

By: Representative Reynolds

To: Forestry; Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 142

1 AN ACT TO AMEND SECTION 49-19-351, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE CERTAIN PENALTIES FOR THE VIOLATION OF A BURN BAN; AND
3 FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 49-19-351, Mississippi Code of 1972, is
6 amended as follows:

7 49-19-351. (1) In this section, "drought or wildfire
8 conditions" means the existence of a deficit of moisture creating
9 severe conditions with increased wildfire occurrences as
10 determined by the State Forestry Commission through use of drought
11 indices or models or the existence of extreme wildfire conditions.

12 (2) If the State Forestry Commission determines that drought
13 or wildfire conditions exist in a county, the commission shall
14 notify the board of supervisors of that county. The commission
15 may recommend that a temporary outdoor burning ban or other
16 restrictions be adopted by the board of supervisors.

17 (3) The board of supervisors may, by order, prohibit or
18 restrict outdoor burning in all or part of the unincorporated



19 parts of the county if drought or wildfire conditions have been
20 determined to exist by the State Forestry Commission. An order
21 must specify the period during which burning is restricted. The
22 State Forestry Commission shall notify the board of supervisors
23 when the drought or wildfire conditions no longer exist. Any
24 order issued under this section shall expire upon the
25 determination that the drought or wildfire conditions no longer
26 exist.

27 (4) Any person who knowingly and willfully violates an order
28 under this section is guilty of a misdemeanor and may be (a) fined
29 not less than * * * Two Hundred Fifty Dollars (\$250.00) nor more
30 than * * * One Thousand Dollars (\$1,000.00) or (b) imprisoned up
31 to six (6) months in jail, in the discretion of the court.

32 (5) The sheriff of the county shall enforce an order and
33 violations of an order under this section.

34 **SECTION 2.** This act shall take effect and be in force from
35 and after July 1, 2016.

