

HOUSE BILL NO. 1258

1 AN ACT TO AMEND SECTION 49-19-403, MISSISSIPPI CODE OF 1972,
2 TO PLACE THE MISSISSIPPI INSTITUTE FOR FOREST INVENTORY WITHIN THE
3 STATE FORESTRY COMMISSION; TO PROVIDE FOR THE APPOINTMENT OF THE
4 DIRECTOR OF THE INSTITUTE FOR FOREST INVENTORY; TO PROVIDE FOR AN
5 ADVISORY BOARD TO THE INSTITUTE; TO AMEND SECTION 49-19-3,
6 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE FORESTRY
7 COMMISSION SHALL HAVE POWER AND DUTY TO IMPLEMENT THE FOREST
8 INVENTORY ACT; TO AMEND SECTION 49-19-1, MISSISSIPPI CODE OF 1972,
9 TO ADD THE CHAIRMAN OF THE ADVISORY BOARD TO THE INSTITUTE FOR
10 FOREST INVENTORY SHALL BE AN EX OFFICIO MEMBER OF THE STATE
11 FORESTRY COMMISSION; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 49-19-403, Mississippi Code of 1972, is
14 amended as follows:

15 49-19-403. (1) * * * There is hereby created the
16 Mississippi Institute for Forest Inventory. The institute shall
17 be under the jurisdiction of the State Forestry Commission. The
18 budget of the institute shall be funded through a separate line
19 item within the general appropriation bill for the support and
20 maintenance of the State Forestry Commission.

21 (2) The institute shall be headed by a director who shall be
22 appointed by the State Forester. The advisory board shall submit
23 three (3) qualified nominees to the State Forester for the
24 position of director. The State Forester shall appoint the
25 director from the list of nominees submitted. The director shall
26 serve at the will and pleasure of the State Forester.

27 (3) (a) There is hereby created an advisory board to the
28 Mississippi Institute for Forest Inventory. The advisory board
29 shall consist of eleven (11) members. The Director of the
30 Mississippi Automated Resource Information System; the Executive
31 Director of the Mississippi Development Authority, or his

32 designee; the Director of the Forest and Wildlife Research Center
33 at Mississippi State University, or his designee; and the State
34 Forester, or his designee; shall be ex officio members with full
35 voting power.

36 (b) The Governor shall appoint four (4) members from
37 the state at large with the advice and consent of the Senate. The
38 Governor shall appoint one (1) member from each of the following
39 categories: a private nonindustrial forest landowner, a
40 Mississippi registered forester, a certified wildlife or fisheries
41 biologist, and a representative of an environmental organization.
42 Appointments made after January 1, 2005, shall be for initial
43 terms as follows: a private nonindustrial forest landowner, four
44 (4) years; a Mississippi registered forester, three (3) years; a
45 certified wildlife or fisheries biologist, two (2) years; and a
46 representative of an environmental organization one (1) year.
47 After the expiration of the initial terms, the terms shall be for
48 four (4) years.

49 (c) The Lieutenant Governor shall appoint three (3)
50 members from the state at large with the advice and consent of the
51 Senate. The Lieutenant Governor shall appoint one (1) member from
52 each of the following categories: the timber harvesting industry,
53 the forest products industry, and a citizen with forestry related
54 interests. Appointments made after January 1, 2005, shall be for
55 initial terms as follows: timber harvesting industry, four (4)
56 years; forest products industry, three (3) years; and a citizen
57 with forestry related interests, two (2) years. After the
58 expiration of the initial terms, the terms shall be for four (4)
59 years.

60 (d) The advisory board shall elect a chairman from its
61 membership.

62 (e) The advisory board shall advise, assist and
63 recommend policies that aid the institute in the development and
64 implementation of a statewide forest inventory.

65 (f) Members of the advisory board may be reimbursed for
66 mileage and actual and necessary expenses as provided under
67 Section 25-3-41.

68 (g) The Chairman of the Senate Forestry Committee and
69 the Chairman of the House Forestry Committee shall serve as
70 members of the Joint Institute for Forest Inventory Oversight
71 Committee. For attending meetings, the legislators shall receive
72 per diem and expenses from their respective contingent expense
73 funds at the rate authorized for committee meetings when the
74 Legislature is not in session. No per diem and expenses will be
75 paid for attending meetings when the Legislature is in session.

76 * * *

77 (4) The State Forestry Commission shall have the following
78 powers:

79 (a) To apply for, accept and expend any funds, grants
80 or gifts from any public or private sources in furtherance of the
81 institute's duties;

82 (b) To expend funds by appropriation or directly from
83 any federal, local or private sources;

84 (c) Enter into contracts and execute all instruments to
85 carry out the duties of the institute; and

86 * * *

87 (d) To do all acts necessary to carry out the duties of
88 the institute.

89 (5) All funds received by the institute shall be deposited
90 in the State Treasury for the use of the institute.

91 **SECTION 2.** Section 49-19-3, Mississippi Code of 1972, is
92 amended as follows:

93 49-19-3. The duties and powers of the commission shall be:

94 (a) To appoint a State Forester, who shall serve at the
95 will and pleasure of the commission and who is qualified to
96 perform the duties as set forth herein; and to pay him such salary
97 as is provided by the Legislature, and allow him such office

98 expenses incidental to the performance of his official duties as
99 the commission, in its discretion, may deem necessary; and to
100 charge him with the immediate direction and control, subject to
101 the supervision and approval of the commission, of all matters
102 relating to forestry as authorized herein. Any person appointed
103 by the commission as State Forester shall have received a
104 bachelor's degree in forestry from an accredited school or college
105 of forestry and shall be licensed and registered under the
106 provisions of the Mississippi Foresters Registration Law (Section
107 73-36-1 et seq.) and in addition shall have had at least five (5)
108 years' administrative experience in a forestry-related field.

109 (b) To take such action and provide and maintain such
110 organized means as may seem necessary and expedient to prevent,
111 control and extinguish forest fires, including the enforcement of
112 any and all laws pertaining to the protection of forests and
113 woodland.

114 (c) To encourage forest and tree planting for the
115 production of a wood crop, for the protection of water supply, for
116 windbreak and shade, or for any other beneficial purposes
117 contributing to the general welfare, public hygiene and comfort of
118 the people.

119 (d) To cause to be made such technical investigations
120 and studies concerning forest conditions, the propagation, care
121 and protection of forest and shade trees, the care and management
122 of forests, their growth, yield and the products and by-products
123 thereof, and any other competent subject, including forest
124 taxation, bearing on the timber supply and needs of the state,
125 which the commission, in its discretion, may deem proper.

126 (e) To assist and cooperate with any federal or state
127 department or institution, county, town, corporation or
128 individual, under such terms as in the judgment of the commission
129 will best serve the public interest, in the preparation and
130 execution of plans for the protection, management, replacement, or

extension of the forest, woodland and roadside or other ornamental tree growth in the state.

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

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

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

162 (i) To create, establish and organize the State of
163 Mississippi into forestry districts for the most effective and
164 efficient administration of the commission.

165 (j) To appoint, upon the State Forester's
166 recommendation, six (6) individuals who shall be designated
167 Mississippi Forestry Commission Law Enforcement Officers with
168 authority to bear arms, investigate and make arrests; however, the
169 law enforcement duties and authority of the officers shall be
170 limited to woods arson. The officers shall comply with applicable
171 minimum educational and training standards for law enforcement
172 officers. These officers may issue citations for any violation of
173 those laws for recklessly or with gross negligence causing fire to
174 burn the lands of another. A citation issued by a Forestry
175 Commission law enforcement officer shall be issued on a uniform
176 citation form consisting of an original and at least two (2)
177 copies. Such citation shall show, among other necessary
178 information, the name of the issuing officer, the name of the
179 court in which the cause is to be heard and the date and time the
180 person charged with a violation is to appear to answer the charge.
181 The uniform citation form shall make a provision on it for
182 information that will constitute a complaint charging the offense
183 for which the citation was issued and, when duly sworn to and
184 filed with a court of competent jurisdiction, prosecution may
185 proceed under that complaint. For the purposes of this paragraph,
186 the fact that any person is found to have a brush or debris pile
187 or other material which is or was being burned and reasonable and
188 prudent efforts were not taken to prevent the spread of the fire
189 onto the lands of another shall be evidence that such person
190 recklessly or with gross negligence caused the land to burn.

191 This paragraph shall stand repealed on June 30, 2008.

192 (k) To discharge such duties, responsibilities and
193 powers necessary to accomplish and implement the forestry

inventory and strategic planning act under Section 49-19-401 et seq..

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

49-19-1. (1) There shall be a State Forestry Commission composed of ten (10) members, who shall be qualified electors of the state. The Dean of the School of Forest Resources at Mississippi State University shall be an ex officio member of the commission, with full voting authority. The chairman of the advisory committee to the Mississippi Institute for Forest Inventory shall be an ex officio nonvoting member of the commission. The Governor shall appoint eight (8) members, with the advice and consent of the Senate, for a term of six (6) years. The Governor shall appoint one (1) member from each congressional district as constituted at the time the appointments are made and shall appoint the remainder of the members from the state at large. A member from a congressional district must be a certified tree farmer who owns eighty (80) or more acres of forest land or a person who derives a major portion of his personal income from forest-related business, industry or other related activities. Members of the commission from the state at large may or may not possess the same qualifications as members appointed from the congressional districts.

(2) The members of the commission shall receive no annual salary but each member of the commission shall receive a per diem plus expenses and mileage as authorized by law for each day devoted to the discharge of official duties. No member of the commission shall receive total per diem in excess of twenty-four (24) days' compensation per annum.

(3) If a vacancy occurs in the office of an appointed member of the commission, the vacancy shall be filled by appointment for the balance of the unexpired term.

226 (4) The commission shall elect from its membership a
227 chairman, who shall preside over meetings, and a vice chairman,
228 who shall preside in the absence of the chairman or when the
229 chairman is excused.

230 (5) The commission shall adopt rules and regulations
231 governing times and places for meetings, and governing the manner
232 of conducting its business. Each member of the commission shall
233 take the oath prescribed by Section 268 of the Mississippi
234 Constitution and shall enter into bond in the amount of Thirty
235 Thousand Dollars (\$30,000.00) to be approved by the Secretary of
236 State, conditioned according to law and payable to the State of
237 Mississippi before assuming the duties of office.

238 (6) Any appointment made to the commission contrary to this
239 section shall be void, and it is unlawful for the State Fiscal
240 Officer to pay any per diem or authorize the expenses of the
241 appointee.

242 **SECTION 4.** This act shall take effect and be in force from
243 and after July 1, 2006.