

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 577

Committee Substitute Favorable 7/9/97

Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted 8/18/98

Short Title: Forester Registration.

(Public)

Sponsors:

Referred to:

March 20, 1997

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

The General Assembly of North Carolina enacts:

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

"CHAPTER 89B.

"FORESTERS.

"§ 89B-1. General provisions.

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

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

1 "§ 89B-2. Definitions.

2 As used in this Chapter:

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

5 (2) 'Forester' means a person who by reason of ~~his~~ special knowledge and
6 training in natural sciences, mathematics, silviculture, forest protection,
7 forest mensuration, forest management, forest economics, and forest
8 utilization is qualified to engage in the practice of ~~forestry as hereinafter~~
9 ~~defined.~~ forestry.

10 (2a) 'Forestry' means the professional practice embracing the science,
11 business, and the art of creating, conserving, and managing forests and
12 forestlands for the sustained use and enjoyment of their resources,
13 material, or other forest produce.

14 (3) ~~" Practieing"~~ 'Practice of forestry' means ~~giving~~ rendering professional
15 forestry services, including but not limited to, consultation,
16 investigation, evaluation, ~~education,~~ planning, or ~~responsible supervision~~
17 ~~of any other forestry activities requiring knowledge, and training in and~~
18 ~~experience of~~ training, and experience in forestry principles and
19 techniques.

20 (4) 'Registered forester' means a person who has been registered pursuant
21 to this Chapter.

22 (5) 'Consulting forester' means a ~~person~~ registered forester who:

23 a. ~~Is registered by the State Board of Registration for Foresters;~~

24 b. ~~Is a technically educated professional forester who is a graduate~~
25 ~~of a forestry curriculum of a college or university and who holds~~
26 ~~a bachelor's or higher degree in forestry; or has shown equivalent~~
27 ~~knowledge by passing the written examination administered by~~
28 ~~the State Board of Registration for Foresters as provided in this~~
29 ~~Chapter;~~

30 e. ~~Is governed by the Code of Ethics of the Society of American~~
31 ~~Foresters;~~

32 ~~d.a.~~ Is competent to practice forest management, appraisal,
33 development, marketing, protection, and utilization for
34 the benefit of the general public on a fee, contractual, or
35 contingency basis;

36 ~~e.b.~~ Has not engaged in any practice that constitutes a
37 conflict of interest or in any way diminishes his ability
38 to represent the best interests of his clients; and

39 ~~f.c.~~ Has filed annually an affidavit with the ~~State Board of~~
40 ~~Registration of Foresters attesting to his compliance~~
41 ~~with the conditions of this Chapter.~~ Board in accordance
42 with G.S. 89B-14(b).

1 (6) 'Urban forester' means a person who engages in the practice of forestry
2 in an urban setting that involves municipal ownership, homesteads,
3 parks and woodlots, and similar urban properties.

4 **"§ 89B-3. State Board of Registration for Foresters; appointment of members;**
5 **terms.**

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

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

11 (2) One public member.

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

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

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

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

22 **"§ 89B-4. Compensation and expenses of Board members.**

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

25 **"§ 89B-5. Organization and meetings of the Board.**

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

30 **"§ 89B-6. Powers of the Board.**

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

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

38 **"§ 89B-7. Receipts and disbursements.**

39 The secretary of the Board shall receive and account for all moneys derived under ~~the~~
40 ~~provision of this Chapter, and shall keep such these moneys in a separate fund to be known~~
41 ~~as the 'Registered Foresters' Fund.'~~ Moneys in the ~~aforesaid fund~~ Fund shall be expended
42 to carry out the purposes of the Board. The secretary of the Board shall give surety bond
43 to the Board in ~~such sum as the Board may determine, the premium of which shall be regarded~~

1 ~~as an amount determined by the Board. The premium for the surety bond is a proper~~
2 ~~expense of the Board and shall be paid from the Registered Foresters' Fund.~~

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

6 **"§ 89B-8. Records and reports.**

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

14 **"§ 89B-9. General requirements for registration.**

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

18 (1) ~~Is of good moral character, and~~

19 (2) ~~Has either:~~

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

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

39 (3)c- ~~Is a resident of North Carolina and has engaged in the practice of~~
40 ~~forestry for five years immediately prior to July 1, 1975, and has held~~
41 ~~himself out in writing and has been employed as a practicing forester for~~
42 ~~that period. Such person shall make written application under oath of~~
43 ~~the Board to be registered on or before June 30, 1976, and thereafter no~~

1 ~~person shall be registered under this subparagraph. Registration in good~~
2 ~~standing as a registered forester with the Board as of January 1, 1999.~~

3 (4) Practice of urban forestry for six years immediately prior to January 1,
4 1999, if the applicant meets all of the following conditions:

5 a. The applicant is a North Carolina resident at the time of filing
6 the application.

7 b. The applicant practiced under the title 'urban forester' during the
8 six-year period.

9 c. The applicant, prior to June 30, 1999, applies to the Board for
10 registration and submits an affidavit under oath to the Board
11 showing experience and education equivalent to that of a
12 forester, as determined by the Board.

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

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

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

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

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

38 **"§ 89B-10. Application and registration fees.**

39 (a) Applications for registration shall be made on forms prescribed and furnished
40 by the Board. The application fee for a certificate of registration as a registered forester
41 shall be ~~fifteen dollars (\$15.00), in an amount determined by the Board, not to exceed fifty~~
42 dollars (\$50.00), which shall accompany the application. An additional ~~twenty dollars~~
43 (\$20.00) fee, not to exceed forty dollars (\$40.00), shall be paid upon issuance of the

1 certificate of registration. ~~Should the~~ An applicant fail or refuse to ~~that does not~~ remit the
2 certificate fee within 30 days after being notified in the usual manner that the applicant has
3 successfully qualified, he of qualification forfeits the right to have the certificate so issued
4 and said issued, and the applicant may be required again to submit an original application
5 fee therefor. fee. ~~Should~~ If the Board deny the issuance of ~~denies~~ a certificate of registration
6 to any applicant, the initial application fee deposited by the applicant shall be retained by
7 the Board.

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

10 **"§ 89B-11. Expiration and renewals. renewals; continuing education.**

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

21 Any registration which has expired may be renewed by paying a fee of twenty dollars
22 (\$20.00) the registration fee plus one dollar (\$1.00) one-twelfth of the annual renewal fee
23 per calendar month from the date of expiration. Charges above the renewal fee shall not
24 exceed twenty dollars (\$20.00) an amount equal to the renewal fee.

25 (b) The Board shall require registered foresters to attend continuing education
26 courses approved by the Board, not to exceed 12 hours per year, as a condition of
27 renewal.

28 **"§ 89B-12. Examinations.**

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

37 **"§ 89B-13. Revocations and reissuance of registration.**

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

1 by a registrant in the practice of forestry. ~~in connection with any forestry practice against any~~
2 ~~registrant that may come to its attention.~~

3 Any person may prefer charges against ~~any a~~ registrant. ~~Such~~ The charges shall be in
4 ~~writing and writing, shall be sworn to by the person making them and shall be them, and~~
5 filed with the secretary of the Board. The time and place for a hearing before the Board
6 shall be fixed by the Board. At any hearing the accused may appear in person or by
7 counsel. The Board may reissue a certificate of registration to any person whose
8 certificate of registration has been revoked or suspended.

9 **"§ 89B-14. Roster of registered foresters. ~~foresters; consulting forester affidavit.~~**

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

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

19 **"§ 89B-15. ~~Violation and penalties.~~ Violation.**

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

27 Section 2. This act becomes effective January 1, 1999.