

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

1

HOUSE BILL 1214

Short Title: Forester Registration.

(Public)

---

Sponsors: Representatives Weatherly; J. Brown, Eddins, Kiser, McCombs, Mitchell, Nichols, Pate, and Rayfield.

---

Referred to: Health and Environment.

---

May 16, 1996

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 the designation 'forester', 'registered forester', or  
11 any other descriptive terms that tend to convey, directly or indirectly, the impression that  
12 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:

- 1 (1) 'Board' ~~shall mean~~ means the State Board of Registration for Foresters,  
2 provided for by this Chapter.
- 3 (2) 'Forester' means a person who by reason of ~~his~~ special knowledge and  
4 training in natural sciences, mathematics, silviculture, forest protection,  
5 forest mensuration, forest management, forest economics, and forest  
6 utilization is qualified to engage in the practice of ~~forestry as hereinafter~~  
7 ~~defined.~~ forestry.
- 8 (3) "~~Practicing~~" 'Practice of forestry' means ~~giving~~ rendering professional  
9 forestry services, including but not limited to, consultation,  
10 investigation, evaluation, education, planning, or responsible  
11 supervision of any forestry activities requiring knowledge, and training  
12 in and experience of forestry principles and techniques.
- 13 (4) 'Registered forester' means a person who has been registered pursuant to  
14 this Chapter.
- 15 (5) 'Consulting forester' means a ~~person~~ registered forester who:  
16 a. ~~Is registered by the State Board of Registration for Foresters;~~  
17 b. ~~Is a technically educated professional forester who is a graduate~~  
18 ~~of a forestry curriculum of a college or university and who holds~~  
19 ~~a bachelor's or higher degree in forestry; or has shown equivalent~~  
20 ~~knowledge by passing the written examination administered by~~  
21 ~~the State Board of Registration for Foresters as provided in this~~  
22 ~~Chapter;~~  
23 e. ~~Is governed by the Code of Ethics of the Society of American~~  
24 ~~Foresters;~~  
25 ~~e.a.~~ Is competent to practice forest management, appraisal,  
26 development, marketing, protection, and utilization for  
27 the benefit of the general public on a fee, contractual, or  
28 contingency basis;  
29 ~~e.b.~~ Has not engaged in any practice that constitutes a  
30 conflict of interest or in any way diminishes his ability  
31 to represent the best interests of his clients; and  
32 ~~f.c.~~ Has filed annually an affidavit with the ~~State Board of~~  
33 ~~Registration of Foresters attesting to his compliance~~  
34 ~~with the conditions of this Chapter.~~ Board in accordance  
35 with G.S. 89B-149(b).
- 36 (6) 'Urban forester' means a person who engages in the practice of forestry  
37 in an urban setting that involves municipal ownership, homesteads,  
38 parks and woodlots, and similar urban properties.

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

- 41 (a) A State Board of Registration for Foresters is created to administer the  
42 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 or higher degree from an accredited forestry  
3 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 of the Board may provide.~~ Board.

23 **"§ 89B-6. Powers of the Board.**

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

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

30 **"§ 89B-7. Receipts and disbursements.**

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

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

41 **"§ 89B-8. Records and reports.**

42 The Board shall keep a record of its proceedings and a register of all applications for  
43 registration. The register shall show the name, age and residence of each applicant; the

1 date of the application; the applicant's place of business; his ~~the applicant's~~ educational  
2 and other qualifications; whether or not examination was required; whether the  
3 application was rejected or registration was granted; the date of action by the Board; and  
4 other information ~~as may be deemed necessary by the Board. Annually on~~ Each July 1 the  
5 Board shall submit to the Governor a report of its transactions of the preceding year.

6 **"§ 89B-9. General requirements for registration.**

7 (a) ~~Applicants~~ An applicant for registration shall be registered upon satisfactory  
8 ~~showing proof to the Board that the applicant;~~ applicant meets both of the following  
9 requirements:

10 (1) ~~Is~~ The applicant is of good moral character, and character.

11 (2) ~~Has either:~~ The applicant meets one of the following requirements:

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

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

33 c. standing as a registered forester with the Board as of January 1,  
34 1997.

35 d. Practice of urban forestry for six years immediately prior to July  
36 1, 1996, if the applicant meets all of the following conditions:

37 (1) The applicant is a North Carolina resident at the time of filing  
38 the application.

39 (2) The applicant practiced under the title 'urban forester' during the  
40 six-year period.

41 (3) The applicant, prior to June 30, 1997, applies to the Board for  
42 registration and submits an affidavit under oath to the Board

1 showing experience and education equivalent to that of a  
2 forester, as determined by the Board.

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

6 (b1) The Board may issue a forester-in-training certificate to an applicant who has  
7 completed the educational requirements under sub-subdivision (a)(2)a. of this section.

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

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

23 (e) A nonresident of North Carolina may use the term 'registered forester' or other  
24 titles otherwise prohibited by this Chapter in North Carolina without becoming registered  
25 under this Chapter provided that he is registered in another state which will reciprocate  
26 with the provision of this Chapter.

27 **"§ 89B-10. Application and registration fees.**

28 (a) Applications for registration shall be made on forms prescribed and furnished  
29 by the Board. The application fee for a certificate of registration as a registered forester  
30 shall be ~~fifteen dollars (\$15.00), in an amount determined by the Board, not to exceed fifty~~  
31 ~~dollars (\$20.00) fee, not to exceed forty dollars (\$40.00),~~ dollars (\$50.00), which shall accompany the application. An additional ~~twenty dollars~~  
32 ~~(\$20.00) fee, not to exceed forty dollars (\$40.00),~~ shall be paid upon issuance of the  
33 certificate of registration. ~~Should the An applicant fail or refuse to that does not remit the~~  
34 ~~certificate fee within 30 days after being notified in the usual manner that the applicant has~~  
35 ~~successfully qualified, he of qualification forfeits the right to have the certificate so issued~~  
36 ~~and said issued, and the applicant may be required again to submit an original application~~  
37 ~~fee therefor. fee. Should If the Board deny the issuance of denies a certificate of registration~~  
38 to any applicant, the initial application fee deposited by the applicant shall be retained by  
39 the Board.

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

42 **"§ 89B-11. Expiration and renewals. renewals; continuing education.**

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

10 Any registration which has expired may be renewed by paying a ~~fee of twenty dollars~~  
11 ~~(\$20.00)~~ the registration fee plus one dollar (\$1.00) one-twelfth of the annual renewal fee  
12 per calendar month from the date of expiration. Charges above the renewal fee shall not  
13 exceed twenty dollars (\$20.00). an amount equal to the renewal fee.

14 (b) The Board may require licensees to attend continuing education courses approved  
15 by the Board, not to exceed 15 credit hours per year, as a condition of license renewal.

16 **"§ 89B-12. Examinations.**

17 When written examinations are required, they shall be held at ~~such~~ the time and places  
18 in the State of North Carolina as the Board shall determine. The methods of procedure  
19 will be described by the Board. A candidate failing an examination may apply for  
20 reexamination ~~at the expiration of~~ after six months and will be reexamined with payment  
21 of an additional fee of ~~fifteen dollars (\$15.00).~~ established by the Board, not to exceed fifty  
22 dollars (\$50.00). Subsequent examinations will be granted upon payment of a ~~fee of~~  
23 ~~fifteen dollars (\$15.00)~~ this fee for each examination.

24 **"§ 89B-13. Revocations and reissuance of registration.**

25 The Board shall have the power to revoke or suspend the certificate of registration of  
26 any registrant who is found, by the Board, to be guilty of gross negligence, fraud, deceit  
27 or flagrant misconduct in the practice of forestry, or who is found by the Board to have  
28 demonstrated incompetence as a practicing forester. The Board ~~is empowered to~~ may  
29 designate a person or persons to investigate and report to it upon any charges of fraud,  
30 deceit, gross negligence, incompetency or other misconduct by a registrant in the practice  
31 of forestry. ~~in connection with any forestry practice against any registrant that may come to its~~  
32 ~~attention.~~

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

39 **"§ 89B-14. Roster of registered foresters. foresters; consulting forester affidavit.**

40 (a) A roster showing the names, registration numbers, and places of business  
41 residence of all ~~registered foresters qualified according to the provisions of~~ registrants under  
42 this Chapter shall be prepared by the secretary of the Board during the month of July of  
43 ~~each year.~~ annually. Copies of this roster shall be placed on file with the Secretary of

1 State of North Carolina and each clerk of superior court in North Carolina. A copy shall  
2 be sent to each registrant, and copies may be furnished to the public upon request and  
3 upon payment of a fee to be set by the Board.

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

6 "**§ 89B-15. Violation and penalties. Violation.**

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

14 Sec. 2. This act becomes effective January 1, 1997. The State Board of  
15 Registration for Foresters may adopt rules prior to January 1, 1997, for the administration  
16 of this act.