

By: Representative White

To: Forestry

HOUSE BILL NO. 884

1 AN ACT TO AMEND SECTION 49-19-3, MISSISSIPPI CODE OF 1972, TO
2 EXTEND THE DATE OF THE REPEALER ON THE PROVISION OF LAW WHICH
3 AUTHORIZES THE MISSISSIPPI FORESTRY COMMISSION TO HIRE LAW
4 ENFORCEMENT OFFICERS TO INVESTIGATE AND MAKE ARRESTS ASSOCIATED
5 WITH WOODS ARSON; AND FOR RELATED PURPOSES.

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

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

9 49-19-3. The duties and powers of the commission shall be:

10 (a) To appoint a State Forester, who shall serve at the
11 will and pleasure of the commission and who is qualified to
12 perform the duties as set forth herein; and to pay him such salary
13 as is provided by the Legislature, and allow him such office
14 expenses incidental to the performance of his official duties as
15 the commission, in its discretion, may deem necessary; and to
16 charge him with the immediate direction and control, subject to
17 the supervision and approval of the commission, of all matters
18 relating to forestry as authorized herein. Any person appointed
19 by the commission as State Forester shall have received a



20 bachelor's degree in forestry from an accredited school or college
21 of forestry and shall be licensed and registered under the
22 provisions of the Mississippi Foresters Registration Law (Section
23 73-36-1 et seq.) and in addition shall have had at least five (5)
24 years' administrative experience in a forestry-related field.

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

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

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

42 (e) To assist and cooperate with any federal or state
43 department or institution, county, town, corporation or
44 individual, under such terms as in the judgment of the commission



45 will best serve the public interest, in the preparation and
46 execution of plans for the protection, management, replacement, or
47 extension of the forest, woodland and roadside or other ornamental
48 tree growth in the state.

49 (f) To encourage public interest in forestry by means
50 of correspondence, the public press, periodicals, the publication
51 of bulletins and leaflets for general distribution, the delivery
52 of lectures in the schools and other suitable means, and to
53 cooperate to the fullest extent with the extension department
54 services of the state colleges in promoting reforestation. It
55 shall be the duty of the State Forester to cooperate with private
56 timber owners in laying plans for the protection, management and
57 replacement of forests and in aiding them to form protection
58 associations. It shall be his duty to examine all timbered lands
59 belonging to the state and its institutions and report to the
60 commission upon their timber conditions and actual value, and also
61 whether some of these lands may not be held as state forests. He
62 shall be responsible for the protection and management of lands
63 donated, purchased or belonging to the state or state
64 institutions, and all other lands reserved by the state as state
65 forests.

66 (g) To control the expenditure of any and all funds
67 appropriated or otherwise made available for the several purposes
68 set forth herein under suitable regulations and restrictions by
69 the commission and to specifically authorize any officer or



70 employee of the commission to incur necessary and stipulated
71 expenses in connection with the work in which such person may be
72 engaged.

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

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

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



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

107 This paragraph shall stand repealed on June 30, * * * 2021.

108 (k) To discharge such duties, responsibilities and
109 powers necessary to accomplish and implement the Forestry
110 Inventory and Strategic Planning Act under Section 49-19-401 et
111 seq.

112 **SECTION 2.** This act shall take effect and be in force from
113 and after June 30, 2018.

