties, responsibilities and  
193 powers necessary to accomplish and implement the forestry

194 inventory and strategic planning act under Section 49-19-401 et  
195 seq..

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

198 49-19-1. (1) There shall be a State Forestry Commission  
199 composed of ten (10) members, who shall be qualified electors of  
200 the state. The Dean of the School of Forest Resources at  
201 Mississippi State University shall be an ex officio member of the  
202 commission, with full voting authority. The chairman of the  
203 advisory committee to the Mississippi Institute for Forest  
204 Inventory shall be an ex officio nonvoting member of the  
205 commission. The Governor shall appoint eight (8) members, with  
206 the advice and consent of the Senate, for a term of six (6) years.  
207 The Governor shall appoint one (1) member from each congressional  
208 district as constituted at the time the appointments are made and  
209 shall appoint the remainder of the members from the state at  
210 large. A member from a congressional district must be a certified  
211 tree farmer who owns eighty (80) or more acres of forest land or a  
212 person who derives a major portion of his personal income from  
213 forest-related business, industry or other related activities.  
214 Members of the commission from the state at large may or may not  
215 possess the same qualifications as members appointed from the  
216 congressional districts.

217 (2) The members of the commission shall receive no annual  
218 salary but each member of the commission shall receive a per diem  
219 plus expenses and mileage as authorized by law for each day  
220 devoted to the discharge of official duties. No member of the  
221 commission shall receive total per diem in excess of twenty-four  
222 (24) days' compensation per annum.

223 (3) If a vacancy occurs in the office of an appointed member  
224 of the commission, the vacancy shall be filled by appointment for  
225 the balance of the unexpired term.

226           (4) The commission shall elect from its membership a  
227 chairman, who shall preside over meetings, and a vice chairman,  
228 who shall preside in the absence of the chairman or when the  
229 chairman is excused.

230           (5) The commission shall adopt rules and regulations  
231 governing times and places for meetings, and governing the manner  
232 of conducting its business. Each member of the commission shall  
233 take the oath prescribed by Section 268 of the Mississippi  
234 Constitution and shall enter into bond in the amount of Thirty  
235 Thousand Dollars (\$30,000.00) to be approved by the Secretary of  
236 State, conditioned according to law and payable to the State of  
237 Mississippi before assuming the duties of office.

238           (6) Any appointment made to the commission contrary to this  
239 section shall be void, and it is unlawful for the State Fiscal  
240 Officer to pay any per diem or authorize the expenses of the  
241 appointee.

242           **SECTION 4.** This act shall take effect and be in force from  
243 and after July 1, 2006.