

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-157
HOUSE BILL 577

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.

"§ 89B-2. Definitions.

As used in this Chapter:

- (1) 'Board' ~~shall mean~~ means the State Board of Registration for Foresters, provided for by this Chapter.
- (2) 'Forester' means a person who by reason of ~~his~~ special knowledge and training in natural sciences, mathematics, silviculture, forest protection, forest mensuration, forest management, forest economics, and forest utilization is qualified to engage in the practice of ~~forestry as hereinafter defined, forestry.~~
- (2a) 'Forestry' means the professional practice embracing the science, business, and the art of creating, conserving, and managing forests and forestlands for the sustained use and enjoyment of their resources, material, or other forest produce.
- (3) ~~"Practicing"~~ "Practice of forestry" means ~~giving~~ rendering professional forestry services, including but not limited to, consultation, investigation, evaluation, ~~education,~~ planning, or ~~responsible supervision of any other~~ forestry activities requiring knowledge, and

~~training in and experience of training, and experience in~~ forestry principles and techniques.

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

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

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

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

c. ~~Is governed by the Code of Ethics of the Society of American Foresters;~~

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

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

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

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

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

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

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

(2) One public member.

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

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

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

(d) The Board shall elect annually the following officers: a chairman, and a vice-chairman, who shall be members of the Board, and a secretary who may be a member of

the Board. A quorum of the Board shall consist of not less than three voting members of the Board.

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

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

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

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

"§ 89B-6. Powers of the Board.

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

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

"§ 89B-7. Receipts and disbursements.

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

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

"§ 89B-8. Records and reports.

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

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

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

- (1) ~~Is of good moral character, and~~
- (2) ~~Has either:~~

- (1)a. ~~Graduated~~ Graduation with a bachelor's bachelors or higher degree in a forestry curriculum from a school or college of forestry approved by the Board, passage of a comprehensive written examination, and has had the completion of two or more years' experience in forestry; or forestry.
- (2)b. ~~Passed~~ Passage of a comprehensive written examination designed to show knowledge approximating that obtained through graduation from a four-year curriculum in forestry in a university or college approved by the Board, Board and has a record the completion of five six or more years of active practice in forestry work of a character satisfactory to the Board; provided that five or more years shall be immediately prior to the application; or application. The work must be of a character acceptable to the Board. Graduation with an Associate Applied Science degree in a forestry curriculum in a school or college approved by the Board is the equivalent of one year of experience. The completion of the junior year of a curriculum in forestry in a college or school approved by the Board is the equivalent of two years of experience. The completion of the senior year of a curriculum in forestry in a school or college approved by the Board is equivalent to three years of experience.
- (3)c. ~~Is a resident of North Carolina and has engaged in the practice of forestry for five years immediately prior to July 1, 1975, and has held himself out in writing and has been employed as a practicing forester for that period. Such person shall make written application under oath of the Board to be registered on or before June 30, 1976, and thereafter no person shall be registered under this subparagraph. Registration in good standing as a registered forester with the Board as of January 1, 1999.~~
- (4) Practice of urban forestry for six years immediately prior to January 1, 1999, if the applicant meets all of the following conditions:
- a. The applicant is a North Carolina resident at the time of filing the application.
 - b. The applicant practiced under the title 'urban forester' during the six-year period.
 - c. The applicant, prior to June 30, 1999, applies to the Board for registration and submits an affidavit under oath to the Board showing experience and education equivalent to that of a forester, as determined by the Board.

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

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

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

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

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

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

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

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

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

(a) Registrations shall expire on the last day of June following issuance or renewal and shall become invalid after that date unless renewed. ~~It shall be the duty of the~~ The secretary of the Board ~~to notify, at his last registered address, shall notify every person registered under this Chapter~~ Chapter, at the person's last registered address, of the date of the expiration of his registration and the amount of fee which shall be required for its renewal for one year. Such The notices shall be mailed at least 30 days

~~in advance of~~ prior to the expiration date of ~~such the~~ registrations. The annual renewal fee for certificates shall be ~~twenty dollars (\$20.00)~~ in an amount established by the Board, not to exceed fifty dollars (\$50.00). The fee for issuance of replacement certificates of registration shall be five dollars (\$5.00).

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

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

"§ 89B-12. Examinations.

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

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

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

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

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

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

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

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

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

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

In the General Assembly read three times and ratified this the 15th day of September, 1998.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 3:38 p.m. this 24th day of September, 1998