

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 559

By Senator(s) Committee

17 Amend by striking all after the enacting clause and inserting
18 in lieu thereof the following:

19

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

22 73-36-5. In order to benefit and protect the public and the
23 forest resources, no person in either public or private capacity
24 shall practice or offer to practice forestry, unless he shall
25 first have submitted evidence that he is qualified so to practice
26 and shall be registered by the board * * * or unless he is
27 specifically exempted from registration under * * * this chapter.

28 It is unlawful for any person to practice or offer to practice
29 forestry in this state * * *, as defined by this chapter, or to
30 use in connection with his name or otherwise assume, use or
31 advertise any title or description tending to convey the
32 impression that he is a forester, unless the person has been duly
33 registered or is exempt from registration under * * * this
34 chapter.

35 This chapter shall not be construed to prevent or to affect:

36 (a) The conduct of business and support services
37 including: tree planting, timber stand improvement, pesticide
38 application, pest control, site preparation, heavy equipment
39 operation, prescribed fire application, timber buying, logging

40 contracting, timber cruising, timber marking and the application
41 of best management practices.

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

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

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

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

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

60 (g) Persons who hold valid licenses prior to July 1,
61 1989.

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

64 73-36-9. There is hereby created the State Board of
65 Registration for Foresters of the State of Mississippi for the
66 purposes of safeguarding forests by regulating the practice of
67 forestry and requiring that persons practicing or offering to
68 practice forestry as a registered forester to be registered. The
69 board shall be composed of seven (7) members appointed by the
70 Governor with the advice and consent of the Senate. One (1)
71 member shall be appointed from each of the six (6) forestry
72 commission districts as * * * constituted on January 1, 1999, and
73 one (1) member shall be appointed at large. The State Forester of
74 Mississippi shall serve as an ex officio member of the board.

75 Each of the members shall be a forester within the meaning of this
76 chapter with at least three (3) years' experience in such field,
77 and a resident and citizen of the State of Mississippi at the time
78 of his appointment. Within thirty (30) days after the passage of
79 this chapter, the Governor shall appoint the members, designating
80 a term of office of one (1), two (2), three (3), four (4) or five
81 (5) years for each of the members as appointed; provided, however,
82 two (2) members shall serve a term of one (1) year and two (2)
83 shall serve a term of four (4) years. As the terms of office of
84 the members so appointed expire, successors shall be appointed for
85 terms of five (5) years * * *. Any vacancy occurring in the
86 membership of the board shall be filled by the Governor for the
87 unexpired term * * *. The Governor shall have the right, upon the
88 approval of a majority of the board, to remove any members of the
89 board for inefficiency, neglect of duty or dishonorable conduct.

90 SECTION 3. Section 73-36-11, Mississippi Code of 1972, is
91 amended as follows:

92 73-36-11. * * * No person shall * * * be appointed a member
93 of the board unless the person at the time appointed has held a
94 license as a registered forester for at least five (5) years.

95 SECTION 4. Section 73-36-13, Mississippi Code of 1972, is
96 amended as follows:

97 73-36-13. Each year the board shall elect one (1) of its
98 members as chairman, one (1) as vice chairman, and one (1) as
99 secretary, and each shall perform the usual duties of such
100 offices. The board may adopt an official seal. Four (4) members
101 of the board shall constitute a quorum, and a majority vote of
102 those present at any meeting shall be necessary for the adoption
103 of any order proposed or the disposition of other business coming
104 before the board.

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

107 73-36-15. * * * The board shall hold at least two (2)
108 regular meetings during each year and such other meetings as the
109 chairman may find necessary. Notice of the time and place of the

110 meetings of the board shall be mailed to each of the members of
111 the board at least five (5) days before the meeting and, in
112 addition, shall be posted as provided by the rules and regulations
113 of the board at least five (5) days prior to the meeting.

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

116 73-36-17. Each member of the board shall receive per diem
117 compensation as authorized by Section 25-3-69, and shall be
118 reimbursed for such other expenses at the same rate and under the
119 same conditions as provided for public officers and employees in
120 Section 25-3-41. The board shall pay for all expenses incurred by
121 the board, including * * * clerical help as may be needed, if
122 itemized statements of the expenses are first approved by order of
123 the board entered on its minutes. The board shall not expend in
124 any fiscal year more monies than the amount of fees
125 collected * * *. All fees * * * shall be paid to the secretary of
126 the board and the secretary shall deposit all monies received
127 under this chapter in the State Treasury. All such monies shall
128 be kept in a special fund in the State Treasury known as the
129 "State Board of Registered Foresters Fund" and shall be used for
130 the administration of this chapter. The funds shall not lapse at
131 the end of each year. All expenditures from the fund shall be by
132 requisition to the Executive Director of the Department of Finance
133 and Administration and signed by the board chairman * * *. The
134 secretary of the board shall be under a surety bond in the penal
135 sum of Five Thousand Dollars (\$5,000.00) with a surety company
136 authorized to do business in this state, the bond to be
137 conditioned for the faithful performance of his duties, and the
138 fee shall be paid by the board.

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

141 73-36-19. (1) The State Board of Registration for Foresters
142 shall have the following powers and duties:

143 (a) To adopt rules and regulations governing the
144 holding of its meetings, hearings, applications for licenses and

145 any and all other duties provided by this chapter.

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

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

151 (d) To prepare a biennial roster showing the names,
152 business addresses and such other information as the board may
153 deem necessary of all * * * foresters registered under * * * this
154 chapter, and to provide copies * * * to the registered foresters
155 and the public. A copy of the roster shall be filed with the
156 Secretary of State of the State of Mississippi on or before April
157 1 in the year such roster is prepared.

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

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

172 (3) The board shall keep a record of its proceedings and a
173 register of all applications for registration. The register shall
174 show the name, age and residence of each applicant, the date of
175 the application and the board's action on the application and any
176 other information as may be deemed necessary by the board. The
177 board shall submit an annual report to the Governor * * * and a
178 report to the regular session of the Legislature. The report to
179 the Legislature shall include a financial statement of the

180 transactions of the board during the year.

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

183 73-36-21. Any person who has graduated with a bachelor's
184 degree or higher degree from a university or college of forestry
185 in a curriculum in forestry acceptable to the board and found by
186 the board to be substantially equivalent to curricula in schools
187 of forestry accredited by the Society of American Foresters shall
188 be eligible for registration as a registered forester, and a
189 license shall be issued upon application and payment of the
190 required fee, if the person files an application for registration
191 with the board and successfully passes a written and/or oral
192 examination.

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

195 73-36-23. Applications for registration shall be made on
196 forms prescribed and furnished by the board. The initial
197 registration fee for a license as a registered forester shall be
198 fixed by the board, but shall not exceed Fifty Dollars (\$50.00).
199 If the board denies the issuance of a license to any applicant,
200 the fee deposited shall be retained by the board as an application
201 fee.

202 Each application or filing made under this section shall
203 include the social security number(s) of the applicant in
204 accordance with Section 93-11-64, Mississippi Code of 1972.

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

207 73-36-27. The board shall issue a properly authenticated,
208 serially numbered license upon payment of the registration
209 fee * * * to any applicant who in the opinion of the board has
210 satisfactorily met all the requirements of this chapter and the
211 rules and regulations of the board duly adopted under * * * this
212 chapter. The issuance of a license by the board shall be evidence
213 that the person named therein is entitled to all the rights and
214 privileges of a registered forester while the * * * license

215 remains unrevoked or unexpired.

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

218 73-36-29. All licenses issued under the provisions of this
219 chapter shall expire after December 31 of odd numbered years and
220 shall become invalid after that date unless renewed. * * * The
221 secretary of the board shall mail a notice to every person
222 registered under this chapter notifying the person of the date of
223 the expiration of his license and the amount of fee required for
224 its renewal for two (2) years. The notice shall be mailed to the
225 latest known address, according to the board's records, at least
226 one (1) month in advance of the date of the expiration of the
227 license. The board shall from time to time fix the fee for
228 renewal of licenses, provided the fee shall not exceed the amount
229 of One Hundred Dollars (\$100.00) for two (2) years' renewal. Any
230 registrant failing to renew his license * * * and applying for a
231 license shall be required to pay a fee as set by the board not to
232 exceed twice the total amount of the license fees * * * had his
233 license been continued in effect, and also to comply with such
234 other reasonable requirements as may be established by rules and
235 regulations of the board * * *.

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

238 73-36-31. A person not a resident of and having no
239 established place of business in Mississippi, or who has recently
240 become a resident * * *, may use the title of registered forester
241 in Mississippi, provided: (a) such person is legally licensed as
242 a registered forester in his own state or county and has submitted
243 evidence to the board that he is so licensed and that the
244 requirements for registration * * * are at least substantially
245 equivalent to the requirements of this chapter; and (b) the state
246 or county in which he is so licensed observes these same rules of
247 reciprocity in regard to persons * * * licensed under * * * this
248 chapter. Each person seeking the privileges of reciprocity
249 granted under this chapter shall submit his application * * * to

250 the board and must receive a card or certificate from the board
251 before exercising such privileges. The fee for obtaining * * * a
252 license through reciprocity shall be the same as charged a
253 Mississippi licensee.

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

256 73-36-35. Any person who * * * practices or offers to
257 practice the profession of forestry in this state as a registered
258 forester without being registered in accordance with * * * this
259 chapter, or any person who * * * uses in connection with his name,
260 or otherwise assumes, uses or advertises any title or description
261 tending to convey the impression that he is a registered forester
262 without being registered in accordance with * * * this chapter, or
263 any person who * * * presents or attempts to use as his own the
264 license of another, or any person who * * * gives any false or
265 forged evidence of any kind to the board or any member * * * in
266 obtaining a license, or any person who * * * attempts to use an
267 expired or revoked license, or any person, firm, partnership or
268 corporation who * * * violates any of the provisions of this
269 chapter and has not been issued an administrative fine by the
270 board for the violation is guilty of a misdemeanor and, upon
271 conviction, * * * shall be fined not more than Ten Thousand
272 Dollars (\$10,000.00) for each * * * violation. The board, or any
273 person or persons as may be designated by the board to act in its
274 stead, is empowered to prefer charges for any violations of this
275 chapter in any court of competent jurisdiction. It shall be the
276 duty of all duly constituted officers of the law of this state to
277 enforce the provisions of this chapter and to prosecute any
278 persons, firms, partnerships or corporations violating same. The
279 Attorney General of the state or his designated assistant shall
280 act as legal advisor of the board and render such assistance as
281 may be necessary in carrying out the provisions of this chapter.

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

284 73-36-37. Sections 73-36-1 through 73-36-35, which create a

285 board of registration for foresters and prescribe its duties and
286 powers, shall stand repealed as of December 31, 2010.

287 SECTION 15. The following shall be codified as Section
288 73-36-36, Mississippi Code of 1972:

289 73-36-36. In addition to the penalties provided under
290 Section 73-36-33 and Section 73-36-35, any person, found by the
291 board to be in violation of this chapter or any rule or regulation
292 of the board, shall be subject to an administrative fine of not
293 more than One Thousand Dollars (\$1,000.00) for each violation.
294 The person shall be given at least ten (10) days written notice
295 and an opportunity for a hearing before the board. If the
296 administrative fine is not paid within ninety (90) days after the
297 date of the board's order, the order shall become a judgment and
298 may be filed and executed. Any person aggrieved of the board's
299 order may appeal the order to the Circuit Court of Hinds County
300 within thirty (30) days after the date of the order of the board
301 is issued. Appeal shall be on the record made before the board.

302 SECTION 16. This act shall take effect and be in force from
303 and after July 1, 2000.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 73-36-5, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY EXEMPTIONS FROM REGISTRATION WITH THE STATE BOARD OF
3 REGISTRATION FOR FORESTERS; TO AMEND SECTION 73-36-9, MISSISSIPPI
4 CODE OF 1972, TO REVISE THE MEMBERSHIP OF THE STATE BOARD OF
5 REGISTRATION FOR FORESTERS; TO AMEND SECTIONS 73-36-11, 73-36-13,
6 73-36-15, 73-36-17, 73-36-19, 73-36-21, 73-36-23, 73-36-27 AND
7 73-36-31, MISSISSIPPI CODE OF 1972, TO CLARIFY TERMINOLOGY; TO
8 AMEND SECTION 73-36-29, MISSISSIPPI CODE OF 1972, TO REVISE THE
9 TIME FOR RENEWAL OF THE LICENSE FOR FORESTERS; TO AMEND SECTION
10 73-36-35, MISSISSIPPI CODE OF 1972, TO REVISE PENALTIES FOR
11 VIOLATIONS; TO CREATE CODE SECTION 73-36-36, MISSISSIPPI CODE OF
12 1972, TO PROVIDE FOR AN ADMINISTRATIVE FINE FOR VIOLATIONS; TO
13 AMEND SECTION 73-36-37, MISSISSIPPI CODE OF 1972, TO EXTEND THE
14 REPEALER ON THE SECTIONS OF LAW CREATING A BOARD OF REGISTRATION
15 FOR FORESTERS; AND FOR RELATED PURPOSES.