

By: Senator(s) Harvey, Williamson

To: Forestry; Appropriations

SENATE BILL NO. 2724  
(As Passed the Senate)

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 REVISE THE QUALIFICATIONS OF THE  
7 STATE FORESTER AND TO PROVIDE THAT THE STATE FORESTRY COMMISSION  
8 SHALL HAVE POWER AND DUTY TO IMPLEMENT THE FOREST INVENTORY ACT;  
9 TO AMEND 49-19-1, MISSISSIPPI CODE OF 1972, TO ADD THE CHAIRMAN OF  
10 THE ADVISORY BOARD TO THE INSTITUTE FOR FOREST INVENTORY SHALL BE  
11 AN EX OFFICIO MEMBER OF THE STATE FORESTRY COMMISSION; AND FOR  
12 RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

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

77       \* \* \*

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

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

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

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

87       \* \* \*

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

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

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

94       49-19-3. The duties and powers of the commission shall be:

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

99 expenses incidental to the performance of his official duties as  
100 the commission, in its discretion, may deem necessary; and to  
101 charge him with the immediate direction and control, subject to  
102 the supervision and approval of the commission, of all matters  
103 relating to forestry as authorized herein. Any person appointed  
104 by the commission as State Forester shall have received (i) a  
105 bachelor's degree in forestry from an accredited school or college  
106 of forestry and shall be licensed and registered under the  
107 provisions of the Mississippi Foresters Registration Law (Section  
108 73-36-1 et seq.) and in addition shall have had at least five (5)  
109 years' administrative experience in a forestry-related field, or  
110 (ii) a bachelor's degree in public or business administration and  
111 at least eight (8) years' experience in a public or private  
112 organization with administrative management functions directly  
113 related to those of the agency, with five (5) of those years in an  
114 administrative management position with personnel supervision and  
115 budget management responsibilities.

116 (b) To take such action and provide and maintain such  
117 organized means as may seem necessary and expedient to prevent,  
118 control and extinguish forest fires, including the enforcement of  
119 any and all laws pertaining to the protection of forests and  
120 woodland.

121 (c) To encourage forest and tree planting for the  
122 production of a wood crop, for the protection of water supply, for  
123 windbreak and shade, or for any other beneficial purposes  
124 contributing to the general welfare, public hygiene and comfort of  
125 the people.

126 (d) To cause to be made such technical investigations  
127 and studies concerning forest conditions, the propagation, care  
128 and protection of forest and shade trees, the care and management  
129 of forests, their growth, yield and the products and by-products  
130 thereof, and any other competent subject, including forest

131 taxation, bearing on the timber supply and needs of the state,  
132 which the commission, in its discretion, may deem proper.

133           (e) To assist and cooperate with any federal or state  
134 department or institution, county, town, corporation or  
135 individual, under such terms as in the judgment of the commission  
136 will best serve the public interest, in the preparation and  
137 execution of plans for the protection, management, replacement, or  
138 extension of the forest, woodland and roadside or other ornamental  
139 tree growth in the state.

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

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

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

169           (i) To create, establish and organize the State of  
170 Mississippi into forestry districts for the most effective and  
171 efficient administration of the commission.

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

196 onto the lands of another shall be evidence that such person  
197 recklessly or with gross negligence caused the land to burn.

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

199 (k) To discharge such duties, responsibilities and  
200 powers necessary to accomplish and implement the forestry  
201 inventory and strategic planning act under Section 49-19-401 et  
202 seq..

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

205 49-19-1. (1) There shall be a State Forestry Commission  
206 composed of ten (10) members, who shall be qualified electors of  
207 the state. The Dean of the School of Forest Resources at  
208 Mississippi State University shall be an ex officio member of the  
209 commission, with full voting authority. The chairman of the  
210 advisory committee to the Mississippi Institute for Forest  
211 Inventory shall be an ex officio nonvoting member of the  
212 commission. The Governor shall appoint eight (8) members, with  
213 the advice and consent of the Senate, for a term of six (6) years.  
214 The Governor shall appoint one (1) member from each congressional  
215 district as constituted at the time the appointments are made and  
216 shall appoint the remainder of the members from the state at  
217 large. A member from a congressional district must be a certified  
218 tree farmer who owns eighty (80) or more acres of forest land or a  
219 person who derives a major portion of his personal income from  
220 forest-related business, industry or other related activities.  
221 Members of the commission from the state at large may or may not  
222 possess the same qualifications as members appointed from the  
223 congressional districts.

224 (2) The members of the commission shall receive no annual  
225 salary but each member of the commission shall receive a per diem  
226 plus expenses and mileage as authorized by law for each day  
227 devoted to the discharge of official duties. No member of the

228 commission shall receive total per diem in excess of twenty-four  
229 (24) days' compensation per annum.

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

233 (4) The commission shall elect from its membership a  
234 chairman, who shall preside over meetings, and a vice chairman,  
235 who shall preside in the absence of the chairman or when the  
236 chairman is excused.

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

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

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