WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1963

ENROLLED

SENATE BILL NO. 99

(By Mr. McCourt and Mr. Jackson)

PASSED ................. Mar. 1, 1963

In Effect .... July 1, 1963

Filed in Office of the Secretary of State
of West Virginia 3-9-63

JOE F. BURDETT
SECRETARY OF STATE
AN ACT to amend chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article nineteen, relating to the qualification and registration of professional foresters.

Be it enacted by the Legislature of West Virginia:

That chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article nineteen, to read as follows:

Article 19. Foresters.

Section 1. General Provisions.—No person shall 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 registered forester, unless he shall be licensed as hereinafter provided. Nothing contained in this article shall be construed as preventing any person, firm, partnership, or corporation from practicing forestry, or managing woodlands or forests, or from removing any products therefrom, or planting trees on any land, in any manner desired.

Sec. 2. Definitions.—As used in this article:

(1) The term “forester” means a person who, by reason of his knowledge of the natural sciences, mathematics, silviculture, forest protection, forest management, forest economics and forest utilization, acquired by professional forestry education and/or practical experience, is qualified to engage in the practice of professional forestry as hereinafter defined;

(2) The term “registered forester” means a person who has been licensed pursuant to this article;

(3) The term “practice of professional forestry” means professional forestry services, including but not limited to consultation, investigation, evaluation, planning, or re-
sponsible supervision of any forestry activities when such
professional service requires the application of forestry
principles and techniques; and

(4) The term "board" means the state board of regis-
tration for foresters, provided for by this article.

Sec. 3. State Board of Registration for Foresters.—A
state board of registration for foresters is hereby created
whose duty it shall be to administer the provisions of this
article. The board shall consist of five foresters who shall
be appointed by the governor of West Virginia within
thirty days after the effective date of this article, from
among ten nominees recommended by the West Virginia
chapter, society of American foresters, by and with the
consent of the senate, and who shall possess the qualifi-
cations set forth under section four of this article. Theive members of the initial board shall be appointed for
terms of one, two, three, four and five years, respectively.
On the expiration of the term of any member of the board,
the governor, with the consent of the senate, shall appoint
in the manner hereinbefore provided, for a term of five
years, a registered forester from among five nominees
recommended by the West Virginia chapter, society of
American foresters, and having the qualifications set forth
in section four of this article. If the governor fails to make
appointment in ninety days after expiration of any term,
the board shall make the necessary appointment. Each
member shall hold office until the expiration of the term
for which such member is appointed and until a successor
shall have been duly appointed and qualified.

Sec. 4. Qualification of Board Members.—Each member
of the initial board shall be a citizen of the United States
and a resident of this state, possessing the qualifications
to become a registered forester under the terms of this
article, and shall have been engaged in the practice of
professional forestry for at least ten years. Each member
hereafter shall be a citizen of the United States and a
resident of this state, shall be a registered forester under
the terms of this article, and shall have been engaged in
the practice of professional forestry for at least ten years.

Sec. 5. Removal of Board Members.—The governor may
remove any member of the board for official misconduct
or habitual or wilful neglect of duty. Vacancies in the
5 membership of the board shall be filled for the unexpired
6 term in the same manner as for an appointment for a
7 full term.

Sec. 6. General Requirements for Registration.—The
2 following shall be considered as minimum evidence satis-
3 factory to the board that the applicant is qualified for
4 registration as a registered forester: (1) Graduation from
5 a curriculum in forestry approved by the board from a
6 university or college approved by the board. Evidence of
7 college graduation and completion of required courses
8 shall be presented by means of an official college trans-
9 cript which shall be filed permanently with the board;
10 or (2) successfully passing a written examination de-
11 signed to show knowledge approximating that obtained
12 through graduation from a curriculum in forestry ap-
13 proved by the board from a university or college approved
14 by the board, and a record of eight years or more of active
15 practice in forestry work of a character satisfactory to
16 the board, and indicating that the applicant is competent
17 to practice professional forestry: Provided, That any citi-
18 zen of this state who has engaged in the practice of pro-
fessional forestry for eight years preceding the effective
date of this section shall not be required to take an
examination for registration. Upon filing with the board
an application for registration, in such form as the board
shall prescribe, and submitting therewith satisfactory
information as to good character, such person shall be
issued a certificate of registration: And provided further,
That after eight years from the effective date of this
article no person shall qualify as a registered forester un-
less such person shall have graduated from a curriculum
in forestry approved by the board from a university or
college approved by the board.
The completion of applicants who have not graduated
from a college or university may make the following sub-
stitution the junior year in a forestry curriculum ap-
proved by the board in a university or college approved
by the board shall be considered as equivalent to two
years of the practice of professional forestry; the com-
pletion of the senior year without graduation in a forestry
curriculum approved by the board in a university or
college approved by the board shall be considered as
equivalent to three years of the practice of professional forestry.

Sec. 7. Expirations and Renewals.—Licenses shall expire on the last day of the month of June following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the board to notify every person registered under this article, at his last registered address, of the date of the expiration of his license and the amount of the fee that shall be required for its renewal for one year; such notice shall be mailed at least sixty days in advance of the date of the expiration of said license. The fee for the renewal of licenses shall be two dollars per year.

Sec. 8. Firms, Partnerships, Etc.—Registration shall be determined upon the basis of individual personal qualifications. No firm, company, partnership, corporation or public agency shall be licensed as a registered forester.

Sec. 9. Reciprocity.—A person not a resident of and having no established place of business in West Virginia may use the title of registered forester in West Virginia provided: (1) Such person is legally licensed as a regis-
5 registered forester in his own state or county and has submit-
6 ted evidence to the board that he is so licensed and that
7 the requirements for registration therein are equivalent
8 to the requirements of this article; and (2) the state or
9 county in which he is so licensed observes these same
10 rules of reciprocity in regard to persons originally licensed
11 under the provisions of this article.

Sec. 10. Violations.—Any person who shall practice or
2 offer to practice the profession of forestry as a registered
3 forester in this state without being registered in accord-
4 ance with the provisions of this article, or any person who
5 shall use in connection with his name or otherwise assume,
6 use or advertise any title or description tending to convey
7 the impression that he is a registered forester, without
8 being registered in accordance with the provisions of this
9 article, or any person who shall present or attempt to use
10 as his own the license of another, or any person who shall
11 give any false or forged evidence of any kind to the board
12 or any member thereof in obtaining a license, or any per-
13 son who shall attempt to use an expired or revoked li-
14 cense, or any person, firm, partnership or corporation who
shall violate any of the provisions of this article, shall be
guilty of a misdemeanor and upon conviction thereof shall
be fined not more than one hundred dollars. It shall be
the duty of all duly constituted officers of the law of this
state to enforce the provisions of this article and to prose-
cute any persons, firms, partnerships, or corporations vio-
lating same. The attorney general of the state shall act
as legal advisor of the board and render such assistance
as may be necessary in carrying out the provisions of this
article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect July 1

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 8th day of March, 1963.

Governor
Presented to the Governor
March 7, 1963
5:00 p.m.