

By: Senator(s) Doxey

To: Forestry

SENATE BILL NO. 2681

1 AN ACT TO AMEND SECTION 49-19-3, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE QUALIFICATIONS OF THE STATE FORESTER; TO EXTEND THE
3 REPEALER ON FORESTRY COMMISSION AUTHORITY TO HIRE FOREST FIRE
4 INVESTIGATIVE OFFICERS; 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: (i) 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, or
24 (ii) a bachelor's degree in public or business administration and
25 at least eight (8) years' experience in a public or private
26 organization with administrative management functions directly
27 related to those of the agency, with five (5) of those years in an

28 administrative management position with personnel supervision and
29 budget management responsibilities.

30 (b) To take such action and provide and maintain such
31 organized means as may seem necessary and expedient to prevent,
32 control and extinguish forest fires, including the enforcement of
33 any and all laws pertaining to the protection of forests and
34 woodland.

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

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

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

54 (f) To encourage public interest in forestry by means
55 of correspondence, the public press, periodicals, the publication
56 of bulletins and leaflets for general distribution, the delivery
57 of lectures in the schools and other suitable means, and to
58 cooperate to the fullest extent with the extension department
59 services of the state colleges in promoting reforestation. It
60 shall be the duty of the State Forester to cooperate with private

61 timber owners in laying plans for the protection, management and
62 replacement of forests and in aiding them to form protection
63 associations. It shall be his duty to examine all timbered lands
64 belonging to the state and its institutions and report to the
65 commission upon their timber conditions and actual value, and also
66 whether some of these lands may not be held as state forests. He
67 shall be responsible for the protection and management of lands
68 donated, purchased or belonging to the state or state
69 institutions, and all other lands reserved by the state as state
70 forests.

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

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

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

86 (j) To appoint, upon the State Forester's
87 recommendation, six (6) individuals who shall be designated
88 Mississippi Forestry Commission Law Enforcement Officers with
89 authority to bear arms, investigate and make arrests; however, the
90 law enforcement duties and authority of the officers shall be
91 limited to woods arson. The officers shall comply with applicable
92 minimum educational and training standards for law enforcement
93 officers. These officers may issue citations for any violation of

94 those laws for recklessly or with gross negligence causing fire to
95 burn the lands of another. A citation issued by a Forestry
96 Commission law enforcement officer shall be issued on a uniform
97 citation form consisting of an original and at least two (2)
98 copies. Such citation shall show, among other necessary
99 information, the name of the issuing officer, the name of the
100 court in which the cause is to be heard and the date and time the
101 person charged with a violation is to appear to answer the charge.
102 The uniform citation form shall make a provision on it for
103 information that will constitute a complaint charging the offense
104 for which the citation was issued and, when duly sworn to and
105 filed with a court of competent jurisdiction, prosecution may
106 proceed under that complaint. For the purposes of this paragraph,
107 the fact that any person is found to have a brush or debris pile
108 or other material which is or was being burned and reasonable and
109 prudent efforts were not taken to prevent the spread of the fire
110 onto the lands of another shall be evidence that such person
111 recklessly or with gross negligence caused the land to burn.

112 This paragraph shall stand repealed on June 30, 2007.

113 **SECTION 2.** This act shall take effect and be in force from
114 and after its passage.