

By: Representative Montgomery

To: Forestry

HOUSE BILL NO. 1077

1 AN ACT TO AMEND SECTIONS 73-36-7, 73-36-9 AND 73-36-35,
2 MISSISSIPPI CODE OF 1972, TO DELETE CERTAIN REFERENCES TO THE TERM
3 "REGISTERED FORESTER" AS USED IN THE FORESTERS REGISTRATION LAW OF
4 1977; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 73-36-7, Mississippi Code of 1972, is
7 amended as follows:

8 73-36-7. Nothing contained in this chapter shall be
9 construed as preventing any person, firm, partnership or
10 corporation from practicing forestry or managing woodlands,
11 forests or trees on any land, provided such acts are not performed
12 or offered to the public for compensation * * *.

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

15 73-36-9. There is hereby created the State Board of
16 Registration for Foresters of the State of Mississippi for the
17 purposes of safeguarding forests by regulating the practice of
18 forestry and requiring that persons practicing or offering to
19 practice forestry * * * to be registered. The board shall be
20 composed of seven (7) members appointed by the Governor with the
21 advice and consent of the Senate. One (1) member shall be
22 appointed from each of the six (6) forestry commission districts
23 as constituted on January 1, 1999, and one (1) member shall be
24 appointed at large. The State Forester of Mississippi shall serve
25 as an ex officio member of the board. Each of the members shall
26 be a forester within the meaning of this chapter with at least
27 three (3) years' experience in such field, and a resident and
28 citizen of the State of Mississippi at the time of his

29 appointment. Within thirty (30) days after the passage of this
30 chapter, the Governor shall appoint the members, designating a
31 term of office of one (1), two (2), three (3), four (4) or five
32 (5) years for each of the members as appointed; provided, however,
33 two (2) members shall serve a term of one (1) year and two (2)
34 shall serve a term of four (4) years. As the terms of office of
35 the members so appointed expire, successors shall be appointed for
36 terms of five (5) years. Any vacancy occurring in the membership
37 of the board shall be filled by the Governor for the unexpired
38 term. The Governor shall have the right, upon the approval of a
39 majority of the board, to remove any members of the board for
40 inefficiency, neglect of duty or dishonorable conduct.

41 **SECTION 3.** Section 73-36-35, Mississippi Code of 1972, is
42 amended as follows:

43 73-36-35. Any person who practices or offers to practice the
44 profession of forestry in this state * * * without being
45 registered in accordance with this chapter, or any person who uses
46 in connection with his name, or otherwise assumes, uses or
47 advertises any title or description tending to convey the
48 impression that he is a registered forester without being
49 registered in accordance with this chapter, or any person who
50 presents or attempts to use as his own the license of another, or
51 any person who gives any false or forged evidence of any kind to
52 the board or any member in obtaining a license, or any person who
53 attempts to use an expired or revoked license, or any person,
54 firm, partnership or corporation who violates any of the
55 provisions of this chapter and has not been issued an
56 administrative fine by the board for the violation is guilty of a
57 misdemeanor and, upon conviction, shall be fined not more than
58 Five Thousand Dollars (\$5,000.00) for each violation. The board,
59 or any person or persons as may be designated by the board to act
60 in its stead, is empowered to prefer charges for any violations of
61 this chapter in any court of competent jurisdiction. It shall be

62 the duty of all duly constituted officers of the law of this state
63 to enforce the provisions of this chapter and to prosecute any
64 persons, firms, partnerships or corporations violating same. The
65 Attorney General of the state or his designated assistant shall
66 act as legal advisor of the board and render such assistance as
67 may be necessary in carrying out the provisions of this chapter.

68 **SECTION 4.** This act shall take effect and be in force from
69 and after July 1, 2007.