

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

As Engrossed: H3/16/99

A Bill

SENATE BILL 48

4
5 By: Senators Scott, Hill
6 By: Representatives Lancaster, French, Angel, G. Jeffress

For An Act To Be Entitled

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10 "AN ACT TO AMEND THE STATE BOARD OF REGISTRATION FOR
11 FORESTERS ACT; AND FOR OTHER PURPOSES."

Subtitle

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14 "TO AMEND THE STATE BOARD OF REGISTRATION
15 FOR FORESTERS ACT."

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code 17-31-101 is amended to read as follows:
20 "17-31-101. Title and Purpose.

21 (a) This chapter may be referred to and cited as the 'State Board of
22 Registration for Foresters Act'.

23 (b) The purpose of this chapter is to ensure that no person shall use
24 in connection with the person's name, or otherwise assume, use or advertise
25 any title or description that the person is a forester, unless the person is
26 registered as herein provided."

27
28 SECTION 2. Arkansas Code 17-31-102(2) and (3) pertaining to the
29 definition of forestry is amended to read as follows:

30 "(2) 'Forestry' means the science, the art, and the practice of
31 managing, harvesting, and using, ~~for human benefit primarily,~~ the natural
32 resources which occur on and in association with forestlands. It also means
33 the care and management of forestlands for repeated crops of raw wood
34 products, at annual or somewhat longer intervals, and for allied uses, such as
35 watershed protection, recreation, wildlife, and grazing. However, nothing
36 contained in this chapter shall be construed as preventing any person, firm,

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1 partnership, or corporation from managing woodlands, forests, or trees, or
 2 from buying or selling timber, or from harvesting any products therefrom, or
 3 from performing tree planting, timber stand improvement, or other vendor
 4 services on any land, in any manner desired;

5 (3) 'The practice of ~~professional~~ forestry' includes services for hire
 6 such as consultation, investigation, evaluation, planning, or responsible
 7 supervision of any forestry activity in connection with public or private
 8 lands. The practice of ~~professional~~ forestry also includes teaching of
 9 forestry subjects at the college or university level and research in forestry,
 10 or a combination of teaching and research. The practice of ~~professional~~
 11 forestry shall not include services rendered for wages, ~~or salary, or payment~~
 12 received for the buying, selling, cutting, handling, or processing of timber,
 13 or wages, salary, or payment received for tree planting, timber stand
 14 improvement, or other vendor service activities on the forestlands of the
 15 owner thereof or on the forestlands of another; and"

16
 17 SECTION 3. Arkansas Code 17-31-104(a) is amended to read as follows:

18 "(a) The ~~duty of the~~ Attorney General, all prosecuting attorneys, and
 19 duly constituted officers of the law of this state or political subdivision
 20 thereof shall be authorized to enforce the provisions of this chapter and to
 21 prosecute any person violating them."

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 23 SECTION 4. Arkansas Code 17-31-105(a) is amended to read as follows:

24 "(a) Any person required to be registered under this chapter shall be
 25 guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine
 26 of not less than ~~one hundred dollars (\$100) nor more than five hundred dollars~~
 27 (\$500) nor more than one thousand dollars (\$1,000) for each offense or suffer
 28 imprisonment for a period not to exceed ~~three (3) months~~ one (1) year, or
 29 both, if that person shall:

30 (1) Practice or offer to practice ~~professional~~ forestry without a
 31 valid certificate of registration issued pursuant to this chapter;

32 (2) Claim to be a forester certified under this chapter without
 33 being so certified;

34 (3) In any way tend to convey the impression that he is a
 35 forester certified under the provisions of this chapter without being so
 36 registered;

- 1 (4) Use as his own the certificate of registration of another;
- 2 (5) Give false or forged evidence to the board;
- 3 (6) Use an expired or revoked certificate; or
- 4 (7) Violate any provision of this chapter."

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6 SECTION 5. Arkansas Code 17-31-201 is amended to read as follows:

7 "17-31-201. Creation - Selection and compensation of members.

8 (a) The Arkansas State Board of Registration for Foresters is created
9 to administer the provisions of this chapter.

10 (b) The board shall consist of six (6) members appointed by the
11 Governor, with the advice and consent of the Senate. Each member shall be a
12 citizen of the United States of America and a registered voter and resident of
13 the State of Arkansas.

14 (1) Five (5) members of the board shall be foresters who have the
15 qualifications required for registration under § 17-31-302 and who have been
16 engaged in ~~professional~~ forestry for at least twelve (12) years. Each member
17 of the board appointed hereunder shall be ~~required to register~~ registered and
18 ~~become~~ certified under this chapter.

19 (A)(i) One (1) member shall be selected from the forest
20 ~~producers products~~ industry ~~or owners~~;

21 (ii) One (1) member shall be selected from the State
22 Forestry Commission;

23 (iii) One (1) member shall be selected from an agency
24 of the United States Government;

25 (iv) One (1) member shall be selected from the staff
26 of the school of forestry; and

27 (v) One (1) member shall be selected from private
28 forestry consultants.

29 (B) At least one (1) member shall be a graduate of an
30 approved forestry school within the State of Arkansas.

31 (2) One (1) member of the board shall not be actively engaged in
32 or retired from the forestry profession. That member shall represent
33 consumers. He or she shall be appointed from the state at large subject to
34 confirmation by the Senate and shall be a full voting member but shall not
35 participate in the grading of examinations.

36 (c)(1) Appointments shall be for a term of five (5) years or, in event

1 of vacancies, for the period of the unexpired term of the vacancy being
2 filled.

3 (2) The chairman of the Arkansas ~~Chapter, Ozark Section,~~
4 Division, Ouachita Society of American Foresters, duly authorized and acting
5 on behalf of the Arkansas ~~chapter~~division, shall make nominations described in
6 subdivision (b)(1) of this section within thirty (30) days from the receipt of
7 notice from any person of the occurrence of a vacancy on the board.

8 (d) Each member of the board shall receive a certificate of ~~his~~
9 appointment from the Governor and before beginning ~~his~~the term of office shall
10 file with the Secretary of State ~~his~~a written oath or affirmation relative to
11 the faithful discharge of ~~his~~the official duty.

12 (e) Each member of the board may receive expense reimbursement and
13 stipends in accordance with ~~§ 25-16-901 et seq~~ Ark. Code Title 25, Chapter 16,
14 Subchapter 9."

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16 SECTION 6. Arkansas Code 17-31-202(c) is amended to read as follows:

17 "(c)(1) If the member thus served does not request a public hearing
18 within ten (10) days from being served, the Governor may proceed with ~~his~~the
19 member's removal.

20 (2) If the member does request a public hearing, it shall be
21 heard by a special committee composed of three (3) persons, not members of the
22 board, namely:

23 (A) The Chief Justice of the Supreme Court of Arkansas or a
24 substitute selected by the Chief Justice, who shall be the chairman;

25 (B) The chairman of the Arkansas ~~Chapter, Ozark~~
26 Section, Division, Ouachita Society of American Foresters; and

27 (C) A faculty member, selected by the Arkansas ~~Chapter,~~
28 Ozark Section, Division, Ouachita Society of American Foresters, from the
29 school or departments of forestry in Arkansas."

30
31 SECTION 7. Arkansas Code 17-31-203(c) is amended to read as follows:

32 "(c) The board ~~shall hold a meeting within thirty (30) days after its~~
33 ~~members are first appointed and, thereafter,~~ shall hold at least two (2)
34 regular meetings each year. Special meetings shall be held at such time and
35 place as shall be specified by call of the chairman or the secretary. Notice
36 of all meetings shall be given in writing to each member by the secretary."

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SECTION 8. Arkansas Code 17-31-301(a) and (b) are amended to read as follows:

"(a) Any person using in connection with ~~his~~ the person's name or otherwise assuming, using, or advertising any title or description tending to convey the impression that ~~he~~the person is a ~~registered forester~~ engaged in the practice of forestry on private lands shall be registered as provided in this subchapter.

(b) All foresters are eligible to apply for registration, however nothing~~Nothing~~ in this chapter shall be construed as requiring:

(1) Any person, employee of a firm, partnership, corporation, or department or agency of any branch of the government to be registered pursuant to this chapter in order to practice forestry on ~~his~~the person's or its own lands or manage ~~his~~the persons's or its own timberlands, woodlands, or forests or to supervise the removal of any products therefrom; or

(2) Any person to be registered pursuant to this chapter in order to ~~practice forestry~~perform duties as an employee of a registered forester acting under the ~~complete~~ supervision of the registered forester."

SECTION 9. Arkansas Code 17-31-302 is amended to read as follows:

"17-31-302. Qualifications.

Effective January 1, 2001, the ~~The~~ following shall be considered as minimum evidence satisfactory to the board that an applicant is qualified to be registered as a forester:

~~(1)(A) Graduates in a forestry curriculum of four (4) years or more from a school or college approved by the board who are applying for registration without a written examination must, subsequent to graduation, have a specific record of an additional three (3) years' or more experience in forestry work of a character satisfactory to the board; or~~

~~(B) Graduates in a forestry curriculum of four (4) years or more from a school or college approved by the board, who have less than three (3) years' experience in forestry work of a character satisfactory to the board, shall be required to pass a written examination on basic forestry subjects. In addition to passing the written examination, the applicant, in order to qualify for a certificate of registration as a professional forester, shall have a specific record of one (1) year's experience in forestry of a character~~

1 ~~satisfactory to the board; or~~

2 ~~(2) Six (6) years or more of experience in forestry work of a character~~
3 ~~satisfactory to the board and passing a written examination designed to show~~
4 ~~knowledge and skill approximating that attained through graduation in an~~
5 ~~approved four-year or more forestry curriculum.~~

6 (1) A bachelor's or advanced degree in forestry from a college or
7 university program accredited by the Society of American Foresters. The
8 written examination on basic forestry subjects administered by the board shall
9 be passed with a score of at least seventy percent (70%).

10 (2) A bachelor's or advanced degree in forestry from a college or
11 university program not accredited by the Society of American Foresters and,
12 subject to graduation, three (3) years or more experience in forestry work of
13 a nature satisfactory to the board. The written examination on basic forestry
14 subjects administered by the board shall be passed with a score of at least
15 seventy percent (70%).

16 (3) A bachelor's degree in a natural resources related field from a
17 college or university program, including but not limited to, wildlife
18 management, with at least twenty (20) semester hours of forestry courses
19 approved by the board and, subsequent to graduation, three (3) years or more
20 experience in forestry work of a nature satisfactory to the board. The
21 written examination on basic forestry subjects administered by the board shall
22 be passed with a score of at least seventy percent (70%).

23 (4) A bachelor's degree not related to natural resources from a college
24 or university program and subsequent to graduation, six (6) years or more
25 experience in forestry work of a nature satisfactory to the board. The
26 written examination on basic forestry subjects administered by the board shall
27 be passed with a score of at least seventy percent (70%).

28 (5) A two (2) year associate's degree in forestry from a community
29 college or junior college and subsequent to graduation, six (6) years or more
30 experience in forestry work of a nature satisfactory to the board. The
31 written examination on basic forestry subjects administered by the board shall
32 be passed with a score of at least seventy percent (70%)."

33
34 SECTION 10. Arkansas Code 17-31-303(b) is amended to read as follows:

35 "(b) The amount of the application fee and the registration fee shall
36 be set annually by the board. ~~The application fee shall be at least fifteen~~

1 ~~dollars (\$15.00) but not more than twenty-five dollars (\$25.00). The annual~~
2 ~~renewal fee shall be not less than five dollars (\$5.00) nor more than twenty-~~
3 ~~five dollars (\$25.00). The initial application fee will include the first~~
4 ~~year's registration fee."~~

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6 SECTION 11. Arkansas Code 17-31-307 is amended to read as follows:

7 "17-31-307. Expiration and renewal.

8 (a) Certificates of registration shall expire on December 31 of the
9 year for which issued or renewed and shall become invalid thereafter unless
10 renewed.

11 (b) The secretary of the board shall notify by letter, to the last
12 known address, every person registered under this chapter of the date of the
13 expiration of ~~his~~the certificate and the amount of the fee required for its
14 renewal of one (1) year. Notice shall be mailed at least one (1) month in
15 advance of the date of the expiration of such certificate.

16 (c) The board shall require persons who are licensed under this
17 subchapter to complete not less than six (6) hours of continuing forestry
18 education during the previous year beginning January 1, 2001, as a condition
19 of license renewal. Continuing forestry education shall be equivalent to the
20 Society of American Foresters Category I for continuing forestry education
21 which includes, but is not limited to, seminars, short courses and workshops
22 in forestry or a related subject matter as approved by the board.

23 (1) Credit accrues at a rate of one (1) hour for each hour of
24 actual contact. Three (3) hours of tours or field sessions equal one (1)
25 contact hour.

26 (2) The board may approve continuing forestry education courses
27 offered by professional organizations, institutions of higher learning,
28 qualified individuals, or specialty societies. The board may approve credit
29 hours for meetings, presentations, or other activities considered by the board
30 to be a form of continuing forestry education.

31 (3) A successful applicant for licensure under this subchapter
32 shall have two (2) years from the date the license is issued to complete the
33 first six (6) hours of continuing forestry education. After two (2) years,
34 the registered forester shall complete the continuing forestry education
35 requirements as required by this subsection.

36 (d) The board may waive the continuing forestry education requirements

1 in cases of hardship, illness, or retirement from active forestry practice.

2 (e) The board may promulgate rules and regulations to ensure compliance
3 with the requirements of this section.

4 ~~(e)(f)~~ Renewal of certificate of registration shall be for an annual
5 fee set annually by the board. ~~This fee shall be at least five dollars (\$5.00)~~
6 ~~but not more than twenty-five dollars (\$25.00).~~

7 ~~(d)(g)~~ The failure on the part of any registrant to renew ~~his~~the
8 certificate annually in the month of December as required above shall not
9 deprive the person of the right of renewal, but the fee to be paid for the
10 renewal of a certificate after December 31 shall be increased ten percent
11 (10%) for each month or fraction of a month that payment of renewal is
12 delayed. However, the maximum fee for delayed renewal shall not exceed twice
13 the ~~normal~~annual renewal fee.”

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15 SECTION 12. Arkansas Code 17-31-308 is amended to read as follows:
16 “17-31-308. Reciprocity.

17 Upon application therefor and the payment of a fee ~~of twenty-five~~
18 ~~dollars (\$25.00)~~set by the board, the board may issue a certificate of
19 registration as a registered forester in Arkansas to any qualified person of
20 any state of the United States or its possessions, or Canada, provided that:

21 (1) The person is a legally registered forester or the equivalent in
22 ~~his~~the person's own state or province and has submitted evidence satisfactory
23 to the board that ~~he~~the person is so registered and that the requirements
24 therein are substantially equivalent to the requirements of registration under
25 this chapter; and

26 (2) The state in which ~~he~~the person is so registered will accept the
27 certificates of registration issued by this board on a reciprocal basis.”
28

29 SECTION 13. All provisions of this Act of a general and permanent
30 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
31 Code Revision Commission shall incorporate the same in the Code.
32

33 SECTION 14. If any provision of this Act or the application thereof to
34 any person or circumstance is held invalid, such invalidity shall not affect
35 other provisions or applications of the Act which can be given effect without
36 the invalid provision or application, and to this end the provisions of this

1 Act are declared to be severable.

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3 SECTION 15. All laws and parts of laws in conflict with this Act are
4 hereby repealed.

5

/s/ Scott, et al

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