

By: Representative Montgomery

To: Forestry

COMMITTEE SUBSTITUTE
FOR
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, unless otherwise
13 exempted in Section 73-36-5.

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

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

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

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

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

62 this chapter in any court of competent jurisdiction. It shall be
63 the duty of all duly constituted officers of the law of this state
64 to enforce the provisions of this chapter and to prosecute any
65 persons, firms, partnerships or corporations violating same. The
66 Attorney General of the state or his designated assistant shall
67 act as legal advisor of the board and render such assistance as
68 may be necessary in carrying out the provisions of this chapter.
69 **SECTION 4.** This act shall take effect and be in force from
70 and after July 1, 2007.