

By: Representatives Currie, Sykes

To: Forestry; Judiciary B

HOUSE BILL NO. 471

1 AN ACT TO AMEND SECTION 49-19-3, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE FULL POLICE POWERS TO LAW ENFORCEMENT OFFICERS OF THE
 3 MISSISSIPPI FORESTRY COMMISSION; TO REQUIRE SUCH OFFICERS TO
 4 COMPLETE THE LAW ENFORCEMENT TRAINING ACADEMY OR EQUIVALENT
 5 TRAINING PROGRAM; TO REQUIRE THE COMMISSION TO MAINTAIN A COMPLETE
 6 RECORD OF ALL LAW ENFORCEMENT TRAINING OF EACH EMPLOYEE IN HIS OR
 7 HER RECORD OF EMPLOYMENT; TO PRESCRIBE THE POWERS, DUTIES AND
 8 REQUIRED RESPONSIBILITIES OF SUCH OFFICERS; AND FOR RELATED
 9 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 * * * the State
 17 Forester a salary as is provided by the Legislature, and
 18 allow * * * the State Forester such office expenses incidental to
 19 the performance of his or her official duties as the commission,
 20 in its discretion, may deem necessary; and to charge * * * the
 21 State Forester with the immediate direction and control, subject



22 to the supervision and approval of the commission, of all matters
23 relating to forestry as authorized herein. Any person appointed
24 by the commission as State Forester shall have received a
25 bachelor's degree in forestry from an accredited school or college
26 of forestry and shall be licensed and registered under the
27 provisions of the Mississippi Foresters Registration Law (Section
28 73-36-1 et seq.) and, in addition, shall have had at least five
29 (5) years' administrative experience in a forestry-related field.

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 * * * the State Forester's duty to
64 examine all timbered lands belonging to the state and its
65 institutions and report to the commission upon their timber
66 conditions and actual value, and also whether some of these lands
67 may not be held as state forests. * * * The State Forester shall
68 be responsible for the protection and management of lands donated,
69 purchased or belonging to the state or state institutions, and all
70 other lands reserved by the state as state 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 * * * in this section under suitable regulations and
74 restrictions by the commission and to specifically authorize any
75 officer or employee of the commission to incur necessary and
76 stipulated expenses in connection with the work in which * * *
77 that person may be engaged.

78 (h) To submit annually to the Legislature a report of
79 the expenditures, proceedings and results achieved, together
80 with * * * any 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 * * *,
89 who shall be constituted peace officers with full police power and
90 may exercise such powers within any locality within the state.
91 All officers must have attended and satisfactorily completed the
92 training course required for law enforcement officers at the Law
93 Enforcement Officer's Training Academy or an equivalent facility.
94 All officers must be current with this certification. A complete
95 record of all law enforcement training of each employee * * *



96 shall be maintained in each employee's record of employment.
97 Officers, when acting in the scope of performance of their
98 official duties as a duly sworn law enforcement officer as defined
99 in Section 45-6-3, shall have the authority to:

100 (i) Bear arms or other weapons * * *;
101 (ii) Investigate and * * * arrest, with or without
102 warrant, any person who violates the laws of the State of
103 Mississippi or any rule of the Mississippi Forestry Commission;
104 and

105 (iii) * * * Issue citations for any violation of
106 those laws for recklessly or with gross negligence causing fire to
107 burn the lands of another * * *, provided that the citation issued
108 by a Forestry Commission law enforcement officer shall:

109 1. Be issued on a uniform citation form
110 consisting of an original and at least two (2) copies * * *;

111 2. Show, among other necessary information,
112 the name of the issuing officer, the name of the court in which
113 the cause is to be heard and the date and time the person charged
114 with a violation is to appear to answer the charge * * *; and

115 3. * * * Provide the information on the
116 uniform citation form that will constitute a complaint charging
117 the offense for which the citation was issued and, when duly sworn
118 to and filed with a court of competent jurisdiction, prosecution
119 may proceed under that complaint.



120 For the purposes of this paragraph (j), the fact that any
121 person is found to have a brush or debris pile or other material
122 which is or was being burned and reasonable and prudent efforts
123 were not taken to prevent the spread of the fire onto the lands of
124 another shall be evidence that such person recklessly or with
125 gross negligence caused the land to burn.

126 This paragraph shall stand repealed on June 30, * * * 2019.

127 (k) To discharge such duties, responsibilities and
128 powers necessary to accomplish and implement the Forestry
129 Inventory and Strategic Planning Act under Section 49-19-401 et
130 seq.

131 **SECTION 2.** This act shall take effect and be in force from
132 and after July 1, 2017.

