AN ACT TO AMEND SECTION 73-36-5, MISSISSIPPI CODE OF 1972, TO CLARIFY EXEMPTIONS FROM REGISTRATION WITH THE STATE BOARD OF REGISTRATION FOR FORESTERS; TO AMEND SECTION 73-36-9, MISSISSIPPI CODE OF 1972, TO REVISE THE MEMBERSHIP OF THE STATE BOARD OF REGISTRATION FOR FORESTERS; TO AMEND SECTIONS 73-36-11, 73-36-13, 73-36-15, 73-36-17, 73-36-19, 73-36-21, 73-36-23, 73-36-27 AND 73-36-31, MISSISSIPPI CODE OF 1972, TO CLARIFY TERMINOLOGY; TO AMEND SECTION 73-36-29, MISSISSIPPI CODE OF 1972, TO REVISE THE TIME FOR RENEWAL OF THE LICENSE FOR FORESTERS; TO AMEND SECTION 73-36-35, MISSISSIPPI CODE OF 1972, TO REVISE PENALTIES FOR VIOLATIONS; TO CREATE CODE SECTION 73-36-36, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR AN ADMINISTRATIVE FINE FOR VIOLATIONS; TO AMEND SECTION 73-36-37, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER ON THE SECTIONS OF LAW CREATING A BOARD OF REGISTRATION FOR FORESTERS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-36-5, Mississippi Code of 1972, is amended as follows:

73-36-5. In order to benefit and protect the public and the forest resources, no person in either public or private capacity shall practice or offer to practice forestry, unless he shall first have submitted evidence that he is qualified so to practice and shall be registered by the board or unless he is specifically exempted from registration under this chapter. It is unlawful for any person to practice or offer to practice forestry in this state, as defined by this chapter, or to 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 forester, unless the person has been duly registered or is exempt from registration under this chapter.

This chapter shall not be construed to prevent or to affect:
(a) The conduct of business and support services including: tree planting, timber stand improvement, pesticide application, pest control, site preparation, heavy equipment operation, prescribed fire application, timber buying, logging contracting, timber cruising, timber marking and the application of best management practices.

(b) The application of forestry principles and procedures on any timberlands, woodlands or forest in which the person, firm, partnership or corporation owns the timberlands, woodlands or forest; or persons, firms, partnerships and corporations having the right to manage and administer forestlands in any legal manner.

(c) The work of an employee or a subordinate of any forester holding a license under this chapter; if that work is done under the direction, supervision and responsibility of a person holding a license under this chapter.

(d) The practice of forestry by officers and employees of the United States government on federally-owned lands.

(e) The practice of forestry by officers and employees of the State of Mississippi on state-owned lands.

(f) Employees of the federal government, state government and educational institutions of the State of Mississippi who, in the exercise of their assigned duties, conduct forestry education programs.

(g) Persons who hold valid licenses prior to July 1, 1989.

SECTION 2. Section 73-36-9, Mississippi Code of 1972, is amended as follows:

73-36-9. There is hereby created the State Board of Registration for Foresters of the State of Mississippi for the purposes of safeguarding forests by regulating the practice of forestry and requiring that persons practicing or offering to practice forestry as a registered forester to be registered. The
board shall be composed of seven (7) members appointed by the
Governor with the advice and consent of the Senate. One (1)
member shall be appointed from each of the six (6) forestry
commission districts as constituted on January 1, 1999, and
one (1) member shall be appointed at large. The State Forester of
Mississippi shall serve as an ex officio member of the board.
Each of the members shall be a forester within the meaning of this
chapter with at least three (3) years' experience in such field,
and a resident and citizen of the State of Mississippi at the time
of his appointment. Within thirty (30) days after the passage of
this chapter, the Governor shall appoint the members, designating
a term of office of one (1), two (2), three (3), four (4) or five
(5) years for each of the members as appointed; provided, however,
two (2) members shall serve a term of one (1) year and two (2)
shall serve a term of four (4) years. As the terms of office of
the members so appointed expire, successors shall be appointed for
terms of five (5) years. Any vacancy occurring in the
membership of the board shall be filled by the Governor for the
unexpired term. The Governor shall have the right, upon the
approval of a majority of the board, to remove any members of the
board for inefficiency, neglect of duty or dishonorable conduct.
SECTION 3. Section 73-36-11, Mississippi Code of 1972, is
amended as follows:
73-36-11. No person shall be appointed a member
of the board unless the person at the time appointed has held a
license as a registered forester for at least five (5) years.
SECTION 4. Section 73-36-13, Mississippi Code of 1972, is
amended as follows:
73-36-13. Each year the board shall elect one (1) of its
members as chairman, one (1) as vice chairman, and one (1) as
secretary, and each shall perform the usual duties of such
offices. The board may adopt an official seal. Four (4) members
of the board shall constitute a quorum, and a majority vote of
those present at any meeting shall be necessary for the adoption of any order proposed or the disposition of other business coming before the board.

SECTION 5. Section 73-36-15, Mississippi Code of 1972, is amended as follows:

73-36-15. ★ ★ ★ The board shall hold at least two (2) regular meetings during each year and such other meetings as the chairman may find necessary. Notice of the time and place of the meetings of the board shall be mailed to each of the members of the board at least five (5) days before the meeting and, in addition, shall be posted as provided by the rules and regulations of the board at least five (5) days prior to the meeting.

SECTION 6. Section 73-36-17, Mississippi Code of 1972, is amended as follows:

73-36-17. Each member of the board shall receive per diem compensation as authorized by Section 25-3-69, and shall be reimbursed for such other expenses at the same rate and under the same conditions as provided for public officers and employees in Section 25-3-41. The board shall pay for all expenses incurred by the board, including ★ ★ ★ clerical help as may be needed, if itemized statements of the expenses are first approved by order of the board entered on its minutes. The board shall not expend in any fiscal year more monies than the amount of fees collected ★ ★ ★. All fees ★ ★ ★ shall be paid to the secretary of the board and the secretary shall deposit all monies received under this chapter in the State Treasury. All such monies shall be kept in a special fund in the State Treasury known as the "State Board of Registered Foresters Fund" and shall be used for the administration of this chapter. The funds shall not lapse at the end of each year. All expenditures from the fund shall be by requisition to the Executive Director of the Department of Finance and Administration and signed by the board chairman ★ ★ ★. The secretary of the board shall be under a surety bond in the penal
sum of Five Thousand Dollars ($5,000.00) with a surety company authorized to do business in this state, the bond to be conditioned for the faithful performance of his duties, and the fee shall be paid by the board.

SECTION 7.  Section 73-36-19, Mississippi Code of 1972, is amended as follows:

73-36-19.  (1) The State Board of Registration for Foresters shall have the following powers and duties:

(a) To adopt rules and regulations governing the holding of its meetings, hearings, applications for licenses and any and all other duties provided by this chapter.

(b) To establish and promulgate standards of practice and a code of ethics for registered foresters and provide for the enforcement thereof.

(c) To establish minimum requirements for professional continuing education.

(d) To prepare a biennial roster showing the names, business addresses and such other information as the board may deem necessary of all * * * foresters registered under * * * this chapter, and to provide copies * * * to the registered foresters and the public. A copy of the roster shall be filed with the Secretary of State of the State of Mississippi on or before April 1 in the year such roster is prepared.

(e) To issue, suspend or revoke licenses * * * and to take all actions necessary * * *.  

(2) At any hearing before the board, any member may administer oaths to witnesses appearing before the board. If any person shall refuse to testify or to produce any books, papers or documents, the board may present its petition to any court of competent jurisdiction within the state setting forth the facts, and then the court, in a proper case, may issue its subpoena to the person requiring his attendance before the court and * * * to testify or to produce such books, papers and documents as may be
deemed necessary and pertinent thereto. Any person failing or refusing to obey the subpoena of the court may be proceeded against in the same manner as for refusal to obey any other subpoena of the court.

(3) 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 and the board's action on the application and any other information as may be deemed necessary by the board. The board shall submit an annual report to the Governor and a report to the regular session of the Legislature. The report to the Legislature shall include a financial statement of the transactions of the board during the year.

SECTION 8. Section 73-36-21, Mississippi Code of 1972, is amended as follows:

73-36-21. Any person who has graduated with a bachelor's degree or higher degree from a university or college of forestry in a curriculum in forestry acceptable to the board and found by the board to be substantially equivalent to curricula in schools of forestry accredited by the Society of American Foresters shall be eligible for registration as a registered forester, and a license shall be issued upon application and payment of the required fee, if the person files an application for registration with the board and successfully passes a written and/or oral examination.

SECTION 9. Section 73-36-23, Mississippi Code of 1972, is amended as follows:

73-36-23. Applications for registration shall be made on forms prescribed and furnished by the board. The initial registration fee for a license as a registered forester shall be fixed by the board, but shall not exceed Fifty Dollars ($50.00). If the board denies the issuance of a license to any applicant, the fee deposited shall be retained by the board as an application
Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

SECTION 10. Section 73-36-27, Mississippi Code of 1972, is amended as follows:

73-36-27. The board shall issue a properly authenticated, serially numbered license upon payment of the registration fee * * * to any applicant who in the opinion of the board has satisfactorily met all the requirements of this chapter and the rules and regulations of the board duly adopted under * * * this chapter. The issuance of a license by the board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered forester while the * * * license remains unrevoked or unexpired.

SECTION 11. Section 73-36-29, Mississippi Code of 1972, is amended as follows:

73-36-29. All licenses issued under the provisions of this chapter shall expire after December 31 of odd numbered years and shall become invalid after that date unless renewed. * * * The secretary of the board shall mail a notice to every person registered under this chapter notifying the person of the date of the expiration of his license and the amount of fee required for its renewal for two (2) years. The notice shall be mailed to the latest known address, according to the board's records, at least one (1) month in advance of the date of the expiration of the license. The board shall from time to time fix the fee for renewal of licenses, provided the fee shall not exceed the amount of One Hundred Dollars ($100.00) for two (2) years' renewal. Any registrant failing to renew his license * * * and applying for a license shall be required to pay a fee as set by the board not to exceed twice the total amount of the license fees * * * had his license been continued in effect, and also to comply with such
other reasonable requirements as may be established by rules and
regulations of the board.

SECTION 12. Section 73-36-31, Mississippi Code of 1972, is
amended as follows:

73-36-31. A person not a resident of and having no
established place of business in Mississippi, or who has recently
become a resident, may use the title of registered forester
in Mississippi, provided: (a) such person is legally licensed as
a registered forester in his own state or county and has submitted
evidence to the board that he is so licensed and that the
requirements for registration are at least substantially
equivalent to the requirements of this chapter; and (b) the state
or county in which he is so licensed observes these same rules of
reciprocity in regard to persons licensed under this chapter. Each person seeking the privileges of reciprocity
granted under this chapter shall submit his application to
the board and must receive a card or certificate from the board
before exercising such privileges. The fee for obtaining a
license through reciprocity shall be the same as charged a
Mississippi licensee.

SECTION 13. Section 73-36-35, Mississippi Code of 1972, is
amended as follows:

73-36-35. Any person who practices or offers to practice the profession of forestry in this state as a registered
forester without being registered in accordance with this chapter, or any person who uses in connection with his name,
or otherwise assumes, uses or advertises any title or description
tending to convey the impression that he is a registered forester
without being registered in accordance with this chapter, or
any person who presents or attempts to use as his own the
license of another, or any person who gives any false or
forged evidence of any kind to the board or any member in
obtaining a license, or any person who attempts to use an
expired or revoked license, or any person, firm, partnership or
corporation who ** violates any of the provisions of this
chapter and has not been issued an administrative fine by the
board for the violation is guilty of a misdemeanor and shall
violations of this 

The board, or any
person or persons as may be designated by the board to act in its
 stead, is empowered to prefer charges for any violations of this
chapter in any court of competent jurisdiction. It shall be the
duty of all duly constituted officers of the law of this state to
enforce the provisions of this chapter and to prosecute any
persons, firms, partnerships or corporations violating same. The
Attorney General of the state or his designated assistant shall
act as legal advisor of the board and render such assistance as
may be necessary in carrying out the provisions of this chapter.

SECTION 14. Section 73-36-37, Mississippi Code of 1972, is
amended as follows:

73-36-37. Sections 73-36-1 through 73-36-35, which create a
board of registration for foresters and prescribe its duties and
powers, shall stand repealed as of December 31, 2004.

SECTION 15. The following shall be codified as Section
73-36-36, Mississippi Code of 1972:

73-36-36. In addition to the penalties provided under
Section 73-36-33 and Section 73-36-35, any person, found by the
board to be in violation of this chapter or any rule or regulation
of the board, shall be subject to an administrative fine of not
more than One Thousand Dollars ($1,000.00) for each violation.
The person shall be given at least ten (10) days written notice
and an opportunity for a hearing before the board. If the
administrative fine is not paid within ninety (90) days after the
date of the board's order, the order shall become a judgment and
may be filed and executed. Any person aggrieved of the board's
order may appeal the order to the Circuit Court of Hinds County
within thirty (30) days after the date of the order of the board is issued. Appeal shall be on the record made before the board. SECTION 16. This act shall take effect and be in force from and after July 1, 2000.