

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 577

Short Title: Forester Registration.

(Public)

Sponsors: Representatives Weatherly; Brown, Culp, Dedmon, Dickson, and Rayfield.

Referred to: State Government, if favorable, Finance.

March 20, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO STRENGTHEN THE REGISTRATION REQUIREMENT FOR
3 FORESTERS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 89B of the General Statutes reads as rewritten:

6 "CHAPTER 89B.

7 "FORESTERS.

8 "§ 89B-1. General provisions.

9 (a) No person shall, in connection with his name or otherwise, assume, shall use or
10 advertise any title or description tending to the designation 'forester', 'registered forester', or
11 any other descriptive terms that directly convey convey, directly or indirectly, the impression
12 that ~~he the person~~ is a registered forester without first having been registered as a registered
13 forester as hereinafter provided. under this Chapter.

14 (b) ~~It is the intention of this This Chapter to benefit and protect benefits and protects~~
15 the public by improving the standards ~~relative to~~ for the practice of professional forestry
16 in North Carolina.

17 "§ 89B-2. Definitions.

18 As used in this Chapter:

19 (1) 'Board' shall ~~mean~~ means the State Board of Registration for Foresters,
20 provided for by this Chapter.

- 1 (2) 'Forester' means a person who by reason of his special knowledge and
2 training in natural sciences, mathematics, silviculture, forest protection,
3 forest mensuration, forest management, forest economics, and forest
4 utilization is qualified to engage in the practice of forestry as hereinafter
5 ~~defined.~~ forestry.
- 6 (3) ~~" Practicing"~~ 'Practice of forestry' means ~~giving~~ rendering professional
7 forestry services, including but not limited to, consultation,
8 investigation, evaluation, ~~education,~~ planning, or ~~responsible supervision~~
9 ~~of any other forestry activities requiring knowledge, and training in and~~
10 ~~experience of~~ training, and experience in forestry principles and
11 techniques.
- 12 (4) 'Registered forester' means a person who has been registered pursuant
13 to this Chapter.
- 14 (5) 'Consulting forester' means a ~~person~~ registered forester who:
15 a. ~~Is registered by the State Board of Registration for Foresters;~~
16 b. ~~Is a technically educated professional forester who is a graduate~~
17 ~~of a forestry curriculum of a college or university and who holds~~
18 ~~a bachelor's or higher degree in forestry; or has shown equivalent~~
19 ~~knowledge by passing the written examination administered by~~
20 ~~the State Board of Registration for Foresters as provided in this~~
21 ~~Chapter;~~
22 e. ~~Is governed by the Code of Ethics of the Society of American~~
23 ~~Foresters;~~
24 d.a. Is competent to practice forest management, appraisal,
25 development, marketing, protection, and utilization for
26 the benefit of the general public on a fee, contractual, or
27 contingency basis;
28 e.b. Has not engaged in any practice that constitutes a
29 conflict of interest or in any way diminishes his ability
30 to represent the best interests of his clients; and
31 f.c. Has filed annually an affidavit with the ~~State Board of~~
32 ~~Registration of Foresters attesting to his compliance~~
33 ~~with the conditions of this Chapter.~~ Board in accordance
34 with G.S. 89B-14(b).
- 35 (6) 'Urban forester' means a person who engages in the practice of forestry
36 in an urban setting that involves municipal ownership, homesteads,
37 parks and woodlots, and similar urban properties.

38 **"§ 89B-3. State Board of Registration for Foresters; appointment of members;**
39 **terms.**

- 40 (a) A State Board of Registration for Foresters is created to administer the
41 provisions of this Chapter. The Board shall have five members as follows:

1 (1) Four duly practicing registered foresters, at least three of whom hold ~~at a~~
2 ~~minimum a bachelor's~~ a bachelors or higher degree from an accredited
3 forestry school, and

4 (2) One public member.

5 Each member shall be appointed by the Governor for a three-year term. No member may
6 serve more than two complete consecutive terms.

7 (b) Each member of the Board shall be a citizen of the United States and a resident
8 of North Carolina.

9 (c) Vacancies in the membership of the Board shall be filled by appointment by
10 the Governor for the unexpired term.

11 (d) The Board shall elect annually the following officers: a chairman, and a vice-
12 chairman, who shall be members of the Board, and a secretary who may be a member of
13 the Board. A quorum of the Board shall consist of not less than three voting members of
14 the Board.

15 **"§ 89B-4. Compensation and expenses of Board members.**

16 Each member of the Board shall receive per diem and allowances as provided ~~with~~
17 ~~respect to occupational licensing boards by~~ G.S. 93B-5.

18 **"§ 89B-5. Organization and meetings of the Board.**

19 The Board shall meet ~~on call of the Governor within 30 days after its initial members~~
20 ~~are appointed, and thereafter shall hold at least two regular meetings at least twice each~~
21 ~~year. In addition, special~~ Special meetings may be held ~~at such time and place as in~~
22 ~~accordance with the bylaws rules of the Board may provide.~~ Board.

23 **"§ 89B-6. Powers of the Board.**

24 The Board may ~~make all reasonable and necessary~~ adopt rules in accordance with
25 Chapter 150B of the General Statutes for the proper performance of its duties and the
26 regulation of the proceedings before it. The Board shall adopt an official seal. Any
27 member of the Board may administer oaths or affirmations to witnesses appearing before
28 the Board.

29 The Board may establish fees, subject to the maximum amounts prescribed by this
30 Chapter.

31 **"§ 89B-7. Receipts and disbursements.**

32 The secretary of the Board shall receive and account for all moneys derived under ~~the~~
33 ~~provision of this Chapter, and shall keep such~~ these moneys in a separate fund ~~to be known~~
34 as the 'Registered Foresters' Fund.' Moneys in the ~~aforsaid fund~~ Fund shall be expended
35 to carry out the purposes of the Board. The secretary of the Board shall give surety bond
36 to the Board in ~~such sum as the Board may determine, the premium of which shall be regarded~~
37 ~~as an amount determined by the Board.~~ The premium for the surety bond is a proper
38 expense of the Board and shall be paid from the Registered Foresters' Fund.

39 The Board may employ and fix the compensation of necessary clerical and other
40 assistants. The compensation of ~~such~~ these assistants shall be paid out of the Registered
41 Foresters' Fund.

42 **"§ 89B-8. Records and reports.**

1 The Board shall keep a record of its proceedings and a register of all applications for
2 registration. The register shall show the name, age and residence of each applicant; the
3 date of the application; the applicant's place of business; his-the applicant's educational
4 and other qualifications; whether or not examination was required; whether the
5 application was rejected or registration was granted; the date of action by the Board; and
6 other information as may be deemed necessary by the Board. Annually on-Each July 1 the
7 Board shall submit to the Governor a report of its transactions of the preceding year.

8 **"§ 89B-9. General requirements for registration.**

9 (a) ~~Applicants~~ An applicant for registration shall be registered upon satisfactory
10 showing-proof to the Board that the applicant- applicant is of good moral character and
11 meets one of the following requirements:

12 (1)- ~~Is of good moral character, and~~

13 (2)- ~~Has either:~~

14 (1)a- ~~Graduated~~ Graduation with a bachelor's-bachelors or higher degree in a
15 forestry curriculum from a school or college of forestry approved by the
16 Board-Board, passage of a comprehensive written examination, and has
17 had-the completion of two or more years' experience in forestry;- or
18 forestry.

19 (2)b- ~~Passed~~ Passage of a written examination designed to show knowledge
20 approximating that obtained through graduation from a four-year
21 curriculum in forestry in a university or college approved by the Board,
22 passage of a comprehensive written examination, and has-a record-the
23 completion of five-six or more years of active practice in forestry work
24 of a character satisfactory to the Board; provided that five or more years shall
25 be-immediately prior to the application;- or application. The work must
26 be of a character acceptable to the Board. Graduation with an Associate
27 Applied Science degree in a forestry curriculum in a school or college
28 approved by the Board is the equivalent of one year of experience. The
29 completion of the junior year of a curriculum in forestry in a college or
30 school approved by the Board is the equivalent of two years of
31 experience. The completion of the senior year of a curriculum in
32 forestry in a school or college approved by the Board is equivalent to
33 three years of experience.

34 (3)c- ~~Is a resident of North Carolina and has engaged in the practice of~~
35 forestry for five years immediately prior to July 1, 1975, and has held
36 himself out in writing and has been employed as a practicing forester for
37 that period. Such person shall make written application under oath of
38 the Board to be registered on or before June 30, 1976, and thereafter no
39 person shall be registered under this subparagraph. Registration in good
40 standing as a registered forester with the Board as of January 1, 1998.

41 (4) Practice of urban forestry for six years immediately prior to January 1,
42 1998, if the applicant meets all of the following conditions:

- 1 a. The applicant is a North Carolina resident at the time of filing
2 the application.
- 3 b. The applicant practiced under the title 'urban forester' during the
4 six-year period.
- 5 c. The applicant, prior to June 30, 1998, applies to the Board for
6 registration and submits an affidavit under oath to the Board
7 showing experience and education equivalent to that of a
8 forester, as determined by the Board.

9 (b) Registration shall be determined upon the basis of individual personal
10 qualification. No firm, company, partnership, corporation or public agency shall be
11 registered as a registered forester.

12 **(b1) The Board may issue a forester-in-training certificate to an applicant who has**
13 **completed the educational requirements under subdivision (a)(1) of this section.**

14 (c) A nonresident of North Carolina may become a registered forester under this
15 Chapter by complying with its terms, and by filing a consent as to service of process and
16 pleadings upon the Board secretary. In connection with the practice of forestry by such
17 nonresident in North Carolina, the consent as to service of process and pleadings shall be
18 held binding and valid in all courts, as if due service had been made personally upon said
19 nonresident by the Board, when such process has been served upon the Board secretary.

20 ~~(d) A person not a resident of North Carolina, or one who has recently become a~~
21 ~~resident thereof, may become registered under this Chapter upon written application to~~
22 ~~the Board, provided: (i) Such person is legally registered as a registered forester in his~~
23 ~~own state or country and has submitted evidence to the Board that he is so registered; and~~
24 ~~(ii) the state or country in which he is so registered observes these same rules of~~
25 ~~reciprocity in regard to persons registered under the provisions of this Chapter.~~
26 nonresident or person who has moved to North Carolina recently and who is registered as
27 a registered forester in another jurisdiction may be registered under this Chapter, by
28 written application to the Board, if that jurisdiction provides for the same or substantially
29 same registration for North Carolina foresters who are registered under this Chapter.

30 (e) A nonresident of North Carolina may use the term 'registered forester' or other
31 titles otherwise prohibited by this Chapter in North Carolina without becoming registered
32 under this Chapter ~~provided that he is if~~ registered in another state which will reciprocate
33 with the provision of this Chapter.

34 **"§ 89B-10. Application and registration fees.**

35 **(a)** Applications for registration shall be made on forms prescribed and furnished
36 by the Board. The application fee for a certificate of registration as a registered forester
37 shall be ~~fifteen dollars (\$15.00), in an amount determined by the Board, not to exceed fifty~~
38 dollars (\$50.00), which shall accompany the application. An additional ~~twenty dollars~~
39 ~~(\$20.00) fee, not to exceed forty dollars (\$40.00), shall be paid upon issuance of the~~
40 certificate of registration. ~~Should the An applicant fail or refuse to that does not~~ remit the
41 certificate fee within 30 days after being notified in the usual manner that the applicant has
42 successfully qualified, ~~he of qualification~~ forfeits the right to have the certificate so issued
43 and said issued, and the applicant may be required again to submit an original application

1 ~~fee therefor. fee. Should~~ If the Board deny the issuance of ~~denies~~ a certificate of registration
2 to any applicant, the initial application fee deposited by the applicant shall be retained by
3 the Board.

4 (b) It is unlawful for any person to provide false or forged information to the
5 Board or a member of the Board in obtaining a certificate of registration.

6 **"§ 89B-11. Expiration and ~~renewals.~~ renewals; continuing education.**

7 (a) Registrations shall expire on the last day of June following issuance or renewal
8 and shall become invalid after that date unless renewed. ~~It shall be the duty of the~~ The
9 secretary of the Board to notify, at his last registered address, shall notify every person
10 registered under this Chapter Chapter, at the person's last registered address, of the date of
11 the expiration of his registration and the amount of fee which shall be required for its
12 renewal for one year. Such The notices shall be mailed at least 30 days in advance of prior
13 to the expiration date of such the registrations. The annual renewal fee for certificates
14 shall be twenty dollars (\$20.00). in an amount established by the Board, not to exceed fifty
15 dollars (\$50.00). The fee for issuance of replacement certificates of registration shall be
16 five dollars (\$5.00).

17 Any registration which has expired may be renewed by paying a ~~fee of twenty dollars~~
18 ~~(\$20.00) the registration fee plus one dollar (\$1.00) one-twelfth of the annual renewal fee~~
19 ~~per calendar month from the date of expiration. Charges above the renewal fee shall not~~
20 ~~exceed twenty dollars (\$20.00) an amount equal to the renewal fee.~~

21 (b) The Board shall require licensees to attend continuing education courses
22 approved by the Board, not to exceed 12 credit hours per year, as a condition of license
23 renewal.

24 **"§ 89B-12. Examinations.**

25 When written examinations are required, they shall be held at ~~such the~~ time and places
26 in the State of North Carolina as the Board shall determine. The methods of procedure
27 will be described by the Board. A candidate failing an examination may apply for
28 reexamination ~~at the expiration of~~ after six months and will be reexamined with payment
29 of an additional fee of ~~fifteen dollars (\$15.00) established by the Board, not to exceed fifty~~
30 ~~dollars (\$50.00). Subsequent examinations will be granted upon payment of a fee of~~
31 ~~fifteen dollars (\$15.00) this fee for each examination. The Board may limit an applicant to~~
32 ~~three examinations.~~

33 **"§ 89B-13. Revocations and reissuance of registration.**

34 The Board ~~shall have the power to~~ may revoke or suspend the certificate of registration
35 of any registrant who ~~is found, by the Board, to be guilty of it finds~~ has committed gross
36 negligence, fraud, deceit or flagrant misconduct in the practice of forestry, forestry or who
37 ~~is found by the Board to have~~ has demonstrated incompetence as a practicing forester. The
38 Board ~~is empowered to~~ may designate a person or persons to investigate and report to it
39 upon any charges of fraud, deceit, gross negligence, incompetency or other misconduct
40 by a registrant in the practice of forestry. in connection with any forestry practice against any
41 ~~registrant that may come to its attention.~~

42 Any person may prefer charges against ~~any a~~ registrant. ~~Such The~~ charges shall be in
43 ~~writing and writing, shall be sworn to by the person making them and shall be them, and~~

1 filed with the secretary of the Board. The time and place for a hearing before the Board
2 shall be fixed by the Board. At any hearing the accused may appear in person or by
3 counsel. The Board may reissue a certificate of registration to any person whose
4 certificate of registration has been revoked or suspended.

5 **"§ 89B-14. Roster of registered ~~foresters.~~ foresters; consulting forester affidavit.**

6 (a) A roster showing the names, registration numbers, and places of business
7 residence of all ~~registered foresters qualified according to the provisions of~~ registrants under
8 this Chapter shall be prepared annually by the secretary of the ~~Board~~ Board. ~~during the~~
9 ~~month of July of each year.~~ Copies of this roster shall be placed on file with the Secretary
10 of State of North Carolina and each clerk of superior court in North Carolina. A copy
11 shall be sent to each registrant, and copies may be furnished to the public upon request
12 and upon payment of a fee ~~to be~~ set by the Board.

13 (b) Each consulting forester shall annually file with the Board an affidavit of its
14 compliance with this Chapter.

15 **"§ 89B-15. ~~Violation and penalties.~~ Violation.**

16 ~~Any person who, without being registered in accordance with the provisions of this~~
17 ~~Chapter, shall use in connection with his name or otherwise assume, use or advertise any~~
18 ~~title or description tending to convey the impression that he is a registered forester; or any~~
19 ~~person who shall give any false or forged information of any kind to the Board or to any~~
20 ~~member thereof in obtaining a certificate of registration; or any person, firm, partnership~~
21 ~~or corporation who shall violate any of the provisions of this Chapter shall be guilty of a~~
22 violation of this Chapter is a Class 3 misdemeanor."

23 Section 2. This act becomes effective January 1, 1998.