

## CHAPTER 488

## S.B. No. 262

An Act relating to the continuation of the office of state forester with change of name; amending the Education Code, as amended, by adding Section 88.002 and amending Sections 88.101, 88.102, 88.103, 88.104, 88.105, and 88.106; amending Subsection (a), Section 12.012, and Section 82.406, Parks and Wildlife Code; and repealing Section 88.1011, Education Code.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Subchapter A, Chapter 88, Education Code, is amended by adding Section 88.002 to read as follows:

*"Section 88.002. DEFINITION. In this chapter, 'board' means the board of regents of The Texas A&M University System."*

**SECTION 2.** Sections 88.101, 88.102, 88.103, 88.104, 88.105, and 88.106, Education Code, as amended, are amended to read as follows:

*"Section 88.101. DIRECTOR OF TEXAS FOREST SERVICE [STATE FORESTER; APPOINTMENT; QUALIFICATIONS]. (a) The board [of directors] shall appoint a director of the Texas Forest Service [state forester], who shall be a technically trained forester with not less than two years of experience in professional forestry work. [The state forester is the director of the Texas Forest Service.]*

*"(b) In this subchapter, 'director' means the director of the Texas Forest Service.*

**Section 88.102. GENERAL DUTIES.** Under the general supervision of the board, the director [state forester] shall:

*"(1) assume direction of all forest interests and all matters pertaining to forestry within the jurisdiction of this state;*

*"(2) subject to the approval and confirmation of the board, appoint the assistants and employees necessary in executing the duties of his office and the purposes of the board, their compensation to be fixed by the board;*

*"(3) take any action deemed necessary by the board to prevent and extinguish forest fires;*

*"(4) enforce all laws pertaining to the protection of forests and woodlands and prosecute violations of those laws;*

“(5) collect data relating to forest conditions; and

“(6) prepare for the board an annual report stating the progress and condition of state forestry work and recommending plans for improving the state system of forest protection, management, and replacement.

“Section 88.103. ENFORCEMENT; APPOINTMENT OF PEACE OFFICERS. The *director* [~~state forester~~] may appoint not to exceed 12 employees of the Texas Forest Service who are certified by the Commission on Law Enforcement Officer Standards and Education as qualified to be peace officers to serve as peace officers under his direction in executing the enforcement duties of that agency. The appointments must be approved by the board which shall commission the appointees as peace officers. Any officer commissioned under this section is vested with all the powers, privileges, and immunities of peace officers in the performance of his duties. The officer shall take the oath required of peace officers and shall execute a good and sufficient bond in the sum of \$5,000, payable to the governor and his successors in office, with two or more good and sufficient personal sureties or with one corporate surety authorized to do business in Texas, conditioned that he will fairly, impartially, and faithfully perform all the duties that may be required of him by law. The bond may be sued on in the name of any person injured until the whole amount of the bond is recovered.

“Section 88.104. AUTHORITY TO ENTER PRIVATE LAND. Authority is hereby granted to every employee of the Texas Forest Service and any outside labor or assistance the employee deems necessary to enter upon any privately-owned land in the performance of fire suppression duties which are by state law under the direction of the *director* [~~state forester~~]. These entries on privately-owned land may be made whenever it is necessary to investigate forest and grass fires and to ascertain whether they are burning uncontrolled, and whenever it is necessary to suppress forest and grass fires that are known to be burning uncontrolled.

“Section 88.105. COOPERATION WITH PERSONS AND AGENCIES. On request, under the sanction of the board, and whenever he deems it essential to the best interests of the people of the state, the *director* [~~state forester~~] shall cooperate with counties, towns, corporations, or individuals in preparing plans for the protection, management, and replacement of trees, woodlots, and timber tracts, under an agreement that the parties obtaining the assistance pay at least the field expenses of the men employed in preparing the plans. The board may cooperate with the National Forest Service under terms it deems desirable.

“Section 88.106. COOPERATION WITH FEDERAL AGENCIES; RURAL FIRE PROTECTION PLANS; FIRE TRAINING; DISPOSITION OF OBSOLETE EQUIPMENT. The *director* [~~state forester~~], under the supervision of the board, may cooperate on forestry projects with the National Forest Service and other federal agencies; and, subject to the authorization of the board, he may execute agreements relating to forest protection projects in cooperation with federal agencies and timberland owners and may also execute agreements with timberland owners involving supervision of forest protection and forest development projects when the projects are developed with the aid of loans from a federal agency and when the supervision by the state is required by federal statute or is deemed necessary by the federal agency. Under the supervision of the board, the *director* [~~state forester~~] is further authorized to cooperate in the development of rural fire protection plans, to provide training in suppression of fires, and to sell, lend, or otherwise make available to organized fire fighting groups obsolete fire control equipment available to the Texas Forest Service, including federal excess or surplus property.”

SECTION 3. Subsection (a), Section 12.012, Parks and Wildlife Code, is amended to read as follows:

“(a) If the *director of the Texas Forest Service* [~~state forester~~] determines that the continuation of any hunting season is likely to cause a serious forest fire hazard in Red River, Titus, Camp, Harrison, Gregg, Henderson, Van Zandt, Anderson, Nacogdoches, Angelina, San Augustine, Sabine, Trinity, Walker, Montgomery, Polk, Liberty, Tyler, Hardin, Jasper, Newton, Grimes, or San Jacinto counties, he shall immediately notify the department of the local conditions and recommend that any hunting season then open be closed temporarily.”

SECTION 4. Section 82.406, Parks and Wildlife Code, is amended to read as follows:

“Section 82.406. INVESTIGATION OF FEASIBILITY OF TIMBER LAND PURCHASE. The department, in conjunction with the *director of the Texas Forest Service* [~~state forester~~], shall investigate the feasibility and desirability of acquiring title to a block of timbered land adjacent to the lake comprising from 5,000 to 10,000 acres, to be placed under the joint control of the *director of the Texas Forest Service* [~~state forester~~] and the department, with the view of ultimately preserving a belt of native forest for the future and also for the propagation of game.”

SECTION 5. Section 88.1011, Education Code, is repealed.

**SECTION 6.** This Act takes effect September 1, 1985.

**SECTION 7.** *The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.*

Passed the Senate on February 25, 1985, by a viva-voce vote; passed the House on May 22, 1985, by a non-record vote.

Approved: June 12, 1985

Effective: September 1, 1985