

By: Senator(s) Sojourner

To: Accountability,
Efficiency, Transparency;
Forestry

SENATE BILL NO. 2522

1 AN ACT TO ABOLISH THE STATE FORESTRY COMMISSION AND TRANSFER
2 THE ADMINISTRATION OF ITS POWERS AND DUTIES TO THE MISSISSIPPI
3 DEPARTMENT OF AGRICULTURE AND COMMERCE; TO ESTABLISH THE DIVISION
4 OF FORESTRY SERVICES WITHIN THE DEPARTMENT; TO REPEAL SECTION
5 49-19-1, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES THE STATE
6 FORESTRY COMMISSION AND PROVIDES FOR THE COMPOSITION OF ITS
7 MEMBERSHIP; TO CREATE SECTION 49-19-2, MISSISSIPPI CODE OF 1972,
8 TO DEFINE CERTAIN TERMS; TO AMEND SECTIONS 49-19-3 THROUGH
9 49-19-15, 49-19-19, 49-19-21, 49-19-25, 49-19-27, 49-19-31,
10 49-19-65, 49-19-67, 49-19-71, 49-19-73, 49-19-111 THROUGH
11 49-19-117, 49-19-205 THROUGH 49-19-227, 49-19-305, 49-19-307,
12 49-19-351, 49-19-407, 51-11-5, 51-11-9, 51-13-105, 51-13-107,
13 53-7-11, 53-7-29, 53-9-11, 55-3-1, 55-3-11, 55-3-19, 55-3-21,
14 55-3-23, 29-3-27, 29-3-45, 29-3-47, 29-3-49, 29-3-54, 29-3-87,
15 49-7-203, 69-29-1, 69-1-61, 19-5-51, 25-58-21, 27-7-22.15,
16 29-3-85, 33-11-9, 33-11-18, 37-101-141, 43-27-11, 51-4-11,
17 51-9-107, 65-1-8, 65-1-123, 69-46-3, 97-17-13 AND 69-1-61,
18 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING
19 PROVISIONS TO REFLECT THE CHANGE IN THE ADMINISTRATIVE
20 RESPONSIBILITIES OF THE MISSISSIPPI DEPARTMENT OF AGRICULTURE AND
21 COMMERCE AND THE COMMISSIONER OF AGRICULTURE AND COMMERCE UPON THE
22 STATE FORESTRY COMMISSION BEING ABOLISHED; AND FOR RELATED
23 PURPOSES.

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

25 **SECTION 1.** (1) The State Forestry Commission is hereby
26 abolished and all powers, duties, employees, equipment, buildings,
27 facilities, inventory, funds and resources thereof shall be
28 transferred to the Mississippi Department of Agriculture and



29 Commerce under the administration of the Commissioner of
30 Agriculture and Commerce, which shall, hereafter be known as the
31 Division of Forestry Services.

32 (2) (a) Members serving on the commission on July 1, 2014,
33 shall continue to serve in an advisory capacity only to advise the
34 Commissioner of Agriculture and Commerce on matters within their
35 jurisdiction until such time that all duties and functions of the
36 commission are successfully transferred to the Mississippi
37 Department of Agriculture and Commerce, or until such time as the
38 commissioner deems necessary for a proper transition of powers and
39 duties.

40 (b) Until such time that members of the commission
41 shall be discharged of their advisory duties, members shall
42 receive a per diem plus expenses and mileage as authorized by law
43 for each day devoted to the discharge of official duties.
44 However, no member shall receive total per diem in excess of
45 twenty-four (24) days' compensation per annum.

46 (3) Wherever the terms "State Forestry Commission" or
47 "commission" appear in any law pertaining to the duties and
48 functions of such commission, the same shall be construed to mean
49 the Mississippi Department of Agriculture and Commerce.

50 (4) For purposes of this act, the following terms shall have
51 the meanings ascribed in this section, unless context clearly
52 indicates otherwise:



53 (a) "Commissioner" means the Commissioner of
54 Agriculture and Commerce.

55 (b) "Department" means the Mississippi Department of
56 Agriculture and Commerce.

57 (c) "Division" means the Division of Forestry Services
58 within the Mississippi Department of Agriculture and Commerce.

59 **SECTION 2.** Section 49-19-1, Mississippi Code of 1972, which
60 establishes the State Forestry Commission and provides for the
61 selection of members, is repealed.

62 **SECTION 3.** The following section shall be codified as
63 Section 49-19-2, Mississippi Code of 1972:

64 49-19-2. The following terms, as used in Chapter 19 of Title
65 49, shall have the meaning ascribed to them in this section:

66 (a) "Commissioner" means the Commissioner of
67 Agriculture and Commerce.

68 (b) "Department" means the Department of Agriculture
69 and Commerce.

70 (c) "Division" means the Division of Forestry Services
71 within the Department of Agriculture and Commerce.

72 **SECTION 4.** Section 49-19-3, Mississippi Code of 1972, is
73 amended as follows:

74 49-19-3. The duties and powers of the * * * commissioner, in
75 assuming the administrative authority of the State Forestry
76 Commission, shall be:



77 (a) To appoint or employ a State Forester, who shall
78 serve at the will and pleasure of the commissioner and who is
79 qualified to perform the duties as set forth herein; and to pay
80 him such salary as is provided by the Legislature, and allow him
81 such office expenses incidental to the performance of his official
82 duties as the commissioner * * * may deem necessary; and to charge
83 him with the immediate direction and control, subject to the
84 supervision and approval of the commissioner, of all matters
85 relating to forestry as authorized herein. Any person appointed
86 or employed by the commissioner as State Forester shall have
87 received a bachelor's degree in forestry from an accredited school
88 or college of forestry and shall be licensed and registered under
89 the provisions of the Mississippi Foresters Registration Law
90 (Section 73-36-1 et seq.) and in addition shall have had at least
91 five (5) years' administrative experience in a forestry-related
92 field.

93 (b) To take such action and provide and maintain such
94 organized means as may seem necessary and expedient to prevent,
95 control and extinguish forest fires, including the enforcement of
96 any and all laws pertaining to the protection of forests and
97 woodland.

98 (c) To encourage forest and tree planting for the
99 production of a wood crop, for the protection of water supply, for
100 windbreak and shade, or for any other beneficial purposes



101 contributing to the general welfare, public hygiene and comfort of
102 the people.

103 (d) To cause to be made such technical investigations
104 and studies concerning forest conditions, the propagation, care
105 and protection of forest and shade trees, the care and management
106 of forests, their growth, yield and the products and by-products
107 thereof, and any other competent subject, including forest
108 taxation, bearing on the timber supply and needs of the state,
109 which the commission, in its discretion, may deem proper.

110 (e) To assist and cooperate with any federal or state
111 department or institution, county, town, corporation or
112 individual, under such terms as in the judgment of the
113 commissioner will best serve the public interest, in the
114 preparation and execution of plans for the protection, management,
115 replacement, or extension of the forest, woodland and roadside or
116 other ornamental tree growth in the state.

117 (f) To encourage public interest in forestry by means
118 of correspondence, the public press, periodicals, the publication
119 of bulletins and leaflets for general distribution, the delivery
120 of lectures in the schools and other suitable means, and to
121 cooperate to the fullest extent with the extension department
122 services of the state colleges in promoting reforestation. It
123 shall be the duty of the State Forester, as directed by the
124 commissioner, to cooperate with private timber owners in laying
125 plans for the protection, management and replacement of forests



126 and in aiding them to form protection associations. It shall be
127 his duty to examine all timbered lands belonging to the state and
128 its institutions and report to the commissioner upon their timber
129 conditions and actual value, and also whether some of these lands
130 may not be held as state forests. * * * The State Forester shall
131 be responsible for the protection and management of lands donated,
132 purchased or belonging to the state or state institutions, and all
133 other lands reserved by the state as state forests.

134 (g) To control the expenditure of any and all funds
135 appropriated or otherwise made available for the several purposes
136 set forth herein under suitable regulations and restrictions by
137 the * * * department and to specifically authorize any officer or
138 employee of the * * * department to incur necessary and stipulated
139 expenses in connection with the work in which such person may be
140 engaged.

141 (h) To submit annually to the Legislature a report of
142 the expenditures, proceedings and results achieved, together with
143 such other matters including recommendations concerning
144 legislation as are germane to the aims and purposes of this
145 chapter.

146 (i) To create, establish and organize the State of
147 Mississippi into forestry districts for the most effective and
148 efficient administration of the * * * department.

149 (j) To appoint or employ, upon the State Forester's
150 recommendation, * * * individuals who shall be designated * * *



151 Forestry Law Enforcement Officers who shall be vested with
152 authority to bear arms, investigate and make arrests; however,
153 the * * * enforcement duties and authority of the officers shall
154 be limited to woods arson. The officers shall comply with
155 applicable minimum educational and training standards for law
156 enforcement officers. These officers may issue citations for any
157 violation of those laws for recklessly or with gross negligence
158 causing fire to burn the lands of another. A citation issued by a
159 forestry * * * law enforcement officer shall be issued on a
160 uniform citation form consisting of an original and at least two
161 (2) copies. * * * The citation shall show, among other necessary
162 information, the name of the issuing officer, the name of the
163 court in which the cause is to be heard and the date and time the
164 person charged with a violation is to appear to answer the charge.
165 The uniform citation form shall make a provision on it for
166 information that will constitute a complaint charging the offense
167 for which the citation was issued and, when duly sworn to and
168 filed with a court of competent jurisdiction, prosecution may
169 proceed under that complaint. For the purposes of this paragraph,
170 the fact that any person is found to have a brush or debris pile
171 or other material which is or was being burned and reasonable and
172 prudent efforts were not taken to prevent the spread of the fire
173 onto the lands of another shall be evidence that such person
174 recklessly or with gross negligence caused the land to burn.

175 * * *



176 **SECTION 5.** Section 49-19-5, Mississippi Code of 1972, is
177 amended as follows:

178 49-19-5. The * * * Division of Forestry * * * Services with
179 the Mississippi Department of Agriculture and Commerce is hereby
180 authorized and empowered to acquire and dispose of property of all
181 kinds in accordance with the provisions of Section 29-1-1, in
182 order to discharge the duties as set forth in Section 49-19-3, and
183 subsequent germane general laws of the State of Mississippi. It
184 is further authorized to sell, rent, lease, and dispose of any
185 property acquired by the * * * division upon approval by the
186 commissioner, and in consultation with the Department of Finance
187 and Administration Bureau of Building, Grounds and Real Property,
188 all property to be sold or disposed of shall be sold or disposed
189 of in the manner provided by law for the sale or disposition of
190 surplus property by other state agencies. Any funds received from
191 the sale, rental or lease of any property herein authorized, to be
192 acquired, shall be paid into the State Treasury to the credit of a
193 special account, and the * * * department is hereby authorized to
194 use this fund for the replacement, repairs, and upkeep of any
195 property authorized to be acquired and owned under this section.

196 **SECTION 6.** Section 49-19-7, Mississippi Code of 1972, is
197 amended as follows:

198 49-19-7. (1) The * * * division shall keep * * * the
199 commissioner informed as to the known varieties of pine beetles
200 and other timber insect pests and diseases, the origin, locality,



201 nature and appearance thereof, the manner in which they are
202 disseminated, and approved methods of treatment, control and
203 eradication. The * * * commissioner shall from time to time make
204 rules and regulations for carrying out the provisions and
205 requirements of this section, including rules and regulations
206 under which its employees shall (* * * i) inspect places, timber,
207 and timber products, and other things and substances used or
208 connected therewith, (* * * ii) investigate, control, eradicate
209 and prevent the dissemination of pine beetles and other timber
210 insect pests and diseases, and (* * * iii) supervise or cause the
211 treatment, cutting and destruction of timber or timber products
212 and other things infested or infected therewith. The * * *
213 division's employees shall have authority to carry out and execute
214 the regulations and orders of the * * * commissioner and shall
215 have authority, under direction of the * * * commissioner, to
216 carry out provisions of this section.

217 (2) The * * * department and its employees shall have the
218 authority to enter upon any and all timberlands for the purpose of
219 carrying out the provisions of this section.

220 (3) All known varieties of pine beetles and other insect
221 pests and diseases infesting or infecting or likely to infest or
222 infect timber or timber products in this state shall be listed by
223 the * * * department, and every such variety of pine beetle and
224 every such insect pest or disease listed and all timber and timber



225 products infested or infected therewith are hereby declared to be
226 a public nuisance.

227 (4) Before entering upon any lands for the purpose of
228 removing any infested or infected timber having a value in excess
229 of One Hundred Dollars (\$100.00), where the owner of such land
230 will not cause the removal of such infested or infected timber,
231 the * * * department shall first secure an order of the chancery
232 court in termtime or in vacation authorizing the * * * department
233 to effect such removal. Process on any resident owner in any such
234 proceeding shall be served as other process, and process on any
235 nonresident owner shall be had by mailing such process by
236 registered mail, return receipt requested, to the last-known
237 address of such nonresident or by publication in three (3) weekly
238 issues of a newspaper published in the county where such
239 timberland is located if no mailing address is known. Any hearing
240 under provisions of this section may be set at any time five (5)
241 days after date of service of process, or in case of publication
242 five (5) days after completion of such publication.

243 (5) It is the purpose of this section to authorize and
244 empower the * * * department to control disease or insect
245 infections or infestations in timber and timber products within
246 this state. It is not the purpose of this section to transfer any
247 powers from the * * * Bureau of Plant Industry to the * * *
248 Division of Forestry Services. Use of the word "timber" shall be
249 deemed to refer to such trees as are normally used in the



250 manufacture of lumber and the term "timber products" shall be
251 deemed to refer to products manufactured from such trees normally
252 used in the manufacture of lumber.

253 **SECTION 7.** Section 49-19-9, Mississippi Code of 1972, is
254 amended as follows:

255 49-19-9. (1) The * * * Mississippi Department of
256 Agriculture and Commerce through the Division of Forestry Services
257 is hereby authorized to extend fire protection services to the
258 Choctaw Indian lands located in Attala, Kemper, Leake, Neshoba,
259 Newton, Jones and Scott Counties, Mississippi.

260 (2) The * * * department is authorized to accept from the
261 Choctaw Agency adequate compensation for fire detection and
262 suppression, which sum may be used by the * * * department in its
263 fire protection work.

264 **SECTION 8.** Section 49-19-11, Mississippi Code of 1972, is
265 amended as follows:

266 49-19-11. The * * * department is hereby authorized to
267 protect intermingled or adjacent state owned lands in the same
268 manner and form as other lands within the state and the expenses
269 thereof may be paid out of any appropriation made to the * * *
270 department; provided such expenditures are not greater per acre in
271 any year than the expenditures by the commission on account of the
272 protection of any other lands than that owned by the State of
273 Mississippi.



274 The provisions of this section shall not be applicable to the
275 protection of established state parks, state forests or other
276 state owned lands when increased expenditure may be necessary for
277 the protection thereof in the opinion of the * * * commissioner.

278 It is hereby made the duty of all agents and employees of
279 the * * * division to report to the * * * commissioner any timber
280 or other trespass discovered by such agent or employees on state
281 owned lands giving detailed information thereof in such report.

282 **SECTION 9.** Section 49-19-13, Mississippi Code of 1972, is
283 amended as follows:

284 49-19-13. The boards of supervisors of the several counties
285 are hereby authorized, in their discretion, to appropriate and pay
286 to the * * * department from the general fund of the county each
287 year a sum of money not exceeding twenty-five percent (25%) of the
288 forest severance tax received by the county the preceding year.
289 Such money so appropriated shall be used by the * * * division for
290 forestry work and protection in such county.

291 **SECTION 10.** Section 49-19-15, Mississippi Code of 1972, is
292 amended as follows:

293 49-19-15. The State Forestry Fund, when made available by
294 proper appropriation by the Legislature, shall be expended by
295 the * * * department in carrying out and enforcing all laws
296 pertaining to the protection of forests as the * * * commissioner
297 may direct, the vouchers to be drawn and paid as by other
298 departments of the state.



299 **SECTION 11.** Section 49-19-19, Mississippi Code of 1972, is
300 amended as follows:

301 49-19-19. (1) To encourage better land use, to assist in
302 controlling headwaters, to prevent soil erosion, to help increase
303 community and individual farm incomes, and to assist schools in
304 forest education and timber management, the * * * department is
305 hereby authorized to produce and make available to farm owners and
306 to schools of this state, having lands contiguous to the school
307 site suitable for reforestation, free commercial tree seedlings
308 not to exceed five thousand (5,000) trees per farm owner per year,
309 and not to exceed five thousand (5,000) trees per school,
310 providing the farm owner or owners and school trustees desiring
311 such seedlings enter into a cooperative agreement with the * * *
312 commissioner assuring the * * * commissioner of the proper
313 planting, care, and protection of all seedlings thus furnished
314 from fire and wasteful cutting. The minimum number of seedlings
315 furnished any consignee under this section shall not be less than
316 one thousand (1,000).

317 (2) In its cooperative agreement, the * * * department may
318 provide for the payment to it of a penalty of not exceeding Ten
319 Dollars (\$10.00) per thousand trees for each thousand or part
320 thereof planted in violation of the purposes and intent of this
321 section.



322 (3) The * * * department is hereby authorized to use such
323 funds as it may have available in carrying out the intent and
324 purposes of this section.

325 **SECTION 12.** Section 49-19-21, Mississippi Code of 1972, is
326 amended as follows:

327 49-19-21. All monies received from the United States
328 government for protection of forest lands, for reforestation of
329 denuded areas, for extension of national forests, and to promote
330 the continuous production of timber shall be credited to said
331 State Forestry Fund, and expended by the * * * department as is
332 directed by the federal government.

333 **SECTION 13.** Section 49-19-25, Mississippi Code of 1972, is
334 amended as follows:

335 49-19-25. (* * * 1) Any fire on any forested, cutover,
336 brushlands or grasslands burning uncontrolled is hereby declared a
337 public nuisance by reason of its menace to life and property. Any
338 person, firm or corporation negligently or * * * willfully and
339 maliciously responsible for the starting or the existence of such
340 fire on land other than his own is hereby required to control or
341 extinguish it immediately, and if said person, firm or corporation
342 shall * * * willfully refuse, neglect or fail to do so, any
343 organized fire suppression agency recognized by the * * *
344 department, may summarily abate the nuisance thus constituted by
345 controlling or extinguishing the fire. The cost of abating such
346 nuisance, with all costs and reasonable attorney's fees to be



347 allowed by the court, may be recovered from the person, firm or
348 corporation responsible for such nuisance by civil action in the
349 proper court, action for said recovery to be filed by the agency
350 abating the nuisance. This section shall not impair any remedy
351 now allowed by law.

352 (* * *2) Any open cistern or well, which has been abandoned
353 or is no longer used for the purpose of a cistern or well is
354 hereby declared to be a public nuisance by reason of its menace to
355 life and property, and the * * * department is hereby authorized
356 to seal such cistern or well upon request of the landowner. A
357 reasonable fee shall be charged for this purpose and all fees
358 collected shall be handled in the same manner as other service
359 charges collected by the commissioner.

360 **SECTION 14.** Section 49-19-27, Mississippi Code of 1972, is
361 amended as follows:

362 49-19-27. (1) There is created in the State Treasury a fund
363 designated as the Tree Seedling Revolving Fund. The * * *
364 department shall use the fund to contract for the production or
365 purchase of tree seedlings, for resale to Mississippi landowners
366 for reforestation.

367 (2) The Tree Seedling Revolving Fund shall be funded by
368 monies received from the sale of contract seedlings to Mississippi
369 landowners. Monies collected from the sales shall be deposited
370 into the Tree Seedling Revolving Fund. The State Treasurer shall
371 make disbursements for payment of production or purchase of



372 seedlings upon requisition by the * * * commissioner and upon the
373 issuance of warrants by the Department of Finance and
374 Administration.

375 (3) The Tree Seedling Revolving Fund is created to
376 supplement the * * * department's seedling production capacity and
377 not for its replacement.

378 **SECTION 15.** Section 49-19-31, Mississippi Code of 1972, is
379 amended as follows:

380 49-19-31. (1) There is hereby created a Joint Study
381 Committee on Forestry in Mississippi. The committee shall study
382 and make recommendations, including recommended legislation
383 regarding the * * * administration of forestry-related duties of
384 the department, coordination of forestry policy, the coordination
385 of overlapping conservation practices by state agencies, the
386 seedling shortage and other matters related to the forestry
387 industry.

388 (2) The committee shall be composed of the following
389 members:

390 (a) The Chairman of the Senate Forestry Committee,
391 Chairman of the Senate Agriculture Committee, and two (2) members
392 of the Forestry Committee appointed by the Lieutenant Governor.

393 (b) The Chairman of the House Forestry Committee,
394 Chairman of the House Agriculture Committee and * * * two (2)
395 members of the * * * Forestry Committee appointed by the Speaker
396 of the House of Representatives.



397 (c) The Chairman of the Senate Forestry Committee and
398 the Chairman of the House * * * Forestry Committee shall serve as
399 cochairs of the committee.

400 (3) The members of the joint committee shall be paid from
401 the contingent expense funds of their respective houses in the
402 same manner as provided for committee meetings when the
403 Legislature is not in session and shall obtain the approval of
404 their respective management committees for per diem and travel
405 expense expenditures of the committee.

406 (4) The committee shall utilize clerical and legal staff
407 employed by the Legislature and may utilize any assistance made
408 available to it by any state agency.

409 (5) Upon presentation of its final report the committee
410 shall be dissolved.

411 **SECTION 16.** Section 49-19-65, Mississippi Code of 1972, is
412 amended as follows:

413 49-19-65. It shall be the duty of the * * * department to
414 give general publicity throughout the state to Sections 49-19-51
415 through 49-19-75 and post notices covering such sections in at
416 least three (3) public places in each county, one (1) of which
417 shall be posted on the bulletin board at the front door of the
418 courthouse in each of the counties.

419 **SECTION 17.** Section 49-19-67, Mississippi Code of 1972, is
420 amended as follows:



421 49-19-67. Sections 49-19-51 through 49-19-75 shall not apply
422 to nor shall it prohibit the clearing of land for bona fide use in
423 crop production, nor the clearing of land for pasture purposes
424 where such pasture is enclosed with a standard wire fence of two
425 (2) or more strands, nor to the clearing for building sites,
426 right-of-ways for roads, power or communication lines or similar
427 uses; nor shall such sections apply to individuals cutting timber
428 from their own lands for their own personal use where there is no
429 sale, commercial gain or profit involved, nor those special cases
430 where permission is obtained in writing from the * * * department
431 for the emergency removal of storm or disease damaged timber.

432 **SECTION 18.** Section 49-19-71, Mississippi Code of 1972, is
433 amended as follows:

434 49-19-71. It shall be the duty of the Mississippi * * *
435 department and its employees to enforce the terms and provisions
436 of Sections 49-19-51 through 49-19-75 and to that end * * * the
437 department or its employees are hereby authorized to enter upon
438 any and all forestry lands to make such inspection and
439 investigation as may be necessary for the proper enforcement of
440 said sections and, in addition to the other remedies, conferred by
441 such sections or other laws of the state, the * * * commissioner
442 is hereby authorized to enter suit on behalf of the state to
443 enjoin any person, partnership, firm, association or corporation
444 from violating any of the terms and provisions of such sections
445 and in such suits the * * * department shall not be required to



446 give bond, and the * * * department is also authorized to employ
447 inspectors within the division and such other help as may be
448 necessary for the effective carrying out of the intent and
449 purposes of such sections.

450 **SECTION 19.** Section 49-19-73, Mississippi Code of 1972, is
451 amended as follows:

452 49-19-73. In order to more adequately enforce the provisions
453 of Sections 49-19-51 through 49-19-75, it is hereby made the duty
454 of each sheriff, constable, conservation officer, district
455 attorney and county prosecuting attorney to make, from time to
456 time, inquiry as to any violation of Sections 49-19-51 through
457 49-19-75 and to promptly report any violation to the * * *
458 department and further to assist the * * * department, its
459 officers and employees in enforcing any of the provisions of the
460 aforesaid sections and in prosecuting any violations thereof. It
461 shall be the duty of the various circuit judges at each convening
462 of the grand jury to call the grand jurors' attention to such
463 sections and to charge them to fully investigate any violations
464 thereof.

465 **SECTION 20.** Section 49-19-111, Mississippi Code of 1972, is
466 amended as follows:

467 49-19-111. For the purpose of providing assistance to all
468 farm woodland and timber landowners in the state, including
469 private ownership, and to promote the growing, managing and
470 harvesting of timber thereon, and to provide organized forest fire



471 protection in all counties, and to encourage the production and
472 growth of timber on all lands suitable therefor, and for the
473 better management thereof, and to encourage greater private
474 ownership and promote forest education and timber management and
475 forest fire control, the * * * department is hereby authorized to
476 carry out the provisions of Sections 49-19-111 through 49-19-117.

477 **SECTION 21.** Section 49-19-113, Mississippi Code of 1972, is
478 amended as follows:

479 49-19-113. In order to carry out further the program herein
480 authorized, the * * * department is hereby authorized to organize,
481 divide or set up forest districts and areas throughout the state,
482 which districts and areas shall be so organized, divided or set up
483 in accordance with the distribution of forestland and the location
484 of political boundaries as to best serve the interest of the state
485 as a whole. The * * * commissioner shall appoint a district
486 forester and assistant district forester for each district and
487 shall appoint an area forester for each forest area, all of whom
488 shall be charged with the duty of directing forestry education,
489 timber management, forest fire control and other necessary
490 forestry conservation activities and practices as the * * *
491 commissioner shall deem necessary.

492 **SECTION 22.** Section 49-19-115, Mississippi Code of 1972, is
493 amended as follows:

494 49-19-115. (1) The boards of supervisors of all counties
495 are hereby directed to levy a special tax to be known as "the



496 forest acreage tax." Such tax shall be Two Cents (2¢) per acre on
 497 all timbered and uncultivable lands in the county in order to
 498 receive the financial and supervisory cooperation of the * * *
 499 department in carrying out organized forest fire control and other
 500 provisions of Sections 49-19-111 through 49-19-117.

501 (2) In addition to the tax levied under subsection (1) of
 502 this section, the boards of supervisors of all counties are hereby
 503 directed to levy an additional forest acreage tax on all timbered
 504 and uncultivable lands in the county beginning October 1, 1989,
 505 and continuing for three (3) succeeding years in the following
 506 amounts:

	Increase	Total Acreage Tax
509 Fiscal year ending		
510 September 30, 1990.....	3¢ per acre	5¢ per acre
511 Fiscal year ending		
512 September 30, 1991.....	2¢ per acre	7¢ per acre
513 Fiscal year ending		
514 September 30, 1992.....	2¢ per acre	9¢ per acre

515 Upon completion of the third year, the total acreage tax
 516 shall remain at the Nine Cents (9¢) per acre per year.

517 (3) Uncultivable lands shall not include bogs, unreclaimed
 518 strip mine areas, coastal beach sands, tidal and freshwater
 519 marshes, beaver ponds and flood or flowage easements.



520 (4) Those homeowners described in Section 27-33-67(2), who
521 qualify for the exemptions allowed in Article 1, Chapter 33, Title
522 27, Mississippi Code of 1972, shall be exempt from any forest
523 acreage tax levied pursuant to this section.

524 (5) The provisions of this section and the tax levy required
525 herein shall not be applicable to any counties which were not
526 levying such forest acreage tax on January 1, 1989.

527 **SECTION 23.** Section 49-19-117, Mississippi Code of 1972, is
528 amended as follows:

529 49-19-117. (1) All forest acreage taxes assessed and
530 collected by such levy as provided for in Section 49-19-115 shall
531 be remitted to the forest acreage account in the State Treasury
532 and shall be expended by the * * * department as the * * *
533 commissioner may deem necessary in carrying out the purpose and
534 intent of Sections 49-19-111 through 49-19-117.

535 (2) The * * * department is hereby authorized to use state
536 funds appropriated for the purpose of Sections 49-19-111 through
537 49-19-117 in addition to any funds made available from county
538 forest acreage taxes, federal funds and other sources.

539 (3) The * * * department is hereby authorized to expend the
540 funds herein provided in such manner as to most effectively carry
541 out the provisions of Sections 49-19-111 through 49-19-117. The
542 forest acreage tax levied at the rate of Two Cents (2¢) per acre
543 under Section 49-19-115(1) shall be utilized on an economical and
544 practical basis in order to foster, encourage, promote and bring



545 about forestry education, timber management and organized forest
546 fire control throughout the State of Mississippi. The additional
547 forest acreage tax levied under Section 49-19-115(2) shall be
548 utilized by the * * * department to purchase fire support
549 equipment, including transport trucks, tractors and other related
550 fire support equipment. The additional forest acreage tax levied
551 under Section 49-19-115(2) shall be appropriated under the
552 appropriation process.

553 **SECTION 24.** Section 49-19-205, Mississippi Code of 1972, is
554 amended as follows:

555 49-19-205. For purposes of Sections 49-19-201 through
556 49-19-227, the following words shall have the meaning ascribed
557 herein unless the context requires otherwise:

558 (a) " * * * Commissioner" * * * means the * * *
559 Commissioner of Agriculture and Commerce.

560 (b) "State Forester" * * * means the forester appointed
561 or employed by the * * * commissioner under the authority of
562 Section 49-19-3.

563 (c) "Eligible owner" shall mean either (i) a private
564 individual, group or association, or (ii) an agency of state,
565 local or municipal government, but the term shall not mean or
566 include private corporations manufacturing products or providing
567 public utility services of any type or any subsidiary of such
568 corporations; provided, however, only one (1) owner of land owned
569 in joint tenancy or tenancy in common and only one (1) member or



570 officer of any group or association shall be eligible to apply for
571 or receive cost-share assistance to be expended for development of
572 any or all lands owned by such owners or group or association.

573 (d) "Eligible lands" shall mean (i) nonindustrial
574 private lands owned by a private individual, group or association,
575 and (ii) lands owned by the State of Mississippi or any political
576 subdivision thereof, but shall not include lands owned by private
577 corporations which manufacture products or provide public utility
578 services of any type or any subsidiary of such corporations.

579 (e) "Cost-share assistance" shall mean the partial
580 financial assistance in such amounts as the * * * department, in
581 its discretion, shall determine, subject to the limitations of
582 Sections 49-19-201 through 49-19-227.

583 (f) "Approved practice" shall mean and include
584 planting, seeding, timber stand improvement, prescribed burning,
585 site preparation, systematic planting of hardwood trees for game
586 preservation and development, or such other forest resource
587 development practice as the * * * commissioner shall approve or
588 determine proper generally or with regard to any particular
589 applicant.

590 (g) "Forest development fund" shall mean the special
591 fund established in the State Treasury, designated as the Forest
592 Resource Development Fund, created by Section 49-19-227.

593 (h) "Department" means the Mississippi Department of
594 Agriculture and Commerce.



595 (i) "Division" means the Division of Forestry Services
596 within the Mississippi Department of Agriculture and Commerce.

597 **SECTION 25.** Section 49-19-207, Mississippi Code of 1972, is
598 amended as follows:

599 49-19-207. The * * * department shall serve as administrator
600 of the provisions of Sections 49-19-201 through 49-19-227, and
601 shall serve as the disbursing agency for funds to be expended from
602 and deposited to the credit of the forest development fund.

603 **SECTION 26.** Section 49-19-209, Mississippi Code of 1972, is
604 amended as follows:

605 49-19-209. The * * * commissioner is authorized to employ
606 such professional and clerical assistance as is needed to
607 implement the provisions of Sections 49-19-201 through 49-19-227,
608 and to compensate such individuals from funds appropriated for
609 such purpose.

610 The * * * department is authorized to purchase equipment,
611 supplies and materials and to maintain and transport equipment as
612 is needed to implement the provisions of Sections 49-19-201
613 through 49-19-227, and to defray the expenses of such purchase and
614 transportation from any funds appropriated for such purpose.

615 **SECTION 27.** Section 49-19-211, Mississippi Code of 1972, is
616 amended as follows:

617 49-19-211. The * * * commissioner shall * * * promulgate
618 such rules and regulations as are necessary for the implementation
619 of Sections 49-19-201 through 49-19-227. The * * * department is



620 authorized to conduct public hearings or otherwise seek the
621 advice, counsel and recommendations of interested owners,
622 associations, industrialists or other persons or groups. Adequate
623 notice of any public hearing must be provided within the general
624 area of the site of the hearing.

625 The * * * department shall publish such rules and regulations
626 and shall make the same available upon request.

627 **SECTION 28.** Section 49-19-213, Mississippi Code of 1972, is
628 amended as follows:

629 49-19-213. The * * * department is authorized to use the
630 money in the forest development fund to assist in implementing
631 approved practices, on a cost-sharing basis as provided in
632 Sections 49-19-201 through 49-19-227, on eligible lands in the
633 State of Mississippi. However, no cost-share assistance shall be
634 provided an eligible owner to implement any approved practice on
635 any land or lands if the owner receives federal funds for such
636 practice and is using such federal funds for any forest resource
637 development practice on said land or lands. Eligible owners may
638 use federal funds on other lands.

639 **SECTION 29.** Section 49-19-215, Mississippi Code of 1972, is
640 amended as follows:

641 49-19-215. (1) The * * * department shall actively and
642 diligently encourage all eligible owners to use their own
643 resources or to employ the resources of private vendors to
644 implement approved practices.



645 (2) The * * * department shall not enter into active
646 competition with eligible owners or private vendors for the
647 on-the-ground job of implementing any approved practice as it is
648 the intent of the Legislature to encourage private business,
649 forest industries and the forestry community to participate in the
650 economic development which will be provided by Sections 49-19-201
651 through 49-19-227.

652 **SECTION 30.** Section 49-19-217, Mississippi Code of 1972, is
653 amended as follows:

654 49-19-217. If an eligible owner cannot provide his own
655 resources or procure a private vendor to implement any approved
656 practice, the * * * division, in * * * the discretion of the
657 commissioner, may act as vendor by utilizing employees, equipment,
658 materials and supplies of the * * * department. In such event,
659 the * * * division shall charge the eligible owner a sum equal to
660 the established rate of the * * * division for providing such
661 service. Payments for such charge shall be collected, received,
662 and recorded in the same manner as other sales and services funds
663 received by the * * * department.

664 **SECTION 31.** Section 49-19-219, Mississippi Code of 1972, is
665 amended as follows:

666 49-19-219. The * * * division shall have the following
667 powers and duties to implement the provisions of Sections
668 49-19-201 through 49-19-227:



669 (a) To determine which approved practices shall be
670 eligible for cost-share assistance;

671 (b) To establish maximum sums, subject to the
672 provisions of Section 49-19-221, which any one (1) eligible owner
673 may receive for implementation of an approved practice;

674 (c) To review periodically the costs of forest
675 development practices and to make such adjustment as, in the
676 discretion of the * * * commissioner, is necessary in the
677 Thirty-seven Dollars and Fifty Cents (\$37.50) per acre assistance
678 allowed in Section 49-19-221;

679 (d) Upon request of the * * * commissioner, the
680 Attorney General of the State of Mississippi shall institute
681 proper legal proceedings to recover any or all of the cost-share
682 assistance provided an eligible owner if the * * * division shall
683 determine that the owner failed to implement any portion of or all
684 of the practice approved by the * * * division for such owner and
685 if the * * * division determines that legal proceedings are
686 necessary and proper.

687 (e) To determine, before approving any cost-share
688 assistance for any eligible owner that such approved practice is
689 reasonable and is comparable to the actual cost of implementing
690 such practice in the general area in which the land is located.
691 Should the * * * commissioner determine that the submitted cost of
692 implementing the approved practice is not reasonable, the * * *
693 commissioner shall approve cost-share assistance in an amount



694 which is determined by the * * * commissioner to be reasonable for
695 the implementation of the approved practice in the general area in
696 which the land is located.

697 **SECTION 32.** Section 49-19-221, Mississippi Code of 1972, is
698 amended as follows:

699 49-19-221. (1) An eligible owner shall receive cost-share
700 assistance as the * * * division, in its discretion, shall
701 determine and approve, but the * * * division shall not
702 approve * * * any assistance in an amount which exceeds either:
703 (a) a sum equal to seventy-five percent (75%) of the owner's
704 actual cost incurred in implementing the approved practice
705 approved by the * * * division for that owner on a particular
706 tract of land or lands, except that with respect to sixteenth
707 section school trust lands the * * * division may approve up to
708 one hundred percent (100%) cost-share for any school district that
709 has less than Ten Thousand Dollars (\$10,000.00) in its
710 Forestry Escrow Fund * * *; or (b) a sum equal to Thirty-seven
711 Dollars and Fifty Cents (\$37.50) per acre of land on which the
712 approved practice is implemented by the owner; provided, however,
713 that no eligible owner, in any one (1) fiscal year, shall receive
714 a sum total for all approved practices implemented by the owner of
715 more than Ten Thousand Dollars (\$10,000.00); except that with
716 respect to sixteenth section trust lands the * * * division, at
717 its discretion, may exceed * * * the monetary limit in order to
718 provide a total forest improvement program within any county.



719 (2) The limitation of Thirty-seven Dollars and Fifty Cents
720 (\$37.50) per acre, as set forth in * * * paragraph (b) of
721 subsection (1) of this section, may be changed by the * * *
722 division under the authorization of * * * paragraph (c) of Section
723 49-19-219.

724 (3) During the reforestation of sixteenth section school
725 trust lands classified as forestlands, no more than an average of
726 twenty-five percent (25%) of Forest Resource Development Program
727 funds will be spent on the reforestation of these school trust
728 lands.

729 * * *

730 **SECTION 33.** Section 49-19-223, Mississippi Code of 1972, is
731 amended as follows:

732 49-19-223. (1) Any eligible owner who wishes to receive
733 cost-share assistance shall file an application with the * * *
734 division stating the practice to be implemented, the approximate
735 cost of such practice and a description of the land or lands upon
736 which the practice is to be implemented. The application shall be
737 accompanied by a statement of intent stating:

738 (a) That the owner intends to utilize the cost-share
739 assistance for long-range timber growing and improvement * * *;

740 (b) That the owner is not receiving or using federal
741 funds for implementation of any approved practice on the same acre
742 of land or lands described in the application * * *; and



743 (c) That the owner, if an owner in joint tenancy or
744 tenancy in common or if a member of a group or association owning
745 the lands, has no knowledge of any application which has been
746 filed for cost-share assistance to be used on the lands described
747 in the application.

748 (2) The * * * division, upon completion of the approved
749 practice, shall tender all approved sums of the cost-share
750 assistance to the owner.

751 **SECTION 34.** Section 49-19-225, Mississippi Code of 1972, is
752 amended as follows:

753 49-19-225. Any agency, department, board, commission or
754 other subdivision of government of the State of Mississippi or any
755 political subdivision thereof is authorized to implement an
756 approved practice on any lands suitable for forestry purposes
757 owned by such political entity or owned by the State of
758 Mississippi and supervised or managed by such entity. The
759 governing authorities of such entity shall engage the assistance
760 of the county forester of the county in which the land is located
761 in the preparation of an application for submission to the * * *
762 division. The * * * division shall treat any such political
763 entity as an individual owner for purposes of considering
764 applications, granting cost-share assistance and approving the
765 practice implemented.

766 **SECTION 35.** Section 49-19-227, Mississippi Code of 1972, is
767 amended as follows:



768 49-19-227. There is hereby created in the State Treasury a
769 special fund to be designated the Forest Resource Development
770 Fund, fiscal management and responsibility for which is hereby
771 vested in the * * * department and which shall consist of that
772 portion of the privilege tax on timber and timber products as
773 authorized by Section 27-25-11, Mississippi Code of 1972, and any
774 funds appropriated specifically therefor by the Legislature. The
775 Legislature shall appropriate such sums as it may deem necessary,
776 including any proceeds of general obligation bonds which may be
777 authorized by the Legislature for the support of the Forest
778 Resources Development Program provided for under Sections
779 49-19-201 through 49-19-227. Those funds appropriated by the
780 Legislature remaining in the special fund at the end of any fiscal
781 year shall lapse into the General Fund, but other funds shall
782 remain in the special fund.

783 **SECTION 36.** Section 49-19-305, Mississippi Code of 1972, is
784 amended as follows:

785 49-19-305. As used in Sections 49-19-301 through 49-19-307
786 unless the context requires otherwise:

787 (a) "Prescribed burning" means the controlled
788 application of fire to naturally occurring vegetative fuels for
789 ecological, silvicultural and wildlife management purposes under
790 specified environmental conditions and the following of
791 appropriate precautionary measures which cause the fire to be



792 confined to a predetermined area and accomplishes the planned land
793 management objectives.

794 (b) "Certified prescribed burn manager" means an
795 individual or county forester who successfully completes the
796 certification program approved by the Mississippi * * * Department
797 of Agriculture and Commerce.

798 (c) "Prescription" means a written plan for starting
799 and controlling a prescribed burn to accomplish the ecological,
800 silvicultural and wildlife management objectives.

801 **SECTION 37.** Section 49-19-307, Mississippi Code of 1972, is
802 amended as follows:

803 49-19-307. (1) No property owner or his agent, conducting a
804 prescribed burn pursuant to the requirements of this section,
805 shall be liable for damage or injury caused by fire or resulting
806 smoke unless negligence is proven.

807 (2) Prescribed burning conducted under the provisions of
808 this section shall:

809 (a) Be accomplished only when at least one (1)
810 certified prescribed burn manager is supervising the burn or burns
811 that are being conducted;

812 (b) Require that a written prescription be prepared and
813 notarized prior to prescribed burning;

814 (c) Require that a burning permit be obtained from the
815 Mississippi * * * Department of Agriculture and Commerce; and



816 (d) Be considered in the public interest and shall not
817 constitute a public or private nuisance when conducted pursuant to
818 state air pollution statutes and rules applicable to prescribed
819 burning.

820 (3) The * * * department shall have the authority to
821 promulgate rules for the certification of prescribed burn managers
822 and guidelines for a prescribed burn prescription.

823 (4) Nothing in this section shall be construed to limit the
824 civil or criminal liability as provided in Section 97-17-13 and
825 Section 95-5-25, Mississippi Code of 1972.

826 **SECTION 38.** Section 49-19-351, Mississippi Code of 1972, is
827 amended as follows:

828 49-19-351. (1) In this section, "drought or wildfire
829 conditions" means the existence of a deficit of moisture creating
830 severe conditions with increased wildfire occurrences as
831 determined by the * * * Division of Forestry Services through use
832 of drought indices or models or the existence of extreme wildfire
833 conditions.

834 (2) If the * * * division determines that drought or
835 wildfire conditions exist in a county, the * * * Commissioner of
836 Agriculture and Commerce shall notify the board of supervisors of
837 that county. The * * * commissioner may recommend that a
838 temporary outdoor burning ban or other restrictions be adopted by
839 the board of supervisors.



840 (3) The board of supervisors may, by order, prohibit or
841 restrict outdoor burning in all or part of the unincorporated
842 parts of the county if drought or wildfire conditions have been
843 determined to exist by the * * * division. An order must specify
844 the period during which burning is restricted. The * * *
845 commissioner shall notify the board of supervisors when the
846 drought or wildfire conditions no longer exist. Any order issued
847 under this section shall expire upon the determination that the
848 drought or wildfire conditions no longer exist.

849 (4) Any person who knowingly and willfully violates an order
850 under this section is guilty of a misdemeanor and may be fined not
851 less than One Hundred Dollars (\$100.00) nor more than Five Hundred
852 Dollars (\$500.00).

853 (5) The sheriff of the county shall enforce the order and
854 may cite persons for violations of an order under this section.

855 **SECTION 39.** Section 49-19-407, Mississippi Code of 1972, is
856 amended as follows:

857 49-19-407. The Commissioner of Agriculture and Commerce and
858 the Executive Directors of * * * the Mississippi Development
859 Authority, the MSU Forest and Wildlife Research Center, and the
860 Cooperative Extension Service shall establish a procedure and
861 guidelines for the coordination of outreach and education
862 programs. It shall be the duty of each agency to cooperate and to
863 promote a coordinated outreach and education program to increase



864 the utilization of private nonindustrial forest landowner forest
865 resources and increase profitability for such resources.

866 **SECTION 40.** Section 51-11-5, Mississippi Code of 1972, is
867 amended as follows:

868 51-11-5. (1) All powers of the Pearl River Basin
869 Development District, hereinafter referred to in this chapter as
870 the district, shall be exercised by a board of directors to be
871 selected and composed as follows:

872 (a) The Mississippi Commission on Environmental
873 Quality, the Mississippi Commission on Wildlife, Fisheries and
874 Parks, the * * * Mississippi Department of Agriculture and
875 Commerce, and the State Board of Health of the State of
876 Mississippi shall each appoint one (1) director to serve on the
877 board of directors of the district, each such director to serve at
878 the pleasure of the respective state agency appointing him but not
879 to exceed a six-year term.

880 (b) The board of supervisors of each county which
881 elects to become a member of the district shall appoint two (2)
882 directors from that county, each of whom shall serve for a term of
883 six (6) years or until his successor is appointed by the board of
884 supervisors of that county and qualified. In making its initial
885 appointment of directors, the board of supervisors of each member
886 county shall appoint one (1) of its two (2) directors to serve for
887 a term of three (3) years or until his successor is appointed and
888 qualified.



889 (c) In addition to the two (2) directors in paragraph
890 (b), each county shall be entitled to additional representation on
891 the board based on its annual contribution for the support of the
892 district required under Section 51-11-31. If the annual
893 contribution of a county as certified under Section 51-11-31 is
894 more than One Hundred Thousand Dollars (\$100,000.00), the county
895 may appoint one (1) additional director for each increment of One
896 Hundred Thousand Dollars (\$100,000.00), to be contributed. Each
897 additional director shall serve a term of six (6) years. If, in
898 subsequent years, a county's contribution is reduced below One
899 Hundred Thousand Dollars (\$100,000.00), or a multiple thereof, a
900 county's additional representation shall be reduced
901 correspondingly. If a county's contribution representation is
902 reduced, the board of supervisors of the county shall designate
903 the director to be removed. No member county shall be entitled to
904 more than three (3) additional directors under this paragraph.

905 (d) The Governor of the State of Mississippi shall
906 appoint one (1) director residing within the district, who shall
907 serve for a term of six (6) years or until his successor is
908 appointed by the Governor and qualified.

909 (2) Each director shall take and subscribe to the general
910 oath of office required by Section 268 of the Constitution of the
911 State of Mississippi before a chancery clerk, that he will
912 faithfully discharge the duties of the office, which oath shall be
913 filed with the said clerk and by him preserved.



914 (3) Each director shall receive a per diem in the amount as
915 provided in Section 25-3-69 for attending each day's meeting of
916 the board of directors and for each day spent in attending to the
917 necessary business of the district and, in addition, he shall
918 receive reimbursement for actual expenses, including travel
919 expenses, as provided in Section 25-3-41.

920 (4) The board of directors shall annually elect from its
921 number a president and vice president of the district and such
922 other officers as, in the judgment of the board of directors, are
923 necessary. The president shall be the chief executive officer of
924 the district and the presiding officer of the board of directors,
925 and shall have the same right to vote as any other director. The
926 vice president shall perform all duties and exercise all powers
927 conferred by this chapter upon the president when the president is
928 absent or fails or declines to act, except the president's right
929 to vote. The board of directors shall also appoint a secretary
930 and a treasurer who shall be members of the board of directors,
931 and it may combine those officers. The treasurer shall give bond
932 in the sum of not less than Fifty Thousand Dollars (\$50,000.00) as
933 set by the board of directors, and each director may be required
934 to give bond in the sum of not less than Ten Thousand Dollars
935 (\$10,000.00), with sureties qualified to do business in this
936 state, and the premiums on said bonds shall be an expense of the
937 district. Each such bond shall be payable to the State of
938 Mississippi; the condition of each such bond shall be that the



939 treasurer or director will faithfully perform all duties of his
940 office and account for all money or other assets which shall come
941 into his custody as treasurer or director of the district.

942 (5) A majority of the total membership of the board of
943 directors shall constitute a quorum at a regular meeting, or at
944 any special meeting duly called and held for a specific purpose.
945 All business of the district shall be transacted by the
946 affirmative vote of a majority of the total membership of the
947 board of directors.

948 (6) The State Auditor of Public Accounts shall annually
949 audit the books and records of the district and make a report
950 thereof to the Governor and the Legislature.

951 **SECTION 41.** Section 51-11-9, Mississippi Code of 1972, is
952 amended as follows:

953 51-11-9. (1) Within twenty (20) days after the passage of
954 this chapter, the Mississippi Commission on Environmental Quality,
955 the Mississippi Commission on Wildlife, Fisheries and Parks,
956 the * * * Mississippi Department of Agriculture and Commerce, and
957 the State Board of Health of the State of Mississippi shall
958 appoint their respective members to the proposed district board of
959 directors as provided in Section 51-11-5. These four (4)
960 appointive members, upon taking the oath as provided, shall meet
961 in the Office of the Mississippi Department of Environmental
962 Quality in Jackson, Mississippi, within ten (10) days, and adopt
963 by a majority vote a resolution setting forth their intentions of



964 creating the district and shall forthwith send a certified copy of
965 said resolution to:

966 (a) The Governor;

967 (b) Executive officers of the Mississippi Commission on
968 Environmental Quality, Mississippi Commission on Wildlife,
969 Fisheries and Parks, * * * Mississippi Department of Agriculture
970 and Commerce, and State Board of Health; and

971 (c) The president of the board of supervisors and the
972 chancery clerk of each county which is part of the Pearl River
973 Basin. After receipt of said resolution, each of the four (4)
974 state agencies hereinabove named may adopt its own resolution
975 favorable or unfavorable to the creation of said district; and the
976 respective boards of supervisors may, at their next regular
977 meeting or at any subsequent meeting, likewise adopt a resolution
978 favorable or unfavorable to creating said district. All said
979 resolutions adopted shall be certified by adopting body's
980 secretary, clerk, or executive officer, and certified copies shall
981 be filed with each state agency and political subdivision named in
982 this section.

983 (2) The board of supervisors of any county which is part of
984 the Pearl River Basin and which desires to become a member of the
985 district shall, upon receipt of the certified resolution to be
986 adopted by the four (4) initial directors, declare said board's
987 intentions by adopting a resolution expressing its desire to have
988 said district created and stating that its county desires to be a



989 member thereof and that said board desires and intends to levy a
990 special ad valorem tax not to exceed one-half (1/2) mill on all
991 taxable property within said county for the use and benefit of the
992 Pearl River Basin Development District, if and in the event that
993 other funds of that county are not available and appropriated to
994 pay for that county's required contribution to said district. The
995 said resolution shall be published once each week for three (3)
996 consecutive weeks in some newspaper published in the county and
997 having a general circulation therein. If within twenty-one (21)
998 days after the date of the first publication of said resolution no
999 petition signed by twenty percent (20%) of the qualified electors
1000 of the county is filed with the board of supervisors requesting
1001 the calling of an election on the question of the county's
1002 participation in the district and the levying of the special ad
1003 valorem tax not to exceed one-half (1/2) mill as aforesaid, then
1004 the board of supervisors may proceed to have the county made a
1005 member of said district and to levy the special ad valorem tax not
1006 to exceed one-half (1/2) mill if and when required; but if within
1007 twenty-one (21) days after the date of the first publication of
1008 said resolution a petition is filed, signed by at least twenty
1009 percent (20%) of the qualified electors of said county, requesting
1010 an election on the proposition of said county's becoming a member
1011 of the proposed district and the levying of the special ad valorem
1012 tax not to exceed one-half (1/2) mill as herein provided, then
1013 said election shall be held and conducted as now provided by law



1014 for such election. If such an election is held and a majority of
1015 those voting therein vote for the proposition, the board shall, by
1016 appropriate resolution, bring the county into the district and
1017 levy the special ad valorem tax not to exceed one-half (1/2) mill
1018 as provided by this chapter, if required. If the majority of
1019 those voting in such election shall vote against the proposition,
1020 then the county shall not become a member of the district nor levy
1021 the one-half (1/2) mill tax, and no further election shall be so
1022 conducted until the lapse of two (2) years after the last
1023 election.

1024 (3) Whenever an aggregate of six (6) counties shall have
1025 become members of the Pearl River Basin Development District in
1026 the manner provided in this section, the said district shall be
1027 created as an agency of the state and a body politic and corporate
1028 with all the powers granted to it by statute; at which time the
1029 Governor shall appoint the four (4) directors to be appointed by
1030 him.

1031 (4) Any eligible county may become a member of the district
1032 subsequent to its creation, in the manner that the original
1033 counties became members. New member counties shall have the same
1034 power and authority and be entitled to equal consideration of the
1035 district's board of directors, not inconsistent with the purpose
1036 of this chapter.

1037 **SECTION 42.** Section 51-13-105, Mississippi Code of 1972, is
1038 amended as follows:



1039 51-13-105. All powers of the district shall be exercised by
1040 a board of directors, to be composed of the following:

1041 (a) Each member of the Tombigbee Valley Authority as
1042 created by virtue of Sections 51-13-1 through 51-13-9, whose
1043 county becomes a part of the Tombigbee River Valley Water
1044 Management District shall be a member of the Board of Directors of
1045 the Tombigbee River Valley Water Management District, and each
1046 state-at-large member of the Tombigbee Valley Authority shall
1047 become a member of the Board of Directors of the Tombigbee River
1048 Valley Water Management District when one or more entire counties
1049 become members of the Tombigbee River Valley Water Management
1050 District. Such directors shall serve on this board during their
1051 term of office on the Tombigbee Valley Authority. In addition,
1052 the board of supervisors of each county within the Tombigbee River
1053 Basin which elects to become a member of the district shall
1054 appoint one (1) board member to serve for a term of four (4) years
1055 or until his successor is named. The Governor shall appoint one
1056 (1) member from each county added to the Tombigbee River Valley
1057 Water Management District which county is not now a member of the
1058 Tombigbee Valley Authority, and such member shall serve for a
1059 four-year term or until his successor is appointed.

1060 (b) The Department of Environmental Quality, the
1061 Department of Wildlife, Fisheries and Parks, the * * * Mississippi
1062 Department of Agriculture and Commerce, and the State Board of
1063 Health of the State of Mississippi shall each appoint one (1)



1064 director from that department to serve on the Board of Directors
1065 of the Tombigbee River Valley Water Management District, to serve
1066 at the pleasure of the entity appointing him but not to exceed
1067 four-year terms.

1068 (c) Each director shall take and subscribe to the
1069 general oath of office required by Section 268 of the Constitution
1070 of the State of Mississippi before a chancery clerk that he will
1071 faithfully discharge the duties of the office, which oath shall be
1072 filed with the said clerk and by him preserved.

1073 (d) Each director shall receive compensation at a per
1074 diem rate as provided in Section 25-3-69 for each day or fraction
1075 thereof spent in actual discharge of his official duties and shall
1076 be reimbursed for mileage and actual expenses incurred in the
1077 performance of his official duties in accordance with the
1078 requirements of Section 25-3-41.

1079 (e) The board of directors shall annually elect from
1080 its number a president and a vice president of the district and
1081 such other officers as in the judgment of the board are necessary.
1082 The president shall be the chief executive officer of the district
1083 and the presiding officer of the board, and shall have the same
1084 right to vote as any other director. The vice president shall
1085 perform all duties and exercise all powers conferred by this
1086 article upon the president when the president is absent or fails
1087 or declines to act, except the president's right to vote. The
1088 board shall also appoint a secretary and a treasurer who may or



1089 may not be members of the board, and it may combine those offices.
1090 The treasurer shall give bond in the sum of not less than Fifty
1091 Thousand Dollars (\$50,000.00) as set by the board of directors,
1092 and each director shall give bond in the sum of not less than Ten
1093 Thousand Dollars (\$10,000.00) with sureties qualified to do
1094 business in this state, and the premiums on said bonds shall be an
1095 expense of the district. The condition of each such bond shall be
1096 that the treasurer or director will faithfully perform all duties
1097 of his office and account for all money or other assets which
1098 shall come into his custody as treasurer or director of the
1099 district.

1100 **SECTION 43.** Section 51-13-107, Mississippi Code of 1972, is
1101 amended as follows:

1102 51-13-107. (1) Within twenty (20) days after the passage of
1103 this article, the Mississippi Commission on Environmental Quality,
1104 State Board of Health, Mississippi Commission on Wildlife,
1105 Fisheries and Parks, and the * * * Mississippi Department of
1106 Agriculture and Commerce shall appoint their respective members to
1107 the proposed district board of directors as provided in Section
1108 51-13-105. The four (4) appointive members, upon taking the oath
1109 as provided, shall meet in the Office of the Mississippi
1110 Department of Environmental Quality in Jackson, Mississippi,
1111 within ten (10) days and adopt by a majority vote a resolution
1112 setting forth their intentions of creating the district and shall
1113 forthwith send a certified copy of said resolution to: (* * *a)



1114 each member of the Tombigbee Valley Authority as now constituted,
1115 (* * *b) the Governor, (* * *c) executive officers of the
1116 Mississippi Commission on Environmental Quality, Board of Health,
1117 Mississippi Commission on Wildlife, Fisheries and Parks, and * * *
1118 Mississippi Department of Agriculture and Commerce, and (* * *d)
1119 the president of the board of supervisors and chancery clerk of
1120 each county through which any part of the Tombigbee River or any
1121 of its tributaries lie. The four (4) state agencies herein named
1122 and the Tombigbee Valley Authority may, within ten (10) days from
1123 receipt of said resolution, adopt its own resolution favorable or
1124 unfavorable to the creation of said district; and the respective
1125 boards of supervisors may at their next regular meeting likewise
1126 adopt a resolution favorable or unfavorable to creating said
1127 district. All of said resolutions adopted shall be certified by
1128 its secretary, clerk, or executive officer and shall be filed with
1129 each state agency, political subdivision, or other agency named in
1130 Section 55-13-105.

1131 (2) Every board of supervisors of those counties desiring to
1132 become members of the district, through which the Tombigbee River
1133 or any of its tributaries lie, shall, upon receipt of the
1134 certified resolutions mentioned in this section, declare said
1135 board's intentions by adopting a resolution expressing its desire
1136 to have said district created and to levy an ad valorem tax not to
1137 exceed one-half (1/2) mill on all the taxable property within the
1138 Tombigbee Watershed area of said county for the use and benefit of



1139 the Tombigbee River Valley Water Management District. The said
1140 resolution shall be published once each week for three (3)
1141 consecutive weeks in some newspaper published in the county and
1142 having a general circulation therein, and if no petition signed by
1143 twenty percent (20%) of the qualified electors of the county is
1144 filed with the board requesting the calling of an election on the
1145 question of the county's participation in the district and the
1146 levying of the one-half (1/2) mill tax levy aforesaid, the board
1147 may proceed to have the county become a member of said district
1148 and to levy the one-half (1/2) mill tax levy but if, within
1149 twenty-one (21) days after the date of the first publication of
1150 said resolution, a petition signed by at least twenty percent
1151 (20%) of the qualified electors of said county, requesting an
1152 election on the proposition of said county becoming a member of
1153 the proposed district and the levying of the one-half (1/2) mill
1154 tax as herein provided, is filed, said election shall be held and
1155 conducted as now provided by law for such elections. If such an
1156 election is held and a majority of those voting therein vote for
1157 the proposition, the board shall, by appropriate resolution, bring
1158 the county into the district and levy the one-half (1/2) mill tax
1159 as otherwise provided by law. If the majority of those voting in
1160 such election shall vote against the proposition, then the county
1161 shall not become a member of the district nor levy the one-half
1162 (1/2) mill tax; and no further election shall be so conducted
1163 until the lapse of two (2) years after the last election.



1164 (3) Whenever an aggregate of six (6) counties have become
1165 members of the Tombigbee River Valley Water Management District in
1166 the manner provided in this section, the said district shall be
1167 created as an agency of the state and a body politic and corporate
1168 with all of the powers granted it by statute.

1169 **SECTION 44.** Section 53-7-11, Mississippi Code of 1972, is
1170 amended as follows:

1171 53-7-11. (1) The commission may adopt, modify, repeal,
1172 after due notice and hearing, and where not otherwise prohibited
1173 by federal or state law, make exceptions to and grant exemptions
1174 and variances from and may enforce rules and regulations
1175 pertaining to surface mining and reclamation operations to
1176 implement the provisions of this chapter.

1177 (2) Adopting rules and regulations, the commission shall
1178 comply with the Mississippi Administrative Procedures Law, and in
1179 addition, may hold a public hearing. Notice of the date, time,
1180 place and purpose of the hearing shall be given thirty (30) days
1181 before the scheduled date of the hearing as follows:

1182 (a) By mail to:

1183 (i) All operators known by the commission to be
1184 actively engaged in surface mining in the state;

1185 (ii) Persons who request notification of proposed
1186 actions regarding rules and regulations and any other person the
1187 commission deems appropriate; and



1188 (iii) The Mississippi Soil and Water Conservation
1189 Commission, the Mississippi Department of Environmental Quality,
1190 Mississippi Department of Wildlife, Fisheries and Parks, * * *
1191 Mississippi Department of Archives and History, Mississippi
1192 Department of Transportation and the Mississippi Department of
1193 Agriculture and Commerce.

1194 (b) By publication once weekly for three (3)
1195 consecutive weeks in a newspaper having general circulation in the
1196 State of Mississippi.

1197 (3) Any person may submit written comments or appear and
1198 offer oral comments at the public hearing. The commission shall
1199 consider all comments and relevant data presented at the hearing
1200 before final adoption of rules and regulations under this chapter.
1201 The failure of any person to submit comments within a time period
1202 as established by the commission shall not preclude action by the
1203 commission.

1204 **SECTION 45.** Section 53-7-29, Mississippi Code of 1972, is
1205 amended as follows:

1206 53-7-29. (1) The department shall file a copy of each
1207 permit application for public inspection with the chancery clerk
1208 of the county where any portion of the operation is proposed to
1209 occur after deleting the confidential information according to
1210 Section 53-7-75.

1211 (2) The department shall submit copies, excluding all
1212 confidential information, of the permit application as soon as



1213 possible to: (a) the Mississippi Soil and Water Conservation
1214 Commission, Mississippi Department of Wildlife, Fisheries and
1215 Parks, * * * Mississippi Department of Environmental Quality,
1216 Mississippi Department of Archives and History, Mississippi
1217 Department of Transportation, Mississippi State Oil and Gas Board
1218 and Mississippi Department of Agriculture and Commerce; (b) any
1219 other state agency whose jurisdiction the department believes the
1220 particular mining operation may affect; and (c) any person who
1221 requests in writing a copy of the application; and (d) the owner
1222 of the land. The department shall require payment of a reasonable
1223 fee established by the commission for reimbursement of the costs
1224 of reproducing and providing the copy.

1225 (3) Each agency shall review the permit application and
1226 submit, within fifteen (15) days of receipt of the application,
1227 any comments, recommendations and evaluations as the agency deems
1228 necessary and proper based only upon the effect of the proposed
1229 operation on matters within the agency's jurisdiction. The
1230 comments shall include a listing of permits or licenses required
1231 under the agency's jurisdiction. Comments and recommendations
1232 shall be made a part of the record and one (1) copy shall be
1233 furnished to the applicant. All comments and recommendations
1234 shall be considered by, but shall not be binding upon, the Permit
1235 Board. The failure of any agency to submit comments shall not
1236 preclude action by the Permit Board.



1237 **SECTION 46.** Section 53-9-11, Mississippi Code of 1972, is
1238 amended as follows:

1239 53-9-11. (1) The commission may adopt, modify, repeal and
1240 promulgate, after due notice and hearing and in accordance with
1241 the Mississippi Administrative Procedures Law, and where not
1242 otherwise prohibited by federal or state law, may make exceptions
1243 to and grant exemptions and variances from and may enforce rules
1244 and regulations necessary or appropriate to carry out this
1245 chapter. Those rules and regulations shall be consistent with
1246 rules and regulations promulgated by the United States Secretary
1247 of the Interior under the federal act. No exceptions, exemptions
1248 or variances shall be less stringent than rules and regulations
1249 promulgated under the federal act. Any rules and regulations
1250 adopted by the commission may be more stringent than those
1251 promulgated by the United States Secretary of the Interior as long
1252 as they are not otherwise inconsistent with this chapter. A rule
1253 or regulation adopted by the commission may differ in its terms
1254 and provisions regarding particular conditions, particular mining
1255 techniques, particular areas of the state, or any other conditions
1256 that appear relevant and necessary as long as the action taken is
1257 consistent with this chapter. Before adopting any rules and
1258 regulations under this chapter, the commission shall hold a public
1259 hearing. Notice of the date, time, place and purpose of the
1260 hearing shall be given thirty (30) days before the scheduled date
1261 of the hearing as follows:



1262 (a) By mail:

1263 (i) To all operators known by the commission to be

1264 actively engaged in surface coal mining operations in the state;

1265 (ii) To persons who make written request for

1266 notification of the proposed regulations;

1267 (iii) To the Mississippi Soil and Water

1268 Conservation Commission, and to each local soil and water

1269 conservation district;

1270 (iv) To the Mississippi Department of Wildlife,

1271 Fisheries and Parks, * * * the Mississippi Department of Archives

1272 and History, the Mississippi Department of Transportation, the

1273 Mississippi Department of Agriculture and Commerce, the

1274 Mississippi State Oil and Gas Board, the Mississippi Department of

1275 Marine Resources, and the Mississippi State Department of Health;

1276 and

1277 (v) To any other state agency whose jurisdiction

1278 the commission feels the surface coal mining operations may

1279 affect;

1280 (b) To other interested parties by publication of the

1281 notice once a week for three (3) consecutive weeks in one (1)

1282 newspaper having general circulation in the state.

1283 (2) Any person may submit written comments or appear and

1284 offer oral comments at the public hearing. The commission shall

1285 consider all comments and relevant data presented at the public

1286 hearing before final adoption of rules and regulations under this



1287 chapter. The failure of any person to submit comments within a
1288 time period as established by the commission shall not preclude
1289 action by the commission.

1290 **SECTION 47.** Section 55-3-1, Mississippi Code of 1972, is
1291 amended as follows:

1292 55-3-1. The Governor of the state is authorized to accept
1293 gifts of land to the state, not to exceed ten percent (10%) of the
1294 area of any county, to be held, protected, and administered by
1295 the * * * Mississippi Department of Agriculture and Commerce as
1296 state forests and parks and to be used to demonstrate their
1297 practical utility for reforestation and as breeding places for
1298 wild game, and he is authorized to accept gifts of land to be used
1299 and administered by the commission as state parks. Such gifts
1300 must be absolute, except for the reservation of any or all mineral
1301 rights, and in no case shall exceed ten percent (10%) of the area
1302 of any county wherein such lands may be situated. The Attorney
1303 General is directed to see that all deeds to the state are
1304 properly executed and that the titles thereto are free and clear
1305 of all encumbrances before the gift is accepted. When any
1306 donation exceeding six hundred (600) acres is made, the name of
1307 the donor or any name he may suggest, on the approval of the
1308 commission shall be given such donation as the designation of such
1309 forest or park.

1310 **SECTION 48.** Section 55-3-11, Mississippi Code of 1972, is
1311 amended as follows:



1312 55-3-11. The * * * Mississippi Department of Agriculture and
1313 Commerce shall have the control and management of any and all
1314 forests or public parks set aside and dedicated as provided for in
1315 Section 55-3-7, and shall have authority to issue grazing or
1316 farming permits or leases on said parks, and to make sales of
1317 timber and other forest products of the soil from same. The
1318 Mississippi Commission on Wildlife, Fisheries and Parks shall have
1319 the control and management of any and all lands set aside and
1320 dedicated for a fish and game refuge and/or preserve. The * * *
1321 Mississippi Department of Agriculture and Commerce and the
1322 Mississippi Commission on Wildlife, Fisheries and Parks shall
1323 cooperate in the utilization of any lands so dedicated both for
1324 forestry and game and fish conservation purposes.

1325 In the case of state forests and/or state parks the * * *
1326 Mississippi Department of Agriculture and Commerce, and, in the
1327 case of fish and game preserves, the Mississippi Commission on
1328 Wildlife, Fisheries and Parks, is hereby vested with authority to
1329 institute proceedings against trespassers and others in the name
1330 of the State of Mississippi, and to do all things necessary and
1331 proper to obtain the most complete and advantageous developments
1332 of state forests, parks, and fish and game preserves.

1333 **SECTION 49.** Section 55-3-19, Mississippi Code of 1972, is
1334 amended as follows:

1335 55-3-19. Where the federal government and the state
1336 government or any subdivision thereof are cooperating in the



1337 establishment of a major park and forest and game reserve, and
1338 where the property owners in the territory therein involved have
1339 agreed to convey as much as fifty percent (50%) of the area
1340 required for said purposes, the * * * Mississippi Department of
1341 Agriculture and Commerce, together with the Mississippi Commission
1342 on Wildlife, Fisheries and Parks or any subdivision of the state,
1343 are hereby empowered to exercise the right of eminent domain in
1344 the manner now provided by law to obtain the necessary lands
1345 needed.

1346 **SECTION 50.** Section 55-3-21, Mississippi Code of 1972, is
1347 amended as follows:

1348 55-3-21. There is hereby established in the State Treasury a
1349 revolving fund to be used by the * * * Mississippi Department of
1350 Agriculture and Commerce to carry out the provisions of the will
1351 of William W. Kurtz, dated July 12, 1940, which donated one
1352 thousand seven hundred sixty (1,760) acres of forestland in Greene
1353 County to the State of Mississippi to be held, protected,
1354 administered and improved by the * * * Mississippi Department of
1355 Agriculture and Commerce as a state forest. The fund shall be
1356 called the Kurtz State Forest Revolving Fund, and money for the
1357 fund shall accrue from any revenues derived from the Kurtz State
1358 Forest including, but not limited to, timber sales, hunting
1359 leases, permit fees, and stump and naval stores operations.
1360 The * * * Mississippi Department of Agriculture and Commerce is
1361 authorized to expend a portion of the monies in the fund to



1362 purchase in the name of the State of Mississippi other lands, not
1363 to exceed five hundred (500) acres, which are contiguous to or
1364 located near the lands donated by the Kurtz will, for the purpose
1365 of expanding the Kurtz State Forest. The * * * Mississippi
1366 Department of Agriculture and Commerce also may expend monies in
1367 the fund for the purposes described in Section 55-3-23. The State
1368 Treasurer shall invest all monies in the fund, and interest earned
1369 on the investments shall be paid back into the fund and not into
1370 the General Fund. The fund shall be audited annually by the State
1371 Auditor.

1372 **SECTION 51.** Section 55-3-23, Mississippi Code of 1972, is
1373 amended as follows:

1374 55-3-23. The Mississippi * * * Department of Agriculture and
1375 Commerce is authorized, annually, to pay to the State Line
1376 Cemetery Association, out of the proceeds and receipts derived
1377 from timber sales in the Kurtz State Forest, an amount not to
1378 exceed Two Hundred Dollars (\$200.00) for the upkeep of the
1379 cemetery in which W.W. Kurtz and wife, the donors of Kurtz State
1380 Forest, are buried.

1381 **SECTION 52.** Section 29-3-27, Mississippi Code of 1972, is
1382 amended as follows:

1383 29-3-27. No sixteenth section lands or lands granted in lieu
1384 thereof, in whole or in part, situated within the school district
1385 holding or owning the same shall ever be sold, except that the
1386 board of education may, under the procedures hereinafter provided,



1387 sell such lands for industrial development thereon, therein, or
1388 thereunder to any persons, firms, or corporations in fee simple,
1389 or any lesser estate therein, for a purchase price not less than
1390 the fair market value thereof; and when any such sale is made, the
1391 deed shall be executed in the name of the State of Mississippi by
1392 the superintendent of the said board of education.

1393 As used in this section and in Sections 29-3-29 and 29-3-61,
1394 the term "industrial development" shall include restoration as a
1395 tourist attraction the place where an organization was founded,
1396 which said organization has since been expanded to be national or
1397 international in its membership, scope, and influence.

1398 As used in this section and in Sections 29-3-29 and 29-3-61,
1399 the term "industrial development" shall also include the
1400 consolidation of multiple parcels, each less than 160 acres and
1401 not to exceed 320 acres total, of forested sixteenth section lieu
1402 land as originally contained in Indemnity List 1 of School
1403 Sections approved February 26, 1859, and located in the same
1404 county as its controlling school district. Said consolidated
1405 parcels shall be utilized to facilitate significant timber
1406 industry research. This provision shall stand repealed on
1407 December 31, 2016.

1408 The proceeds of the sale in fee simple of any sixteenth
1409 section, or lands granted in lieu thereof, in whole or in part, or
1410 such part of said proceeds as may be required to purchase acreage
1411 of equivalent fair market value, shall be used by the board of



1412 education, to purchase other land in the county, which land shall
1413 be held in the name of and reserved by the State of Mississippi
1414 for the support of the township schools in lieu of the land thus
1415 sold, as other sixteenth section lieu land is held, and shall be
1416 subject to all laws applicable thereto. Every such sale and every
1417 such purchase of land in lieu thereof shall be reported by the
1418 secretary of the board of education to the Secretary of State and
1419 to the * * * Mississippi Department of Agriculture and Commerce
1420 within ninety (90) days after the consummation of each such sale
1421 and purchase. Any funds from a sale in fee simple of any
1422 sixteenth section land, or land granted in lieu thereof, in excess
1423 of any amount used to purchase said land in lieu thereof, shall be
1424 treated as corpus and shall be invested by the board of education
1425 as provided by law. Only the income from such investment shall be
1426 expended for current operating expenses of the schools.

1427 **SECTION 53.** Section 29-3-45, Mississippi Code of 1972, is
1428 amended as follows:

1429 29-3-45. (1) (a) The board of education shall, by order
1430 placed upon its minutes, enter into an agreement with the * * *
1431 Mississippi Department of Agriculture and Commerce for the general
1432 supervision and management of all lands classified as forest lands
1433 and of all timber or other forest products under the control of
1434 the board on sixteenth section lands, and lieu lands which have
1435 not been so classified. However, any school board may contract
1436 with private persons or businesses for the reforestation of



1437 sixteenth section lands and may contract with a registered
1438 forester to be paid from the 16th Section Interest Fund for a
1439 review of any forestry management decision or forestry practice
1440 including the sale of timber for sixteenth section forest land
1441 provided that any implementation of a forestry management decision
1442 or forestry practice to be taken as a result of the review
1443 described in this subsection shall be subject to the approval of
1444 both the commission and the Secretary of State. When such
1445 agreement has been entered into, no timber or other forest
1446 products shall be sold from any of the sixteenth section lands or
1447 lieu lands except such as have been marked or approved for cutting
1448 by the * * * Mississippi Department of Agriculture and Commerce's
1449 employees. The * * * department, or its designated employee,
1450 shall fix the minimum total cash price or minimum price per unit,
1451 one thousand (1,000) feet or other measure, at which the marked
1452 timber or other forest products shall be sold. The sales may be
1453 made for a lump sum or upon a unit price as in the opinion of the
1454 board may be calculated to bring the greatest return. Sales shall
1455 be made upon such other terms and conditions as to manner of
1456 cutting, damages for cutting of unmarked trees, damages to trees
1457 not cut and other pertinent matters as the board of education
1458 shall approve.

1459 (b) The * * * Mississippi Department of Agriculture and
1460 Commerce shall have the sole authority and control in scheduling
1461 of all cutting and harvesting of timber or other forest products



1462 when such timber stands or other forest products are determined by
1463 the * * * department to be economically ready for cutting and
1464 harvesting.

1465 (c) Should a school board disagree with the * * *
1466 Mississippi Department of Agriculture and Commerce concerning the
1467 time of cutting and harvesting, the board may make an appeal to
1468 the * * * department. If the school board is not satisfied after
1469 the appeal to the * * * department, the board may then appeal to
1470 the Secretary of State who will make the final decision as to the
1471 time for cutting and harvesting. In the event that the local
1472 school board is divested of its management authority under
1473 subsection (3) hereof, the Secretary of State after due
1474 consultation with the * * * Mississippi Department of Agriculture
1475 and Commerce shall retain the right to make final decisions
1476 concerning the management and sale of timber and other forest
1477 products.

1478 (d) It is hereby made the duty of the * * * Mississippi
1479 Department of Agriculture and Commerce, from time to time, to mark
1480 timber which should be cut from the lands, to determine what
1481 planting, deadening or other forestry improvements should be made,
1482 giving due consideration to food and habitat for wildlife, and to
1483 report to the appropriate board of education. The * * *
1484 Mississippi Department of Agriculture and Commerce and the board
1485 of education shall supervise the cutting of any timber or
1486 harvesting of other forest products sold from the lands herein



1487 designated and shall have authority to require any timber-cutting
1488 operations on the lands to cease until proper adjustment is made,
1489 whenever it shall appear that timber is being cut in violation of
1490 the terms of the sale. In the event that it is desired to lease
1491 any of such lands or standing timber for turpentine purposes, such
1492 lease shall only cover such trees as the * * * Division of
1493 Forestry Services shall designate, and the commission through its
1494 employees shall approve the number of faces, method of chipping
1495 and boxing of such timber, and shall fix a minimum total cash
1496 price or minimum price per unit.

1497 (e) No sale of any timber, turpentine or other forest
1498 products lease shall be made until notice of same shall have been
1499 published once a week for three (3) consecutive weeks in at least
1500 one (1) newspaper published in such county. The first publication
1501 of such notice shall be made not less than twenty-one (21) days
1502 prior to the date fixed for the sale, and the last publication
1503 shall be made not more than seven (7) days prior to such date. If
1504 no newspaper is published in such county, then such notice shall
1505 be given by publishing the same for the required time in some
1506 newspaper having a general circulation in such county and, in
1507 addition thereto, by posting a copy of such notice for at least
1508 twenty-one (21) days next preceding such sale at three (3) public
1509 places in such county.

1510 (f) Notwithstanding the above provision pertaining to
1511 the sale of any timber, turpentine or other forest products, in



1512 the event that timber must be cleared from an existing road or
1513 existing utility right-of-way, the public notice requirement may
1514 be waived. Prior to waiver of the public notice requirement,
1515 the * * * Mississippi Department of Agriculture and Commerce must
1516 make a finding that, due to the small area of timber to be
1517 cleared, a public notice sale would not be in the best interest of
1518 the local board of education. If the * * * department makes such
1519 a finding, then it shall set the value of the timber to be paid to
1520 the local board of education by the party requesting the timber be
1521 removed.

1522 (g) Provided, however, in the case of damage by fire,
1523 windstorm or other natural causes which would require immediate
1524 sale of the timber, because the time involved for advertisement as
1525 prescribed herein would allow decay, rot or destruction
1526 substantially decreasing the purchase price to be received had not
1527 such delay occurred, the advertisement provisions of this section
1528 shall not apply. The local board of education, with a written
1529 recommendation from a designated employee of the * * * Mississippi
1530 Department of Agriculture and Commerce filed in the minutes of the
1531 local board of education, shall determine when immediate sale of
1532 the timber is required. When the board of education shall find an
1533 immediate sale necessary for the causes stated herein, it shall,
1534 in its discretion, set the time for receipt of bids on the
1535 purchase of the timber, but shall show due diligence in notifying



1536 competitive bidders so that a true competitive bid shall be
1537 received.

1538 (2) (a) A local board of education having control of the
1539 sixteenth section lands in the Hurricane Katrina Disaster of 2005
1540 shall be granted emergency powers to take any and all actions of a
1541 reasonably prudent trustee acting under emergency conditions to
1542 recover damaged timber, prevent further loss or damage to timber,
1543 and to minimize economic loss. All such actions shall be taken in
1544 consultation with and shall be subject to the prior approval from
1545 the Secretary of State and the * * * Mississippi Department of
1546 Agriculture and Commerce. The emergency powers shall be as
1547 follows:

1548 (i) Contract with any individual or entity for
1549 management advice, sale of timber, clearing of damage to timber
1550 producing lands, transporting of timber, repairing access roads to
1551 timber lands, conducting aerial spraying, or taking any other type
1552 of action to prevent further loss of timber or diminution in value
1553 of existing timber as the result of the incident which
1554 necessitated the declaration of a natural disaster. In
1555 contracting with any individual or entity, the local board of
1556 education shall use its best efforts to ensure that all costs
1557 incurred are reasonable and that a fair price is received for all
1558 sales.

1559 (ii) Enter into agreements with any individual,
1560 private company, or other governmental entities for the pooling of



1561 resources, or the sharing of costs so as to maximize the
1562 mitigation of loss and minimize the expense of mitigating the loss
1563 of timber.

1564 (iii) Apply for any state, federal, or private
1565 party grant or nonrepayable funds to cover costs associated with
1566 emergency management contracts, sale timber, including loss for
1567 diminution of value, transporting of timber, replanting of timber,
1568 repairing access roads to timber, conducting aerial spraying, or
1569 reimbursement for any other action taken to prevent further timber
1570 damage, as well as mitigating the loss of funds due to damage.

1571 (b) The emergency powers granted herein shall be for a
1572 period of one (1) year from the date of designation as a disaster
1573 area due to Hurricane Katrina. The emergency powers may be
1574 extended for one (1) additional one-year period upon prior written
1575 approval from the Secretary of State.

1576 (c) The emergency powers shall also apply to the
1577 management of timber by the Secretary of State pursuant to
1578 subsection (3) of this section.

1579 (d) In the event a local board of education is unable
1580 to acquire the services of the * * * Mississippi Department of
1581 Agriculture and Commerce or the Secretary of State to meet an
1582 immediate need to salvage, remove or take other appropriate action
1583 on damaged timber, the local board of education shall unilaterally
1584 be granted the authority to take such actions as necessary



1585 regarding the management or sale of timber or other forest
1586 products.

1587 (e) In exercising emergency powers, a local board of
1588 education or the Secretary of State shall exercise the general
1589 powers of a trustee with the same general restrictions and general
1590 liabilities of a trustee and shall exercise the care and skill of
1591 an ordinary prudent person to protect the beneficiaries of the
1592 trust under such emergency circumstances.

1593 (f) Any contractor with a local board of education or
1594 the Secretary of State shall be entitled to rely on
1595 representations by such board of education or the Secretary of
1596 State as to who has authority to enter contracts for the
1597 management or sale of timber or other forest products, and
1598 reliance on such representations shall not be grounds for voiding
1599 any contract.

1600 (3) (a) In the event that any member of a local board of
1601 education may have a personal interest, either direct or indirect,
1602 in the decisions regarding the management or sale of timber or
1603 other forest products or in a contract for the sale of timber or
1604 other forest products from sixteenth section school lands under
1605 the jurisdiction and control of the board, then the board of
1606 education shall automatically be divested of all authority and
1607 power to manage and sell timber or other forest products on
1608 sixteenth section lands under its control and jurisdiction. The
1609 divestiture shall extend for the period of service, and for one



1610 (1) year thereafter, of the board member having a direct or
1611 indirect personal interest in the sale or decision to sell timber
1612 or other forest products.

1613 (b) During the time in which any local board of
1614 education may be divested of authority and power to manage and
1615 sell timber and other forest products, such authority and power
1616 shall be vested in the Secretary of State, as supervisory trustee
1617 of sixteenth section lands. Upon the appointment or election of a
1618 member of a local board of education who may have such an
1619 appointment or election of a member of a local board of education
1620 who may have such an interest in decisions and contracts regarding
1621 the management and sale of timber or other forest products, the
1622 board of education shall immediately notify the Secretary of State
1623 in writing. Likewise, the board shall give written notification
1624 to the Secretary of State within thirty (30) days prior to the
1625 expiration of any such divestiture period. Any contractor with a
1626 local board of education or the Secretary of State shall be
1627 entitled to rely on representations by such board or the Secretary
1628 of State as to who has authority to enter contracts for the
1629 management or sale of timber or other forest products, and
1630 reliance on such representations shall not be grounds for voiding
1631 any contract.

1632 (c) The laws providing for the management and sale of
1633 timber and other forest products by local boards of education
1634 shall apply to the management and sale of timber and other forest



1635 products by the Secretary of State. The Mississippi * * *
1636 Department of Agriculture and Commerce shall provide the Secretary
1637 of State with advice and services in the same manner as provided
1638 to local boards of education.

1639 (d) The Secretary of State shall be paid all monies
1640 derived from the sale of timber or other forest products and shall
1641 promptly forward the same to the superintendent of education for
1642 such school district with instructions for the proper settlement,
1643 deposit and investment of the monies. Such local school board
1644 shall reimburse the Secretary of State for all direct costs
1645 relating to the management and sale of timber or other forest
1646 products, and in the case of a sale of timber or other forest
1647 products, the Secretary of State may deduct such direct cost from
1648 the proceeds of sale. The Secretary of State shall furnish an
1649 itemized listing of all direct cost charged to the local school
1650 district.

1651 **SECTION 54.** Section 29-3-47, Mississippi Code of 1972, is
1652 amended as follows:

1653 29-3-47. For its services the * * * Mississippi Department
1654 of Agriculture and Commerce shall be entitled to receive its
1655 actual expenses incurred in the discharge of the duties herein
1656 imposed. In order to provide funds with which to pay for the
1657 general supervision and sale of forest products, fifteen percent
1658 (15%) of all receipts from the sales of forest products shall be
1659 placed by the board in a Forestry Escrow Fund and reserved to pay



1660 for work performed by the * * * department. Such payments shall
1661 be equal to the actual expenses incurred by the commission as
1662 substantiated by itemized bills presented to the board.

1663 Money in the Forestry Escrow Fund may be used to pay for any
1664 forestry work authorized during the period of the agreement and
1665 shall not be subject to lapse by reason of county budget
1666 limitations.

1667 In each school district having need of tree planting and
1668 timber stand improvement, the board of education is authorized to
1669 place additional amounts in the Forestry Escrow Fund to reimburse
1670 the * * * Mississippi Department of Agriculture and Commerce for
1671 actual expenses incurred in performing this work, or to pay for
1672 any work done under private contract under the supervision of said
1673 commission. Such additional amounts may be made available from
1674 forest products sales receipts, funds borrowed from the sixteenth
1675 section principal fund as is provided for in Section 29-3-113, or
1676 any other funds available to the board of education excluding
1677 minimum foundation program funds. Expenditures from the Forestry
1678 Escrow Fund for tree planting, timber stand improvement, and other
1679 forestry work will be limited to payment for work recommended by
1680 the * * * department and agreed to by the board of education.

1681 When it becomes evident that the amount of money in the
1682 Forestry Escrow Fund is in excess of the amount necessary to
1683 accomplish the work needed to achieve the goals set by the board
1684 of education and the * * * Mississippi Department of Agriculture



1685 and Commerce, the * * * department shall advise said board to
1686 release any part of such funds as will not be needed, which may
1687 then be spent for any purpose authorized by law.

1688 **SECTION 55.** Section 29-3-49, Mississippi Code of 1972, is
1689 amended as follows:

1690 29-3-49. It shall be the duty of the * * * Mississippi
1691 Department of Agriculture and Commerce, in the manner provided in
1692 Section 29-3-45, to enter into agreements for timber improvement
1693 purposes with the board of education upon the request of the
1694 board. The contract shall provide for the carrying out of a
1695 long-term program of timber improvement, including any or all of
1696 the following: The deadening of undesirable hardwoods, the
1697 planting of trees, the cutting and maintaining of fire lanes, and
1698 the establishment of marked boundaries on all lands classified as
1699 forest lands in the agreements, which provide for the
1700 reimbursement of all current costs incurred by the * * *
1701 department and the carrying out of the duties required by such
1702 agreements. In the alternative, the * * * department, in its
1703 discretion, may have the option to contract with a private
1704 contractor, subject to the approval of the board, to perform this
1705 work under the supervision of the commission. Payment of the
1706 reimbursements as hereinabove set forth to the * * * department,
1707 or of compensation due under any such contract with private
1708 contractors shall be made upon presentation of itemized bills by
1709 the commission or the private contractors, as the case may be, and



1710 may be made out of any sixteenth section funds to the credit of,
1711 or accruing to, any school district in which such work shall be
1712 done, or out of any other funds available to such district,
1713 excluding minimum foundation program funds.

1714 **SECTION 56.** Section 29-3-54, Mississippi Code of 1972, is
1715 amended as follows:

1716 29-3-54. Any leaseholder of sixteenth section land, or land
1717 granted in lieu thereof, shall be authorized to post such land
1718 against trespassers; provided that such posting shall not prohibit
1719 the inspection of said lands by individuals responsible for the
1720 management or supervision thereof acting in their official
1721 capacity. In the event hunting or fishing rights have been leased
1722 on lands classified as forest land, the holder of such rights and
1723 the * * * Mississippi Department of Agriculture and Commerce shall
1724 be authorized to post such land against trespassers.

1725 **SECTION 57.** Section 29-3-87, Mississippi Code of 1972, is
1726 amended as follows:

1727 29-3-87. Notwithstanding the provisions of this or any other
1728 statute, the several boards of education are hereby authorized and
1729 empowered, in their discretion and by resolution spread upon the
1730 minutes, to set aside, reserve, and dedicate any available
1731 sixteenth section lands or lands in lieu thereof for use by such
1732 school district as a site for school buildings, which such
1733 dedication and reservation shall be for such length of time, not
1734 exceeding fifty (50) years, and upon such terms and conditions as



1735 the board of education, in its discretion, shall deem proper. Any
1736 such reservation or dedication of sixteenth section lands shall
1737 automatically cease and terminate if, at any time, the land
1738 involved shall cease to be used for the purpose for which the
1739 dedication or reservation is made. The reservation or dedication
1740 shall cover the surface of said lands only and shall not prevent
1741 the board of education from leasing said lands for oil, gas, and
1742 mineral exploration and development in a manner otherwise provided
1743 by law.

1744 In the same manner and subject to the same provisions
1745 hereinabove set forth the board of education having a timber
1746 management and marketing agreement with the * * * Mississippi
1747 Department of Agriculture and Commerce or National Forest Service,
1748 may set aside, reserve and dedicate any available sixteenth
1749 section lands or lands granted in lieu thereof, which has been
1750 classified as forest land under the provisions of Section 29-3-31
1751 et seq., Mississippi Code of 1972, to be utilized for public parks
1752 and recreation areas. The board of supervisors or the governing
1753 authorities of any municipality wherein such lands or any portion
1754 thereof lie may expend any funds otherwise available for park or
1755 recreational areas in the construction and maintenance of
1756 improvements to be located thereon.

1757 The setting aside, reservation and dedication of any such
1758 sixteenth section lands, or lands granted in lieu thereof by a
1759 board of education to the State Park Commission for the purpose of



1760 locating a state park thereon may be for a length of time not
1761 exceeding ninety-nine (99) years.

1762 No sixteenth section or lieu land which is subject to an
1763 existing lease shall be set aside, dedicated, and reserved as a
1764 school building site or for public park or recreational purposes
1765 under the provisions of this section unless the school district
1766 involved shall acquire the unexpired leasehold interest from the
1767 leaseholder, or unless such lease and leasehold interest shall be
1768 surrendered and relinquished by the leaseholder.

1769 **SECTION 58.** Section 49-7-203, Mississippi Code of 1972, is
1770 amended as follows:

1771 49-7-203. (1) There is created the Beaver and Wild Hog
1772 Control Advisory Board which shall be composed of the
1773 administrative heads of the Mississippi Department of Wildlife,
1774 Fisheries and Parks, * * * Department of Agriculture and Commerce,
1775 Mississippi Department of Transportation and Mississippi State
1776 Cooperative Extension Services, the Executive Director of the
1777 Mississippi Association of Supervisors, the Executive Vice
1778 President of Delta Council and the President of the Mississippi
1779 Farm Bureau Federation. In addition, the board shall include, as
1780 advisory, and nonvoting members:

1781 (a) The Chairmen of the House and Senate Wildlife,
1782 Fisheries and Parks Committees;

1783 (b) The Chairmen of the House and Senate Agriculture
1784 Committees; and



1785 (c) One (1) at-large member of the House and Senate
1786 appointed by the Lieutenant Governor and Speaker of the House.

1787 (2) The board shall elect a chairman from among its members,
1788 who shall preside over meetings.

1789 (3) The members of the board shall serve without
1790 compensation but all members of the board shall be entitled to
1791 reimbursement for all actual and necessary expenses incurred in
1792 the discharge of their duties, including mileage as authorized by
1793 law.

1794 (4) The board shall have the following duties and
1795 responsibilities:

1796 (a) To adopt rules and regulations governing times and
1797 places for meetings and governing the manner of conducting its
1798 business;

1799 (b) To develop a beaver and wild hog control program to
1800 be administered by the Mississippi Department of Agriculture and
1801 Commerce or by any agency or agencies under an agreement with the
1802 board for that purpose;

1803 (c) To designate the areas of the state having the
1804 greatest need for beaver and wild hog control or eradication and
1805 establish a list of priority areas on an annual basis;

1806 (d) To establish, assess and collect any fees charged
1807 to participating landowners; and



1808 (e) To function in an advisory capacity to the
1809 Mississippi Department of Agriculture and Commerce or any agency
1810 or agencies administering the beaver and wild hog control program.

1811 (5) The board shall have the authority to develop any
1812 programs and implement any regulations and policies. The board
1813 may develop what it deems necessary to address beaver and wild hog
1814 control within the state.

1815 **SECTION 59.** Section 69-29-1, Mississippi Code of 1972, is
1816 amended as follows:

1817 69-29-1. (1) (a) There is established the Mississippi
1818 Agricultural and Livestock Theft Bureau.

1819 (b) The Commissioner of Agriculture and Commerce shall
1820 appoint a director of the Mississippi Agricultural and Livestock
1821 Theft Bureau. Such director shall have at least five (5) years of
1822 law enforcement experience. Such director shall be responsible
1823 solely to the supervision of the Commissioner of Agriculture and
1824 Commerce and to no other person or entity. Such director may be
1825 discharged only for just cause shown.

1826 (c) The director may employ twelve (12) agricultural
1827 and livestock theft investigators. Each investigator shall be
1828 certified as a law enforcement officer, successfully completing at
1829 least a nine-week training course, in accordance with Section
1830 45-6-11. The curriculum for the training of constables shall not
1831 be sufficient for meeting the certification requirements of this
1832 paragraph. In the selection of investigators under this section,



1833 preference shall be given to persons who have previous law
1834 enforcement experience.

1835 (d) The director appointed under this section, under
1836 the direction, control and supervision of the commissioner, and
1837 the investigators employed under this section shall perform only
1838 the duties described in subsection (2) of this section and shall
1839 not be assigned any other duties.

1840 (2) The director appointed under this section and the
1841 investigators employed under this section shall have the following
1842 powers, duties and authority:

1843 (a) To enforce all of the provisions of Sections
1844 69-29-9 and 69-29-11, and particularly those portions requiring
1845 persons transporting livestock to have a bill of sale in their
1846 possession; to make investigations of violations of such sections
1847 and to arrest persons violating same;

1848 (b) To enforce all of the laws of this state enacted
1849 for the purpose of preventing the theft of livestock, poultry,
1850 timber and agricultural, aquacultural and timber products and
1851 implements; to make investigations of violations thereof and to
1852 arrest persons violating same;

1853 (c) To cooperate with all regularly constituted law
1854 enforcement officers relative to the matters herein set forth;

1855 (d) To serve warrants and other process emanating from
1856 any court of lawful jurisdiction, including search warrants, in
1857 all matters herein set forth;



1858 (e) To carry proper credentials evidencing their
1859 authority, which shall be exhibited to any person making demand
1860 therefor;

1861 (f) To make arrests without warrant in all matters
1862 herein set forth in cases where same is authorized under the
1863 constitutional and general laws of this state;

1864 (g) To handle the registration of brands of cattle and
1865 livestock;

1866 (h) To investigate, prevent, apprehend and arrest those
1867 persons anywhere in the state who are violating any of the laws
1868 administered by the Department of Agriculture and Commerce,
1869 including, but not limited to, all agriculture-related crimes;

1870 (i) To access and examine records of any person,
1871 business or entity that harvests, loads, carries, receives or
1872 manufactures timber products as defined in this section. Each
1873 such person or entity shall permit the director or any
1874 investigator of the Mississippi Agricultural and Livestock Theft
1875 Bureau to examine records of the sale, transfer or purchase of
1876 timber or timber products, including, but not limited to,
1877 contracts, load tickets, settlement sheets, drivers' logs,
1878 invoices, checks and any other records or documents related to an
1879 ongoing investigation of the Mississippi Agricultural and
1880 Livestock Theft Bureau;

1881 (j) To conduct training for law enforcement regarding
1882 laws enforced by the bureau and to assist any other law



1883 enforcement agencies in responding to matters that may be related
1884 to agriculture and commerce in the State of Mississippi and in
1885 cases of natural disasters or other disasters to respond as needed
1886 or as requested by other agencies.

1887 (3) The Commissioner of Agriculture and Commerce shall
1888 furnish such investigators with such vehicles, equipment and
1889 supplies as may be necessary. All expenses of same, and all other
1890 expenses incurred in the administration of this section, shall be
1891 paid from such appropriation as may be made by the Legislature.

1892 (4) The Mississippi Department of Revenue and its agents and
1893 employees shall cooperate with such investigators by furnishing to
1894 them information as to any possible or suspected violations of any
1895 of the laws mentioned herein, including specifically Section
1896 69-29-27, and in any other lawful manner.

1897 (5) The conservation officers of the Department of Wildlife,
1898 Fisheries and Parks are authorized to cooperate with and assist
1899 the agricultural and livestock theft investigators in the
1900 enforcement and apprehension of violators of laws regarding
1901 agricultural and livestock theft.

1902 (6) The * * * Division of Forestry Services employees are
1903 excluded from any timber and timber products theft investigative
1904 responsibilities except when technical expertise is needed and
1905 requested through the State Forester or his designee.

1906 (7) For the purposes of this section, "timber product" means
1907 timber of all kinds, species or sizes, including, but not limited



1908 to, logs, lumber, poles, pilings, posts, blocks, bolts, cordwood
1909 and pulpwood, pine stumpwood, pine knots or other distillate wood,
1910 crossties, turpentine (crude gum), pine straw, firewood and all
1911 other products derived from timber or trees that have a sale or
1912 commercial value.

1913 **SECTION 60.** Section 69-1-61, Mississippi Code of 1972, is
1914 amended as follows:

1915 69-1-61. There is hereby created a Council of State Agencies
1916 on Agriculture for the primary purpose of coordinating all
1917 information, programs, activities and services in the broad field
1918 of agriculture and forestry which are authorized by state law and
1919 supported by public appropriations therefor. The council shall
1920 consist of the Commissioner of Agriculture and Commerce, State
1921 Chemist, Secretary of the Mississippi Commission on * * *
1922 Environmental Quality, Directors of Mississippi State University's
1923 Extension Service and Agricultural Experiment Stations, Secretary
1924 of the Marketing Council of the * * * Mississippi Development
1925 Authority, the State Forester, Dean of Mississippi State
1926 University College of Agriculture, Dean of Mississippi State
1927 University School of Forestry, and Commissioner of Higher
1928 Education. The chairman shall be elected annually from the
1929 membership of the council. The commission shall meet not less
1930 than one (1) time each quarter and the members' actual and
1931 necessary expenses incurred, if any, shall be paid from their
1932 respective agency or department funds. The council will endeavor



1933 to combine and coordinate their individual and collective talents
1934 and experiences and of their respective agencies in order to
1935 promulgate plans for more orderly growth and development of all
1936 state agricultural and forestry enterprises to diminish
1937 unnecessary overlapping or duplication of programs among the ten
1938 (10) departments represented on the council. The Legislature
1939 hereby declares that there has been found to be a need for this
1940 council as an advisory group for and on behalf of the state
1941 government, and that it is charged with a broad responsibility in
1942 improving efficiency, effectiveness and success in both the
1943 production and marketing of agricultural and forestry products and
1944 thereby enhance the economic growth of this state and its
1945 citizens. The chairman is charged with the duty and
1946 responsibility of maintaining and disseminating all necessary and
1947 requisite minutes, proceedings, records and recommendations, as in
1948 the judgment of the committee are required under this section, and
1949 make a report to the Governor and the Legislature not later than
1950 December 1 of each year.

1951 **SECTION 61.** Section 19-5-51, Mississippi Code of 1972, is
1952 amended as follows:

1953 19-5-51. Any board of supervisors may, in its discretion, by
1954 appropriate resolution spread upon its minutes, offer a bounty not
1955 to exceed Five Dollars (\$5.00) for each nutria, beaver or bobcat
1956 destroyed, where such board finds and determines that nutria,
1957 beaver or bobcats are in such quantities that the preservation of



1958 trees and other properties requires such bounties to be offered.
1959 Upon presentation to the sheriff of the complete tail of a nutria,
1960 beaver or bobcat, the sheriff shall execute a receipt therefor.
1961 Upon filing of such receipt with the chancery clerk, the amount of
1962 such bounty may be allowed by the board of supervisors as are
1963 other accounts against the county.

1964 There is further provided a bounty on beaver not to exceed
1965 Five Dollars (\$5.00) for each beaver to be paid in the following
1966 manner: upon the presentation of the tail of any beaver, any
1967 conservation officer of the state shall issue a receipt in such
1968 form as prescribed by the Mississippi Commission on Wildlife,
1969 Fisheries and Parks to the person presenting such tail. The
1970 Mississippi Department of Wildlife, Fisheries and Parks shall
1971 redeem such receipts by paying to such person a sum not to exceed
1972 Five Dollars (\$5.00) for each such receipt as bounty. The
1973 redemption of such receipts shall be paid only from funds
1974 especially appropriated for this purpose and it is expressly
1975 provided that no such bounty shall be paid from any regular
1976 receipts, funds and appropriations of the Mississippi Department
1977 of Wildlife, Fisheries and Parks.

1978 For the purposes of carrying out the purposes of this
1979 section, the Mississippi Department of Wildlife, Fisheries and
1980 Parks and the * * * Mississippi Department of Agriculture and
1981 Commerce are authorized, empowered and directed, when requested by



1982 the board of supervisors or any property owner, to utilize funds,
1983 personnel and equipment under reasonable terms and conditions.

1984 No bounty shall be paid when funds, personnel or equipment of
1985 the Mississippi Department of Wildlife, Fisheries and Parks,
1986 the * * * Mississippi Department of Agriculture and Commerce or
1987 the county are employed in capturing and killing such animals.

1988 **SECTION 62.** Section 25-58-21, Mississippi Code of 1972, is
1989 amended as follows:

1990 25-58-21. (1) There is established the Mississippi
1991 Coordinating Council for Remote Sensing and Geographic Information
1992 Systems, hereinafter referred to as the "council." The council
1993 shall set and assure enforcement of policies and standards to make
1994 it easier for remote sensing and geographic information system
1995 users around the state to share information and to facilitate
1996 cost-sharing arrangements to reduce the costs of acquiring remote
1997 sensing and geographic information system data. The council shall
1998 not oversee or regulate the activities of higher education
1999 entities where it relates to the fields of teaching or research;
2000 however, the council shall be informed of these activities for the
2001 purpose of coordinating these higher education activities with
2002 other public remote sensing and GIS initiatives to achieve the
2003 maximum benefit for the State of Mississippi and its taxpayers.
2004 The council's responsibilities include, but are not limited to:

2005 (a) Coordination of remote sensing and geographic
2006 information system activities within Mississippi;



2007 (b) Establishing policies and standards to guide
2008 Mississippi Department of Information Technology Services (MDITS)
2009 in the review and approval of state and local government
2010 procurement of both hardware and software development relating to
2011 remote sensing and geographic information systems;

2012 (c) Oversight of MDITS' implementation of these
2013 responsibilities;

2014 (d) Preparing a plan, with proposed state funding
2015 priorities, for Mississippi's remote sensing and geographic
2016 information system activities, including development, operation
2017 and maintenance of the Mississippi Digital Earth Model;

2018 (e) Oversight of the Mississippi Department of
2019 Environmental Quality's development and maintenance of the
2020 Mississippi Digital Earth Model, including establishing policies
2021 and standards for the procurement of remote sensing and geographic
2022 information system data by state and local governmental entities
2023 and establishing the order in which the seven (7) core data layers
2024 shall be developed;

2025 (f) Designating Mississippi's official representative
2026 to the National States Geographic Information Council and to any
2027 other national or regional remote sensing or geographical
2028 information system organizations on which Mississippi has an
2029 official seat;

2030 (g) Establishing and designating the members of an
2031 advisory committee made up of policy level officials from major



2032 state, local, regional and federal agencies, including, but not
2033 limited to, the National Association of Space Administration, the
2034 Mississippi Institute for Forestry Inventory, the Mississippi
2035 Department of Wildlife, Fisheries and Parks, the Mississippi
2036 Public Utilities Staff, the Department of Marine Resources, the
2037 county E911 coordinator, the State Health Officer, the
2038 Commissioner of Agriculture and Commerce, the * * * Department of
2039 Revenue, the Council of Consulting Engineers and the Mississippi
2040 Band of Choctaw Indians, as well as members of the private sector;

2041 (h) Creating a staff level technical users committee,
2042 in which any public or private sector entity in Mississippi
2043 interested in remote sensing and geographic information may be
2044 allowed to participate;

2045 (i) Coordinating with the * * * Department of Revenue
2046 to assure that state and local governmental entities do not have
2047 to comply with two (2) sets of requirements imposed by different
2048 organizations.

2049 (2) The Mississippi Coordinating Council for Remote Sensing
2050 and Geographic Information Systems will be composed of the
2051 following members:

2052 (a) The Executive Director of the Mississippi
2053 Department of Environmental Quality;

2054 (b) The Executive Director of the Mississippi
2055 Department of Information Technology Services;



- 2056 (c) The Executive Director of the Mississippi
2057 Department of Transportation;
- 2058 (d) The Executive Director of the Mississippi Emergency
2059 Management Agency;
- 2060 (e) The Executive Director of the Mississippi
2061 Development Authority;
- 2062 (f) The Secretary of State;
- 2063 (g) The * * * State Forester;
- 2064 (h) The Director of the Mississippi State Board of
2065 Registered Professional Geologists;
- 2066 (i) A representative from the Institutions of Higher
2067 Learning, appointed by the Commissioner of the Institutions of
2068 Higher Learning;
- 2069 (j) One (1) mayor, serving a municipality, appointed by
2070 the Executive Director of the Mississippi Municipal League;
- 2071 (k) The Executive Director of the Mississippi Municipal
2072 League or his designee who will serve as the member;
- 2073 (l) One (1) county supervisor appointed by the
2074 Executive Director of the Mississippi Association of Supervisors;
- 2075 (m) The Executive Director of the Mississippi
2076 Association of Supervisors or his designee who will serve as the
2077 member;
- 2078 (n) A member of the Tax Assessors/Collectors
2079 Association or the executive director of the association, to be
2080 appointed by the president of that association;



2081 (o) A representative of the Planning and Development
2082 Districts, appointed by the Governor;

2083 (p) A Senator, as a nonvoting member, appointed by the
2084 Lieutenant Governor;

2085 (q) A Representative, as a nonvoting member, appointed
2086 by the Speaker of the House;

2087 (r) A county surveyor who is a member of the
2088 Mississippi Association of Professional Surveyors, appointed by
2089 the president of the association; and

2090 The members listed in paragraphs (a) through (g) may appoint
2091 a designee, but the designee must be the head of an office,
2092 bureau, division or branch within the member's agency.

2093 The members of the council shall serve for a term concurrent
2094 with their service as an elected or appointed official or
2095 concurrent with the term of the appointing official.

2096 The Executive Director of the Department of Environmental
2097 Quality shall serve as council chair and the Executive Director of
2098 Information Technology Services as vice chair for the first two
2099 (2) years. After the first two (2) years, the council shall elect
2100 from its members a chair and vice chair, for terms to be specified
2101 by the council.

2102 With regard to the designee chosen by the Executive Director
2103 of the Mississippi Municipal League or the Executive Director of
2104 the Mississippi Association of Supervisors, the designee shall



2105 become a permanent member of the council for a term concurrent
2106 with the term of the appointing executive director.

2107 (3) At the direction of the chairman of the council and
2108 contingent upon the availability of sufficient funds, each member
2109 may receive reimbursement for reasonable expenses, including
2110 travel expenses in accordance with rates established pursuant to
2111 Section 25-3-41, incurred in attending meetings of the council.
2112 Any member of the council who is also a state employee may not
2113 receive per diem compensation for attending meetings of the * * *
2114 council, but may be reimbursed in accordance with Section 25-3-41
2115 for mileage and actual expenses incurred in the performance of the
2116 duties, if authorized by vote, at a meeting of the council, which
2117 action must be recorded in the official minutes of the meeting.
2118 Legislative members of the council will be paid from the
2119 contingent expense funds of their respective houses in the same
2120 amounts as provided for committee meetings when the Legislature is
2121 not in session.

2122 (4) The council may accept money from any source, public or
2123 private, to be expended in implementing the duties under this
2124 section.

2125 (5) The council may utilize staff employed by the agencies
2126 affected by this section and any other assistance made available
2127 to it.

2128 **SECTION 63.** Section 27-7-22.15, Mississippi Code of 1972, is
2129 amended as follows:



2130 27-7-22.15. (1) As used in this section, the following
2131 words and phrases shall have the meanings ascribed to herein
2132 unless the context clearly indicates otherwise:

2133 (a) "Approved reforestation practices" means the
2134 following practices for establishing a crop of trees suitable for
2135 manufacturing into forest products:

2136 (i) "Pine and hardwood tree planting practices"
2137 including the cost of seedlings, planting by hand or machine, and
2138 site preparation.

2139 (ii) "Mixed-stand regeneration practices" to
2140 establish a mixed-crop of pine and hardwood trees by planting or
2141 direct seeding, or both, including the cost of seedlings,
2142 seed/acorns, planting, seeding and site preparation.

2143 (iii) "Direct seeding practices" to establish a
2144 crop of pine or oak trees by directly applying seed/acorns to the
2145 site including the cost of seed/acorns, seeding and site
2146 preparation.

2147 (iv) "Post-planting site preparation practices" to
2148 reduce or control undesirable competition within the first growing
2149 season of an established crop of trees.

2150 Approved reforestation practices shall not include the
2151 establishment of orchards, Christmas trees or ornamental trees.

2152 (b) "Eligible tree species" means pine and hardwood
2153 commercial tree species suitable for manufacturing into forest
2154 products.



2155 (c) "Cost-share assistance" means partial financial
2156 payment for approved reforestation practices from the state
2157 government as authorized under Sections 49-19-201 through
2158 49-19-227, or the federal government.

2159 (d) "Eligible owner" means a private individual, group
2160 or association, but the term shall not mean private corporations
2161 which manufacture products or provide public utility services of
2162 any type or any subsidiary of such corporations.

2163 (e) "Eligible lands" means nonindustrial private lands
2164 owned by a private individual, group or association, but shall not
2165 mean lands owned by private corporations which manufacture
2166 products or provide public utility services of any type or any
2167 subsidiary of such corporations.

2168 (f) "Reforestation prescription or plan" means a
2169 written description of the approved reforestation practices that
2170 the eligible owner plans to use and includes a legal description
2171 and map of the area to be reforested, a list of the tree seedling
2172 or seed species to be used in the reforestation and the site
2173 preparation practices that will be utilized.

2174 (2) Subject to the limitations provided in subsection (3) of
2175 this section, upon submission to the * * * Department of Revenue
2176 of the written verification provided for in subsection (5) of this
2177 section and such other documentation as the * * * Department of
2178 Revenue may require, any eligible owner who incurs costs for
2179 approved reforestation practices for eligible tree species on



2180 eligible lands shall be allowed a credit, in an amount equal to
2181 the lesser of fifty percent (50%) of the actual costs of the
2182 approved reforestation practices or fifty percent (50%) of the
2183 average cost of approved practices as established by the
2184 Mississippi * * * Department of Agriculture and Commerce under
2185 Section 49-19-219, against the taxes imposed pursuant to this
2186 chapter for the tax year in which the costs are incurred.

2187 (3) The maximum amount of the credit provided for in
2188 subsection (2) of this section that may be utilized in any one (1)
2189 taxable year shall not exceed the lesser of Ten Thousand Dollars
2190 (\$10,000.00) or the amount of income tax imposed upon the eligible
2191 owner for the taxable year reduced by the sum of all other credits
2192 allowable to the eligible owner under this chapter, except credit
2193 for tax payments made by or on behalf of the eligible owner. Any
2194 unused portion of the credit may be carried forward for succeeding
2195 tax years. The maximum dollar amount of the credit provided for
2196 in subsection (2) of this section that an eligible owner may
2197 utilize during his lifetime shall be Seventy-five Thousand Dollars
2198 (\$75,000.00) in the aggregate.

2199 (4) If an eligible owner receives any state or federal cost
2200 share assistance funds to defray the cost of an approved
2201 reforestation practice, the cost of that practice on the same acre
2202 or acres within the same tax year is not eligible for the credit
2203 provided in this section unless the eligible owner's adjusted
2204 gross income is less than the federal earned income credit level.



2205 (5) To be eligible for the tax credit, an eligible owner
2206 must have a reforestation prescription or plan prepared for the
2207 eligible lands by a graduate forester of a college, school or
2208 university accredited by the Society of American Foresters or by a
2209 registered forester under the Foresters Registration Law of 1977.
2210 The forester must verify in writing that the reforestation
2211 practices were completed and that the reforestation prescription
2212 or plan was followed.

2213 **SECTION 64.** Section 29-3-85, Mississippi Code of 1972, is
2214 amended as follows:

2215 29-3-85. In all surface leases of sixteenth section land
2216 made by the board of education, whether such leases be original
2217 leases or extensions of existing leases, title to all timber,
2218 minerals, oil, and gas on such lands shall be reserved, together
2219 with the right of ingress and egress to remove same, whether such
2220 provisions be included in the terms of any such lease or not; and
2221 no timber shall be cut and used by the lessees except for fuel and
2222 necessary repairs and improvements on the leased premises. The
2223 board of education, notwithstanding the fact that such land may
2224 have been leased for other purposes, shall have the right, from
2225 time to time, to sell all merchantable timber on such lands in the
2226 manner hereinabove provided. In all cases where surface leases
2227 were outstanding on June 28, 1958, and have at least five (5)
2228 years remaining of the term thereof wherein the right to sell
2229 timber has not been reserved, either expressly or by operation of



2230 law, the board may, by agreement with the lessee, sell such timber
2231 under the procedure herein set out. In all such cases the * * *
2232 Department of Agriculture and Commerce shall only cause to be
2233 marked for cutting such timber as, in its judgment, should be
2234 harvested in the best interest of the reversionary estate, and the
2235 board may agree to pay to the lessee a portion of the proceeds of
2236 such sales from time to time, not to exceed fifty percent (50%)
2237 thereof after the deduction of the fifteen percent (15%) escrow
2238 money, hereinbefore mentioned, and all other costs of the sale.
2239 In any surface lease, the board of education shall reserve the
2240 right to grant or sell rights-of-way across any of said land for a
2241 road, highway, railroad, or any public utility line, provided only
2242 that the leaseholder be paid a reasonable rental for the unexpired
2243 term of his lease by the grantee of such right-of-way. If any
2244 surface lessee of any such sixteenth section land shall commit,
2245 cause to be committed, or permit the commission of any act of
2246 waste on any sixteenth section lands under lease to such lessee,
2247 then such lease shall thereupon, as to such lessee, cease and
2248 terminate and shall thenceforth be null and void; and the board of
2249 education shall have the right to institute an action in any court
2250 of competent jurisdiction to secure the cancellation of same of
2251 record, to recover damages for such waste, and to maintain an
2252 action in ejectment to recover possession of the same. To this
2253 end, the board of education is hereby authorized and empowered to



2254 employ competent counsel to institute and maintain any such action
2255 or actions on behalf of the board.

2256 **SECTION 65.** Section 33-11-9, Mississippi Code of 1972, is
2257 amended as follows:

2258 33-11-9. Whenever it shall become necessary or desirable to
2259 lease any lands to provide National Guard training facilities, the
2260 Adjutant General of Mississippi is hereby authorized and empowered
2261 to place in such leases any indemnity clauses that may be required
2262 to indemnify any owners of such lands for damages caused to such
2263 lands from training uses. Payment for any such damages shall only
2264 be made after written appraisal and estimate of such damages by
2265 representatives of the Mississippi * * * Department of Agriculture
2266 and Commerce. Such payment shall only be made from such funds as
2267 the Adjutant General may have available for such purposes or from
2268 such funds as may be appropriated by the legislature of the State
2269 of Mississippi for such purposes. If either the Adjutant General
2270 or the owner are dissatisfied with the amount of such damages as
2271 estimated by the State * * * Forester representative, then the
2272 Adjutant General or such owner may appeal to the circuit court of
2273 the county in which the land is located within thirty (30) days
2274 from the receipt of such written appraisal and estimate for trial
2275 and determination, and either the owner or Adjutant General may
2276 appeal to the State Supreme Court from an adverse decision in the
2277 circuit court as provided by law.



2278 **SECTION 66.** Section 33-11-18, Mississippi Code of 1972, is
2279 amended as follows:

2280 33-11-18. (1) In order to conserve and promote timber
2281 development at Camp Shelby, Mississippi, the * * * Mississippi
2282 Department of Agriculture and Commerce is directed to lend its
2283 services, advice and recommendations to the Adjutant General of
2284 Mississippi in developing a sound timber management program on
2285 state-owned lands in said military reservation.

2286 (2) The Adjutant General is authorized and empowered to sell
2287 such trees, timber, stumps, naval stores faces or other forest
2288 products on state-owned lands in the military reservation at Camp
2289 Shelby, Mississippi, as shall be recommended by the State Forestry
2290 Commission and to secure the services of the State Forestry
2291 Commission in the reforestation and use of planting, cutting and
2292 practices recommended by the State * * * Forester. The Adjutant
2293 General, however, is empowered to cut timber to provide clearing
2294 for military purposes and for rights-of-way without recommendation
2295 of the State * * * Forester, and is authorized to sell such timber
2296 at the prevailing scale without advertising for bids, when the
2297 value thereof is estimated at less than One Thousand Five Hundred
2298 Dollars (\$1,500.00) by the State * * * Forester. Based on the
2299 recommendation and value estimate of the State Forestry
2300 Commission, the Adjutant General is authorized to sell at the
2301 prevailing price, without advertising for bids, timber which has
2302 been damaged by storm, fire, insect, disease or otherwise. Based



2303 on recommendations by the State * * * Forester, as provided by the
2304 Timber Management Program, the Adjutant General may dispose of
2305 nonmarketable timber that is diseased or has been deadened by the
2306 State * * * Forester, authorizing noncommercial public cutting
2307 when considered in the best interest of the state. Provided,
2308 however, that before any other sale of timber may be made as
2309 herein authorized, the Adjutant General shall advertise for bids
2310 on said timber in a newspaper of general circulation in the State
2311 of Mississippi at least once each week for three (3) consecutive
2312 weeks prior to the date upon which bids are to be received.

2313 The Adjutant General is hereby authorized to pay all of the
2314 funds derived from any timber and other forest product sales on
2315 state-owned lands in said reservation into a special fund in the
2316 State Treasury, which shall be a revolving fund, to be used for
2317 the maintenance, development and improvement of said military
2318 reservation at Camp Shelby, Mississippi, and out of which the
2319 Adjutant General may pay the * * * Mississippi Department of
2320 Agriculture and Commerce the cost incurred by the * * * department
2321 in selecting and cutting trees, tree planting, elimination of
2322 undesirable trees and shrubs, construction of fire lanes, control
2323 of insect and disease outbreaks, and other desirable aspects of
2324 forest management practices on this military reservation for the
2325 benefit of this military reservation.

2326 The Adjutant General of Mississippi, with concurrence of the
2327 Commission of Budget and Accounting, may pay from available Camp



2328 Shelby timber funds, restitution for timber and/or minerals cut
2329 and/or removed without permission, by employees or authorized
2330 agents of the State Military Department, from private property
2331 whose sales, use or damage shall have enriched and/or benefited
2332 the State Military Department.

2333 The funds derived from any timber and other forest product
2334 sales as herein provided shall be paid by the State Treasurer upon
2335 warrants issued by the State Auditor of Public Accounts and the
2336 said auditor shall issue his warrant upon requisitions signed by
2337 the proper person, officer or officers in the manner provided by
2338 law for funds appropriated for support of the Mississippi National
2339 Guard.

2340 The Adjutant General shall make an annual report to the
2341 Legislature on receipts and disbursements in connection with all
2342 funds derived from minerals, timber and other forest product sales
2343 on state-owned lands at the Camp Shelby military reservation.

2344 **SECTION 67.** Section 37-101-141, Mississippi Code of 1972, is
2345 amended as follows:

2346 37-101-141. The Board of Trustees of State Institutions of
2347 Higher Learning is hereby authorized and empowered, in its
2348 discretion, to sell and dispose of the timber, trees, dead wood
2349 and stumps standing, growing and being upon the lands granted to
2350 the State of Mississippi for the use and benefit of the University
2351 of Mississippi by an act of Congress of the United States approved
2352 June 20, 1894, and upon the lands granted to the State of



2353 Mississippi for the use and benefit of Mississippi State College
2354 for Women by an act of Congress of the United States approved
2355 March 2, 1895, and upon the lands granted to the State of
2356 Mississippi for the use and benefit of Mississippi State
2357 University of Agriculture and Applied Science, and Alcorn
2358 Agricultural and Mechanical College by an act of Congress of the
2359 United States approved February 20, 1895, whenever the sale or
2360 disposition of such timber shall be to the best advantage of the
2361 institutions named herein. Such timber shall be sold and disposed
2362 of under the direction and specifications of the * * * Department
2363 of Agriculture and Commerce in accordance with sound and efficient
2364 principles of forestry management and conservation.

2365 **SECTION 68.** Section 43-27-11, Mississippi Code of 1972, is
2366 amended as follows:

2367 43-27-11. The Mississippi Department of Human Services shall
2368 succeed to the exclusive control of all records, books, papers,
2369 equipment and supplies, and all lands, buildings and other real
2370 and personal property now or hereafter belonging to or assigned to
2371 the use and benefit or under the control of the Oakley Youth
2372 Development Center, and shall have the exercise and control of the
2373 use, distribution and disbursement of all funds, appropriations
2374 and taxes now or hereafter in possession, levied, collected or
2375 received or appropriated for the use, benefit, support and
2376 maintenance of * * * the institution, and the department shall
2377 have general supervision of all the affairs of the * * *



2378 institution herein named, and the care and conduct of all
2379 buildings and grounds, business methods and arrangements of
2380 accounts and records, the organization of the administrative plans
2381 of * * * the institution, and all other matters incident to the
2382 proper functioning of the * * * institution. The department shall
2383 have full authority over the operation of any and all farms
2384 at * * * the institution and over the distribution of
2385 agricultural, dairy, livestock and any and all other products
2386 therefrom and over all funds received from the sale of hogs and
2387 livestock. All sums realized from the sale of products
2388 manufactured and fabricated in the shops of the vocational
2389 departments of * * * the institution shall be placed in the
2390 revolving fund of the * * * institution in which said products
2391 were manufactured, fabricated and sold.

2392 The department shall be authorized to lease the lands for
2393 oil, gas and mineral exploration, and for such other purposes as
2394 the department deems to be appropriate, on such terms and
2395 conditions as the department and lessee agree. The department may
2396 contract with the * * * Department of Agriculture and Commerce for
2397 the proper management of forest lands and the sale of timber, and
2398 the department is expressly authorized to sell timber and forestry
2399 products. The department is further authorized to expend the net
2400 proceeds from incomes from all leases and timber sales exclusively
2401 for the instructional purposes or operational expenses, or both,
2402 at the * * * institution under its jurisdiction.



2403 The granting of any leases for oil, gas and mineral
2404 exploration shall be on a public bid basis as prescribed by law.

2405 **SECTION 69.** Section 51-4-11, Mississippi Code of 1972, is
2406 amended as follows:

2407 51-4-11. (1) After the Legislature has designated a stream
2408 as a state scenic stream, the department shall publish a notice of
2409 the designation and provide written notice to the affected units
2410 of local government and landowners. Notice of the designation
2411 also must be published in a newspaper of general circulation in
2412 the state to apprise interested parties of the opportunities under
2413 this chapter. The notice must describe the boundaries of the
2414 stream or stream segment.

2415 (2) (a) The department and the advisory council shall
2416 develop a cooperative voluntary stewardship plan for the scenic
2417 stream. The department shall consult and cooperate with the State
2418 Soil and Water Conservation Commission and the State * * *
2419 Forester in developing the stewardship options utilizing current
2420 best management practices. Any other affected state agency may
2421 also make recommendations to the department. The plan shall
2422 identify current and traditional uses along the stream and outline
2423 goals, objectives and action strategies to address the management
2424 of resources along the stream.

2425 (b) The plan shall utilize best management practices to
2426 maintain the scenic values of the stream while ensuring the rights
2427 of riparian landowners to continue existing agriculture, forestry,



2428 water supply, recreational, commercial and industrial uses and any
2429 other uses identified in the plan.

2430 (3) (a) The plan shall provide several stewardship options
2431 for a landowner. The options shall vary in length of commitment,
2432 degree of involvement and enforceability. An option may be
2433 modified to meet the needs of a landowner based on the individual
2434 attributes of the stream.

2435 (b) Participation in the stewardship plan is voluntary.
2436 A landowner is under no obligation to participate in the plan. A
2437 participating landowner must give at least thirty (30) days'
2438 notice of his intent to terminate a nonbinding option and to
2439 withdraw from the program.

2440 (4) (a) The department may receive by gift, devise, grant
2441 or dedication, conservation easements or other interest in real
2442 property for the State Scenic Streams Stewardship Program.

2443 (b) If any land is donated to the state for the Scenic
2444 Streams Stewardship Program and the land ceases to be used in the
2445 program, the title to the land reverts to the donor.

2446 (5) Any lands placed in the State Scenic Streams Stewardship
2447 Program may be obtained only from private or corporate owners
2448 voluntarily. Land placed in the State Scenic Streams Stewardship
2449 Program shall not be obtained by eminent domain.

2450 **SECTION 70.** Section 51-9-107, Mississippi Code of 1972, is
2451 amended as follows:



2452 51-9-107. All powers of the district shall be exercised by a
2453 board of directors, to be composed of the following:

2454 (a) Each member of the Pearl River Industrial
2455 Commission whose county becomes a part of the Pearl River Valley
2456 Water Supply District shall be a member of the Board of Directors
2457 of the Pearl River Valley Water Supply District. Such directors
2458 shall serve on this board during their term of office on the Pearl
2459 River Industrial Commission. In addition, the board of
2460 supervisors of each county that becomes a part of the district
2461 shall appoint one (1) additional member, who shall serve for a
2462 term concurrent with the terms of the members of the board of
2463 supervisors. The members shall be appointed at the first meeting
2464 of the board of supervisors in January after the supervisors take
2465 office. The members appointed from Madison County and Rankin
2466 County shall be persons who reside on and are holders of
2467 residential leases from the Pearl River Valley Water Supply
2468 District that are located in Madison County and Rankin County,
2469 respectively, or who reside in established subdivisions in Madison
2470 County and Rankin County, respectively, in which some of the
2471 residential property of the subdivision is leased from the Pearl
2472 River Valley Water Supply District.

2473 The members appointed from Madison County and Rankin County
2474 who are serving on July 1, 2012, shall continue to serve until
2475 January 1, 2013, after which date the Board of Supervisors of
2476 Madison County and the Board of Supervisors of Rankin County each



2477 shall appoint one (1) member who meets the residency requirements
2478 of this section. The persons appointed under the provisions of
2479 this paragraph shall serve for the remainder of the unexpired
2480 term.

2481 (b) The Mississippi Commission on Environmental
2482 Quality, the Mississippi Commission on Wildlife, Fisheries and
2483 Parks, * * * Mississippi Department of Agriculture and Commerce
2484 and the State Board of Health of the State of Mississippi shall
2485 each appoint one (1) director from that department to serve on the
2486 Board of Directors of the Pearl River Valley Water Supply District
2487 to serve at the pleasure of the respective board appointing him.
2488 From and after January 1, 2013, each of the members appointed
2489 under this paragraph (b) shall be a person who resides on and is a
2490 holder of a residential lease from the Pearl River Valley Water
2491 Supply District.

2492 (c) Each director shall take and subscribe to the oath
2493 of office required by Section 268 of the Constitution of the State
2494 of Mississippi before a chancery clerk, that he will faithfully
2495 discharge the duties of the office, which oath shall be filed with
2496 the clerk and by him preserved.

2497 (d) Each director shall receive per diem compensation
2498 in the amount as provided in Section 25-3-69 for attending each
2499 meeting of the board and for each day spent in attending to the
2500 necessary business of the district and shall be reimbursed for



2501 actual expenses thus incurred upon express authorization of the
2502 board, including travel expenses, as provided in Section 25-3-41.

2503 (e) The board of directors shall annually elect from
2504 its number a president and a vice president of the district, and
2505 such other officers as in the judgment of the board are necessary.
2506 The president shall be the chief executive officer of the district
2507 and the presiding officer of the board, and shall have the same
2508 right to vote as any other director. The vice president shall
2509 perform all duties and exercise all powers conferred by this
2510 article upon the president when the president is absent or fails
2511 or declines to act, except the president's right to vote. The
2512 board shall also appoint a secretary and a treasurer who may or
2513 may not be members of the board, and it may combine those offices.
2514 The treasurer shall give bond in the sum of not less than Fifty
2515 Thousand Dollars (\$50,000.00) as set by the board of directors and
2516 each director shall give bond in the sum of not less than Ten
2517 Thousand Dollars (\$10,000.00), and the premiums on those bonds
2518 shall be an expense of the district. The condition of each such
2519 bond shall be that the treasurer or director will faithfully
2520 perform all duties of office and account for all money which shall
2521 come into his custody as treasurer or director of the district.

2522 **SECTION 71.** Section 65-1-8, Mississippi Code of 1972, is
2523 amended as follows:

2524 65-1-8. (1) The Mississippi Transportation Commission shall
2525 have the following general powers, duties and responsibilities:



2526 (a) To coordinate and develop a comprehensive, balanced
2527 transportation policy for the State of Mississippi;

2528 (b) To promote the coordinated and efficient use of all
2529 available and future modes of transportation;

2530 (c) To make recommendations to the Legislature
2531 regarding alterations or modifications in any existing
2532 transportation policies;

2533 (d) To study means of encouraging travel and
2534 transportation of goods by the combination of motor vehicle and
2535 other modes of transportation;

2536 (e) To take such actions as are necessary and proper to
2537 discharge its duties pursuant to the provisions of Chapter 496,
2538 Laws of 1992, and any other provision of law;

2539 (f) To receive and provide for the expenditure of any
2540 funds made available to it by the Legislature, the federal
2541 government or any other source.

2542 (2) In addition to the general powers, duties and
2543 responsibilities listed in subsection (1) of this section, the
2544 Mississippi Transportation Commission shall have the following
2545 specific powers:

2546 (a) To make rules and regulations whereby the
2547 Transportation Department shall change or relocate any and all
2548 highways herein or hereafter fixed as constituting a part of the
2549 state highway system, as may be deemed necessary or economical in
2550 the construction or maintenance thereof; to acquire by gift,



2551 purchase, condemnation or otherwise, land or other property
2552 whatsoever that may be necessary for a state highway system as
2553 herein provided, with full consideration to be given to the
2554 stimulation of local public and private investment when acquiring
2555 such property in the vicinity of Mississippi towns, cities and
2556 population centers;

2557 (b) To enforce by mandamus, or other proper legal
2558 remedies, all legal rights or rights of action of the Mississippi
2559 Transportation Commission with other public bodies, corporations
2560 or persons;

2561 (c) To make and publish rules, regulations and
2562 ordinances for the control of and the policing of the traffic on
2563 the state highways, and to prevent their abuse by any or all
2564 persons, natural or artificial, by trucks, tractors, trailers or
2565 any other heavy or destructive vehicles or machines, or by any
2566 other means whatsoever, by establishing weights of loads or of
2567 vehicles, types of tires, width of tire surfaces, length and width
2568 of vehicles, with reasonable variations to meet approximate
2569 weather conditions, and all other proper police and protective
2570 regulations, and to provide ample means for the enforcement of
2571 same. The violation of any of the rules, regulations or
2572 ordinances so prescribed by the commission shall constitute a
2573 misdemeanor. No rule, regulation or ordinance shall be made that
2574 conflicts with any statute now in force or which may hereafter be
2575 enacted, or with any ordinance of municipalities. A monthly



2576 publication giving general information to the boards of
2577 supervisors, employees and the public may be issued under such
2578 rules and regulations as the commission may determine;

2579 (d) To give suitable numbers to highways and to change
2580 the number of any highway that shall become a part of the state
2581 highway system. However, nothing herein shall authorize the
2582 number of any highway to be changed so as to conflict with any
2583 designation thereof as a U.S. numbered highway. Where, by a
2584 specific act of the Legislature, the commission has been directed
2585 to give a certain number to a highway, the commission shall not
2586 have the authority to change such number;

2587 (e) (i) To make proper and reasonable rules,
2588 regulations, and ordinances for the placing, erection, removal or
2589 relocation of telephone, telegraph or other poles, signboards,
2590 fences, gas, water, sewerage, oil or other pipelines, and other
2591 obstructions that may, in the opinion of the commission,
2592 contribute to the hazards upon any of the state highways, or in
2593 any way interfere with the ordinary travel upon such highways, or
2594 the construction, reconstruction or maintenance thereof, and to
2595 make reasonable rules and regulations for the proper control
2596 thereof. Any violation of such rules or regulations or
2597 noncompliance with such ordinances shall constitute a misdemeanor;

2598 (ii) Except as otherwise provided for in this
2599 paragraph, whenever the order of the commission shall require the
2600 removal of, or other changes in the location of, telephone,



2601 telegraph or other poles, signboards, gas, water, sewerage, oil or
2602 other pipelines * * *, or other similar obstructions on the
2603 right-of-way or such other places where removal is required by
2604 law, the owners thereof shall at their own expense move or change
2605 the same to conform to the order of the commission. Any violation
2606 of such rules or regulations or noncompliance with such orders
2607 shall constitute a misdemeanor;

2608 (iii) Rural water districts, rural water systems,
2609 nonprofit water associations and municipal public water systems in
2610 municipalities with a population of ten thousand (10,000) or less,
2611 according to the latest federal decennial census, shall not be
2612 required to bear the cost and expense of removal and relocation of
2613 water and sewer lines and facilities constructed or in place in
2614 the rights-of-way of state highways. The cost and expense of such
2615 removal and relocation, including any unpaid prior to July 1,
2616 2002, shall be paid by the Department of Transportation;

2617 (iv) Municipal public sewer systems and municipal
2618 gas systems owned by municipalities with a population of ten
2619 thousand (10,000) or less, according to the latest federal
2620 decennial census, shall not be required to bear the cost and
2621 expense of removal and relocation of lines and facilities
2622 constructed or in place in the rights-of-way of state highways.
2623 The cost and expense of such removal and relocation, including any
2624 unpaid prior to July 1, 2003, shall be paid by the Department of
2625 Transportation;



2626 (f) To regulate and abandon grade crossings on any road
2627 fixed as a part of the state highway system, and whenever the
2628 commission, in order to avoid a grade crossing with the railroad,
2629 locates or constructs said road on one side of the railroad, the
2630 commission shall have the power to abandon and close such grade
2631 crossing, and whenever an underpass or overhead bridge is
2632 substituted for a grade crossing, the commission shall have power
2633 to abandon such grade crossing and any other crossing adjacent
2634 thereto. Included in the powers herein granted shall be the power
2635 to require the railroad at grade crossings, where any road of the
2636 state highway system crosses the same, to place signal posts with
2637 lights or other warning devices at such crossings at the expense
2638 of the railroad, and to regulate and abandon underpasses or
2639 overhead bridges and, where abandoned because of the construction
2640 of a new underpass or overhead bridge, to close such old underpass
2641 or overhead bridge, or, in its discretion, to return the same to
2642 the jurisdiction of the county board of supervisors;

2643 (g) To make proper and reasonable rules and regulations
2644 to control the cutting or opening of the road surfaces for
2645 subsurface installations;

2646 (h) To make proper and reasonable rules and regulations
2647 for the removal from the public rights-of-way of any form of
2648 obstruction, to cooperate in improving their appearance, and to
2649 prescribe minimum clearance heights for seed conveyors, pipes,



2650 passageways or other structure of private or other ownership above
2651 the highways;

2652 (i) To establish, and have the Transportation
2653 Department maintain and operate, and to cooperate with the state
2654 educational institutions in establishing, enlarging, maintaining
2655 and operating a laboratory or laboratories for testing materials
2656 and for other proper highway purposes;

2657 (j) To provide, under the direction and with the
2658 approval of the Department of Finance and Administration, suitable
2659 offices, shops and barns in the City of Jackson;

2660 (k) To establish and have enforced set-back
2661 regulations;

2662 (l) To cooperate with proper state authorities in
2663 producing limerock for highway purposes and to purchase same at
2664 cost;

2665 (m) To provide for the purchase of necessary equipment
2666 and vehicles and to provide for the repair and housing of same, to
2667 acquire by gift, purchase, condemnation or otherwise, land or
2668 lands and buildings in fee simple, and to authorize the
2669 Transportation Department to construct, lease or otherwise provide
2670 necessary and proper permanent district offices for the
2671 construction and maintenance divisions of the department, and for
2672 the repair and housing of the equipment and vehicles of the
2673 department; however, in each Supreme Court district only two (2)
2674 permanent district offices shall be set up, but a permanent status



2675 shall not be given to any such offices until so provided by act of
2676 the Legislature and in the meantime, all shops of the department
2677 shall be retained at their present location. As many local or
2678 subdistrict offices, shops or barns may be provided as is
2679 essential and proper to economical maintenance of the state
2680 highway system;

2681 (n) To cooperate with the Department of Archives and
2682 History in having placed and maintained suitable historical
2683 markers, including those which have been approved and purchased by
2684 the State Historical Commission, along state highways, and to have
2685 constructed and maintained roadside driveways for convenience and
2686 safety in viewing them when necessary;

2687 (o) To cooperate, in its discretion, with the
2688 Mississippi Department of Wildlife, Fisheries and Parks in
2689 planning and constructing roadside parks upon the right-of-way of
2690 state highways, whether constructed, under construction, or
2691 planned; said parks to utilize where practical barrow pits used in
2692 construction of state highways for use as fishing ponds. Said
2693 parks shall be named for abundant flora and fauna existing in the
2694 area or for the first flora or fauna found on the site;

2695 (p) Unless otherwise prohibited by law, to make such
2696 contracts and execute such instruments containing such reasonable
2697 and necessary appropriate terms, provisions and conditions as in
2698 its absolute discretion it may deem necessary, proper or
2699 advisable, for the purpose of obtaining or securing financial



2700 assistance, grants or loans from the United States of America or
2701 any department or agency thereof, including contracts with several
2702 counties of the state pertaining to the expenditure of such funds;

2703 (q) To cooperate with the Federal Highway
2704 Administration in the matter of location, construction and
2705 maintenance of the Great River Road, to expend such funds paid to
2706 the commission by the Federal Highway Administration or other
2707 federal agency, and to authorize the Transportation Department to
2708 erect suitable signs marking this highway, the cost of such signs
2709 to be paid from state highway funds other than earmarked
2710 construction funds;

2711 (r) To cooperate, in its discretion, with the * * *
2712 Department of Agriculture and Commerce and the School of Forestry,
2713 Mississippi State University, in a forestry management program,
2714 including planting, thinning, cutting and selling, upon the
2715 right-of-way of any highway, constructed, acquired or maintained
2716 by the Transportation Department, and to sell and dispose of any
2717 and all growing timber standing, lying or being on any
2718 right-of-way acquired by the commission for highway purposes in
2719 the future; such sale or sales to be made in accordance with the
2720 sale of personal property which has become unnecessary for public
2721 use as provided for in Section 65-1-123, Mississippi Code of 1972;

2722 (s) To expend funds in cooperation with the Division of
2723 Plant Industry, Mississippi Department of Agriculture and
2724 Commerce, the United States government or any department or agency



2725 thereof, or with any department or agency of this state, to
2726 control, suppress or eradicate serious insect pests, rodents,
2727 plant parasites and plant diseases on the state highway
2728 rights-of-way;

2729 (t) To provide for the placement, erection and
2730 maintenance of motorist services business signs and supports
2731 within state highway rights-of-way in accordance with current
2732 state and federal laws and regulations governing the placement of
2733 traffic control devices on state highways, and to establish and
2734 collect reasonable fees from the businesses having information on
2735 such signs;

2736 (u) To request and to accept the use of persons
2737 convicted of an offense, whether a felony or a misdemeanor, for
2738 work on any road construction, repair or other project of the
2739 Transportation Department. The commission is also authorized to
2740 request and to accept the use of persons who have not been
2741 convicted of an offense but who are required to fulfill certain
2742 court-imposed conditions pursuant to Section 41-29-150(d)(1) or
2743 99-15-26, Mississippi Code of 1972, or the Pretrial Intervention
2744 Act, being Sections 99-15-101 through 99-15-127, Mississippi Code
2745 of 1972. The commission is authorized to enter into any
2746 agreements with the Department of Corrections, the State Parole
2747 Board, any criminal court of this state, and any other proper
2748 official regarding the working, guarding, safekeeping, clothing
2749 and subsistence of such persons performing work for the



2750 Transportation Department. Such persons shall not be deemed
2751 agents, employees or involuntary servants of the Transportation
2752 Department while performing such work or while going to and from
2753 work or other specified areas;

2754 (v) To provide for the administration of the railroad
2755 revitalization program pursuant to Section 57-43-1 et seq.;

2756 (w) The Mississippi Transportation Commission is
2757 further authorized, in its discretion, to expend funds for the
2758 purchase of service pins for employees of the Mississippi
2759 Transportation Department;

2760 (x) To cooperate with the * * * Department of Revenue
2761 by providing for weight enforcement field personnel to collect and
2762 assess taxes, fees and penalties and to perform all duties as
2763 required pursuant to Section 27-55-501 et seq., Sections 27-19-1
2764 et seq., 27-55-1 et seq., 27-59-1 et seq. and 27-61-1 et seq.,
2765 Mississippi Code of 1972, with regard to vehicles subject to the
2766 jurisdiction of the Office of Weight Enforcement. All collections
2767 and assessments shall be transferred daily to the * * * Department
2768 of Revenue;

2769 (y) The Mississippi Transportation Commission may
2770 delegate the authority to enter into a supplemental agreement to a
2771 contract previously approved by the commission if the supplemental
2772 agreement involves an additional expenditure not to exceed One
2773 Hundred Thousand Dollars (\$100,000.00);



2774 (z) (i) The Mississippi Transportation Commission, in
2775 its discretion, may enter into agreements with any county,
2776 municipality, county transportation commission, business,
2777 corporation, partnership, association, individual or other legal
2778 entity, for the purpose of accelerating the completion date of
2779 scheduled highway construction projects.

2780 (ii) Such an agreement may permit the cost of a
2781 highway construction project to be advanced to the commission by a
2782 county, municipality, county transportation commission, business,
2783 corporation, partnership, association, individual or other legal
2784 entity, and repaid to such entity by the commission when highway
2785 construction funds become available; provided, however, that
2786 repayment of funds advanced to the Mississippi Transportation
2787 Commission shall be made no sooner than the commission's
2788 identified projected revenue schedule for funding of that
2789 particular construction project, and no other scheduled highway
2790 construction project established by statute or by the commission
2791 may be delayed by an advanced funding project authorized under
2792 this paragraph (z). Repayments to a public or private entity that
2793 advances funds to the Mississippi Transportation Commission under
2794 this paragraph (z) may not include interest or other fees or
2795 charges, and the total amount repaid shall not exceed the total
2796 amount of funds advanced to the commission by the entity; however,
2797 the inclusion of public entities in this provision does not
2798 invalidate any existing agreements authorized under this paragraph



2799 (z) before April 19, 2022. The commission shall retain the
2800 ability to service, refinance or restructure any indebtedness
2801 incurred through any such existing agreements.

2802 (iii) In considering whether to enter into such an
2803 agreement, the commission shall consider the availability of
2804 financial resources, the effect of such agreement on other ongoing
2805 highway construction, the urgency of the public's need for swift
2806 completion of the project and any other relevant factors.

2807 (iv) Such an agreement shall be executed only upon
2808 a finding by the commission, spread upon its minutes, that the
2809 acceleration of the scheduled project is both feasible and
2810 beneficial. The commission shall also spread upon its minutes its
2811 findings with regard to the factors required to be considered
2812 pursuant to subparagraph (iii) of this paragraph (z);

2813 (aa) The Mississippi Transportation Commission, in its
2814 discretion, may purchase employment practices liability insurance,
2815 and may purchase an excess policy to cover catastrophic losses
2816 incurred under the commission's self-insured workers' compensation
2817 program authorized under Section 71-3-5. Such policies shall be
2818 written by the agent or agents of a company or companies
2819 authorized to do business in the State of Mississippi. The
2820 deductibles shall be in an amount deemed reasonable and prudent by
2821 the commission, and the premiums thereon shall be paid from the
2822 State Highway Fund. Purchase of insurance under this paragraph
2823 shall not serve as an actual or implied waiver of sovereign



2824 immunity or of any protection afforded the commission under the
2825 Mississippi Tort Claims Act;

2826 (bb) The Mississippi Transportation Commission is
2827 further authorized, in its discretion, to expend funds for the
2828 purchase of promotional materials for safety purposes, highway
2829 beautification purposes and recruitment purposes;

2830 (cc) To lease antenna space on communication towers
2831 which it owns;

2832 (dd) To receive funds from the Southeastern Association
2833 of Transportation Officials and from other nonstate sources and
2834 expend those funds for educational scholarships in transportation
2835 related fields of study. The commission may adopt rules or
2836 regulations as necessary for the implementation of the program. A
2837 strict accounting shall be made of all funds deposited with the
2838 commission and all funds dispersed;

2839 (ee) To contract with any county, if the county chooses
2840 to enter such contract, to perform any maintenance on the state
2841 highways and interstate highways in that county and any
2842 rights-of-way to such highways.

2843 **SECTION 72.** Section 65-1-123, Mississippi Code of 1972, is
2844 amended as follows:

2845 65-1-123. (1) Except as otherwise provided in subsection
2846 (10) of this section, whenever any personal property has been
2847 acquired in any manner by the Mississippi Transportation
2848 Commission for public use and in the opinion of the commission,



2849 all or any part of the property becomes unnecessary for public
2850 use, the commission is authorized to dispose of such property for
2851 a fair and reasonable cash market price. Any such sale shall be a
2852 sale upon the receipt of sealed bids after reasonable
2853 advertisement for bids in such manner and at such time and place
2854 as the commission may deem proper and advisable, except that the
2855 commission may sell at private sale any such personal property not
2856 necessary for public purposes the cash market value of which is
2857 less than Five Hundred Dollars (\$500.00); however, if the personal
2858 property is timber, the commission may sell at private sale any
2859 such timber not necessary for public purposes the cash market
2860 value of which is less than Five Thousand Dollars (\$5,000.00),
2861 except that whenever persons, groups or agencies are permitted to
2862 remove a quantity of timber from highway rights-of-way, and the
2863 cash market value of the timber is estimated by the commission to
2864 be less than One Thousand Dollars (\$1,000.00), it shall not be
2865 necessary to have the timber cruised or appraised and the
2866 commission may sell the timber at private sale. The commission
2867 shall have the right to reject any and all bids in its discretion
2868 and to sell the property theretofore advertised at private sale
2869 for not less than the highest of the rejected bids, or to
2870 readvertise.

2871 (2) Except as otherwise provided in subsections (3) and (4)
2872 of this section, whenever real property, with the exception of
2873 easements for highway purposes, has been acquired by the



2874 Mississippi Transportation Commission, in any manner, for public
2875 use and in the opinion of the commission all or any part thereof
2876 becomes unnecessary for public use, the same shall be declared on
2877 the minutes of the commission as excess property and shall be sold
2878 at private sale at market value. If the excess property was a
2879 total take from the original owner, then the commission shall
2880 offer to such owner, in writing, the first right of refusal to
2881 purchase such excess property; however, if after due diligence the
2882 original owner cannot be located, then the commission shall offer
2883 the first right of refusal to purchase the property to the
2884 adjoining property owner or owners. If the excess property was a
2885 partial take from the current owner of the parcel of real property
2886 from which the excess property was originally taken, then the
2887 commission shall be required to offer in writing the first right
2888 of refusal to purchase such excess property to such owner. If
2889 within forty-five (45) days any owner to whom the commission has
2890 offered the first right of refusal under the provisions of this
2891 subsection fails to accept the offer to purchase, the property
2892 shall then be offered to the adjoining property owner or owners.
2893 If within forty-five (45) days an adjoining property owner fails
2894 to accept the offer to purchase, then the excess property shall be
2895 sold to the highest bidder upon the receipt by the commission of
2896 sealed bids after reasonable advertisement for bids in such manner
2897 and at such time and place as the commission deems proper and
2898 advisable; however, the commission shall have the right to reject



2899 any and all bids in its discretion and to sell the property
2900 theretofore advertised at private sale for not less than the
2901 highest of the rejected bids, or to readvertise. Upon payment of
2902 the purchase price, the executive director of the department, upon
2903 due authorization by the commission entered on its minutes, may
2904 execute a quitclaim deed conveying such property to the purchaser.

2905 (3) Whenever the commission acquires by fee simple interest
2906 any property determined to be an uneconomic remnant outside the
2907 right-of-way, then the commission may sell the property to the
2908 adjoining property owner or owners for an amount not less than the
2909 market value established by the county tax assessor or a state
2910 licensed or certified appraiser.

2911 (4) Whenever the commission desires to sell any real
2912 property used as maintenance lots, the property shall be sold to
2913 the highest bidder upon the receipt by the commission of sealed
2914 bids and after reasonable advertisement for bids in such manner
2915 and at such time and place as the commission deems proper and
2916 advisable; however, the commission, in its discretion, may reject
2917 any and all bids and sell the property advertised at private sale
2918 for not less than the highest of the rejected bids, or may
2919 readvertise. Upon payment of the purchase price, the executive
2920 director of the department, upon authorization by the commission
2921 entered on its minutes, may execute a quitclaim deed conveying the
2922 property to the purchaser.



2923 (5) All easements for highway purposes shall be released
2924 when they are determined on the minutes of the commission as no
2925 longer needed for such purposes, and when released, they shall be
2926 filed by the department in the office of the chancery clerk in the
2927 county where the property is located.

2928 (6) In no instance shall any part of any property acquired
2929 by the commission, or any interest acquired in such property,
2930 including, but not limited to, easements, be construed as
2931 abandoned by nonuse, nor shall any encroachment on such property
2932 for any length of time constitute estoppel or adverse possession
2933 against the state's interests.

2934 (7) It is the intent of the Legislature that the
2935 Transportation Commission shall declare property it has acquired
2936 and which is no longer needed for public purposes as excess and to
2937 sell and/or dispose of such excess property in accordance with the
2938 provisions of this section as soon as practicable after such
2939 property becomes excess in fact. Unnecessary or excess property
2940 or property interests shall be disposed of only upon order of the
2941 Transportation Commission on its minutes as provided in this
2942 section.

2943 (8) Whenever any real property has been acquired by the
2944 Transportation Commission and in the opinion of the commission all
2945 or any part of the property will not be utilized in the near
2946 future, the property shall be so declared by the Transportation



2947 Commission on its minutes and the commission may lease or rent the
2948 property for its market value.

2949 (9) This section shall not apply to any sale, donation,
2950 exchange or other conveyance of real property when the Legislature
2951 otherwise expressly authorizes or directs the commission to sell,
2952 donate, exchange or otherwise convey specifically described real
2953 property.

2954 (10) (a) As an alternative to the sale of timber under
2955 subsection (1) of this section, the Mississippi Transportation
2956 Commission may enter into an agreement with the * * * Mississippi
2957 Department of Agriculture and Commerce for the general supervision
2958 and management of timber on selected portions of the rights-of-way
2959 of the interstate highway system and those completed segments of
2960 four-lane highways in the state. Such an agreement may prescribe
2961 the details of, and authority and control over, the full range of
2962 forestry management practices. Seventy-five percent (75%) of any
2963 money collected from the sale of timber on rights-of-way, less any
2964 expenses associated therewith, shall be deposited into the
2965 Education Enhancement Fund created in Section 37-61-33, and the
2966 remainder shall be deposited into the State Highway Fund to be
2967 expended solely for the repair, maintenance, construction or
2968 reconstruction of highways.

2969 (b) Subject to the provisions of paragraph (a) of this
2970 subsection, the Mississippi Transportation Commission may, after
2971 consultation with the * * * Mississippi Department of Agriculture



2972 and Commerce, adopt such rules and regulations with regard to the
2973 management, sale or disposal of timber on highway rights-of-way as
2974 it considers appropriate; provided, however, such rules and
2975 regulations shall be uniform throughout the state and shall be
2976 designed to maximize the value of such timber or minimize the cost
2977 of removing such timber.

2978 **SECTION 73.** Section 69-46-3, Mississippi Code of 1972, is
2979 amended as follows:

2980 69-46-3. (1) There is created the Mississippi Land, Water
2981 and Timber Resources Board, hereinafter referred to as "the
2982 board," for the purpose of assisting Mississippi agricultural
2983 industry in the development, marketing and distribution of
2984 agricultural products.

2985 (2) The board shall be composed of the following members:

2986 (a) The Chairman of the Senate Agriculture Committee,
2987 or a member of the Senate Agriculture Committee designated by the
2988 chairman, as a nonvoting member;

2989 (b) The Chairman of the House of Representatives
2990 Agriculture Committee or a member of the House of Representatives
2991 Agriculture Committee designated by the chairman, as a nonvoting
2992 member;

2993 (c) The Chairman of the Senate Forestry Committee, or a
2994 member of the Senate Forestry Committee designated by the
2995 chairman, as a nonvoting member;



2996 (d) The Executive Director of the Mississippi
2997 Development Authority, or his designee;

2998 (e) The Commissioner of the Mississippi Department of
2999 Agriculture and Commerce, or his designee;

3000 (f) The President of the Mississippi Farm Bureau
3001 Federation, or his designee;

3002 (g) The Director of the Cooperative Extension Service
3003 at Mississippi State University, or his designee;

3004 (h) The Executive Director of the Agribusiness and
3005 Natural Resource Development Center at Alcorn State University, or
3006 his designee;

3007 (i) The Director of the Agricultural Finance Division
3008 of the Mississippi Development Authority, or his designee;

3009 (j) The Director of the Agriculture Marketing Division
3010 of the Mississippi Department of Agriculture and Commerce, or his
3011 designee;

3012 (k) The * * * State Forester, or his designee; and

3013 (l) Three (3) individuals appointed by the Governor who
3014 are active producers of Mississippi land, water or timber
3015 commodities. The Governor shall appoint one (1) such person from
3016 each Supreme Court district.

3017 (3) The Executive Director of the Mississippi Development
3018 Authority and the Commissioner of the Mississippi Department of
3019 Agriculture and Commerce shall serve as co-chairmen of the board.



3020 (4) The board shall meet at least once each calendar quarter
3021 at the call of the co-chairmen. A majority of the members of the
3022 board shall constitute a quorum at all meetings. An affirmative
3023 vote of a majority of the members present and voting is required
3024 in the adoption of any actions taken by the board. All members
3025 must be notified, in writing, of all regular and special meetings
3026 of the board, which notices must be mailed at least ten (10) days
3027 before the dates of the meetings. All meetings shall take place
3028 at the State Capitol in Jackson, Mississippi. The board shall
3029 provide a copy of the minutes of each of its meetings to the
3030 Chairman of the Senate Agriculture Committee and the Chairman of
3031 the House of Representatives Agriculture Committee.

3032 (5) Members of the board shall not receive compensation.
3033 However, each member may be paid travel expenses and meals and
3034 lodging expenses as provided in Section 25-3-41, for such expenses
3035 incurred in furtherance of their duties. Travel expenses and
3036 meals and lodging expenses and other necessary expenses incurred
3037 by the board shall be paid out of funds appropriated to the
3038 Mississippi Development Authority.

3039 (6) In carrying out the provisions of the Mississippi Land,
3040 Water and Timber Resources Act, the board may utilize the
3041 services, facilities and personnel of all departments, agencies,
3042 offices and institutions of the state, and all such departments,
3043 agencies, offices and institutions shall cooperate with the board
3044 in carrying out the provisions of such act.



3045 **SECTION 74.** Section 97-17-13, Mississippi Code of 1972, is
3046 amended as follows:

3047 97-17-13. (1) If any person willfully, maliciously, and
3048 feloniously sets on fire any woods, meadow, marsh, field or
3049 prairie, not his own, he is guilty of a felony and shall, upon
3050 conviction, be sentenced to the State Penitentiary for not more
3051 than two (2) years nor less than one (1) year, or fined not less
3052 than Two Hundred Dollars (\$200.00) nor more than One Thousand
3053 Dollars (\$1,000.00), or both, in the discretion of the court.

3054 (2) (a) If any person recklessly or with gross negligence
3055 causes fire to burn any woods, meadow, marsh, field or prairie,
3056 not his own, he is guilty of a misdemeanor and shall, on
3057 conviction, be fined not less than One Hundred Dollars (\$100.00)
3058 nor more than Five Hundred Dollars (\$500.00), or imprisoned in the
3059 county jail not more than three (3) months, or both, in the
3060 discretion of the court.

3061 (b) If a person has a brush or debris pile or other
3062 material which is or was being burned and reasonable and prudent
3063 efforts were not taken to prevent the spread of the fire onto the
3064 lands of another shall be evidence that such person recklessly or
3065 with gross negligence caused the land to burn.

3066 (3) In addition to the penalties provided in this section,
3067 upon conviction, a person shall be ordered to reimburse and pay in
3068 restitution directly to any organized fire suppression agency
3069 recognized by the Mississippi * * * Department of Agriculture and



3070 Commerce all the costs the agency incurred related to the
3071 suppression and abatement of the fire.

3072 **SECTION 75.** This act shall take effect and be in force from
3073 and after July 1, 2023.

