

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 Passage

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

JOE F. BURDETT
SECRETARY OF STATE

ENROLLED

Senate Bill No. 99

(By MR. McCOURT and MR. JACKSON)

[Passed March 1, 1963; in effect July 1, 1963.]

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
2 connection with his name or otherwise assume, use or

3 advertise any title or description tending to convey the
4 impression that he is a registered forester, unless he shall
5 be licensed as hereinafter provided. Nothing contained
6 in this article shall be construed as preventing any per-
7 son, firm, partnership, or corporation from practicing for-
8 estry, or managing woodlands or forests, or from remov-
9 ing any products therefrom, or planting trees on any land,
10 in any manner desired.

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

2 (1) The term “forester” means a person who, by reason
3 of his knowledge of the natural sciences, mathematics, sil-
4 viculture, forest protection, forest management, forest eco-
5 nomics and forest utilization, acquired by professional
6 forestry education and/or practical experience, is quali-
7 fied to engage in the practice of professional forestry as
8 hereinafter defined;

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

11 (3) The term “practice of professional forestry” means
12 professional forestry services, including but not limited
13 to consultation, investigation, evaluation, planning, or re-

14 sponsible supervision of any forestry activities when such
15 professional service requires the application of forestry
16 principles and techniques; and

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

Sec. 3. State Board of Registration for Foresters.—A

2 state board of registration for foresters is hereby created
3 whose duty it shall be to administer the provisions of this
4 article. The board shall consist of five foresters who shall
5 be appointed by the governor of West Virginia within
6 thirty days after the effective date of this article, from
7 among ten nominees recommended by the West Virginia
8 chapter, society of American foresters, by and with the
9 consent of the senate, and who shall possess the qualifi-
10 cations set forth under section four of this article. The
11 five members of the initial board shall be appointed for
12 terms of one, two, three, four and five years, respectively.
13 On the expiration of the term of any member of the board,
14 the governor, with the consent of the senate, shall appoint
15 in the manner hereinbefore provided, for a term of five
16 years, a registered forester from among five nominees

17 recommended by the West Virginia chapter, society of
18 American foresters, and having the qualifications set forth
19 in section four of this article. If the governor fails to make
20 appointment in ninety days after expiration of any term,
21 the board shall make the necessary appointment. Each
22 member shall hold office until the expiration of the term
23 for which such member is appointed and until a successor
24 shall have been duly appointed and qualified.

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

Sec. 5. Removal of Board Members.—The governor may
2 remove any member of the board for official misconduct
3 or habitual or wilful neglect of duty. Vacancies in the

4 membership of the board shall be filled for the unexpired
5 term in the same manner as for an appointment for a
6 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-

19 fessional forestry for eight years preceding the effective
20 date of this section shall not be required to take an
21 examination for registration. Upon filing with the board
22 an application for registration, in such form as the board
23 shall prescribe, and submitting therewith satisfactory
24 information as to good character, such person shall be
25 issued a certificate of registration: *And provided further,*
26 That after eight years from the effective date of this
27 article no person shall qualify as a registered forester un-
28 less such person shall have graduated from a curriculum
29 in forestry approved by the board from a university or
30 college approved by the board.

31 The completion of applicants who have not graduated
32 from a college or university may make the following sub-
33 stitution the junior year in a forestry curriculum ap-
34 proved by the board in a university or college approved
35 by the board shall be considered as equivalent to two
36 years of the practice of professional forestry; the com-
37 pletion of the senior year without graduation in a forestry
38 curriculum approved by the board in a university or
39 college approved by the board shall be considered as

40 equivalent to three years of the practice of professional
41 forestry.

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

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

Sec. 9. Reciprocity.—A person not a resident of and
2 having no established place of business in West Virginia
3 may use the title of registered forester in West Virginia
4 provided: (1) Such person is legally licensed as a regis-

5 tered 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

15 shall violate any of the provisions of this article, shall be
16 guilty of a misdemeanor and upon conviction thereof shall
17 be fined not more than one hundred dollars. It shall be
18 the duty of all duly constituted officers of the law of this
19 state to enforce the provisions of this article and to prose-
20 cute any persons, firms, partnerships, or corporations vio-
21 lating same. The attorney general of the state shall act
22 as legal advisor of the board and render such assistance
23 as may be necessary in carrying out the provisions of this
24 article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

O. Roy Parker
Chairman Senate Committee

Charles L. Croushall
Chairman House Committee

Originated in the Senate.

Takes effect July 1 passage.

Howard Meyers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard E. Carson
President of the Senate

Julius W. Biggs
Speaker House of Delegates

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

W. M. Baum
Governor

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