

PROFESSIONAL FORESTER REGISTRATION

Purpose.

It is the purpose of this chapter to protect the public by improving the standards relative to the practice of forestry; to protect the public from unqualified practitioners; and to help insure the proper management of the forest resources of the State.

General Provisions

Except as specifically authorized, no person may engage in the practice of forestry as defined in this chapter or in any manner advertise or hold himself out as engaged in such practice, without first being **credentialed** as a **registered** professional forester under this chapter. Nothing in this chapter may be construed as preventing or prohibiting any person from managing or otherwise conducting forestry practices on land owned, leased, rented by such person; nor may anything herein prohibit employees of a federal government agency from practicing for the federal government agency.

Definitions.

(1) “Board”, the Missouri Board for Professional Forester **Registration administered by the State Board of Licensing & Registration, Department of Economic Development.**

(2) “Forester” means a person who by reason of special knowledge and training in natural sciences, silviculture, forest protection, forest mensuration, forest management, ecology, forest economics, and forest utilization is qualified to engage in the practice of forestry. **Completion of a baccalaureate degree in Forestry from an accredited institution is generally considered to provide the special knowledge and training.**

(3) “Forestry” means the professional practice embracing the science, business, and the art of creating, conserving, and managing forests and forest lands for the sustained use and enjoyment of their resources, material, or other forest products. **The broad field of forestry consists of those biological, quantitative, managerial, and social sciences that are applied to forest management and conservation; it includes specialized fields such as agroforestry, urban forestry, industrial forestry, nonindustrial forestry and wilderness and recreation forestry.**

(4) “Practice of Forestry” means rendering professional forestry services, including but not limited to, consultation, investigation, evaluation, planning, or other forestry activities requiring knowledge, training and experience in forestry principles and techniques. The practice of forestry shall not include services rendered for wages or for salary for the cutting, hauling, handling or processing of forest products, **for** wages.

(5) “Registered Professional Forester”, any person authorized pursuant to the provisions of this chapter to practice as a professional forester in Missouri, as the practice of forestry is defined in **this** section.

Board established, member, officers, qualifications of members – how appointed–terms-vacancy, how filled – may sue and be sued.

(1) The “Missouri Board for Registered Foresters” is hereby established and shall consist of five members: four Registered Foresters or qualified under the provisions of **this chapter** and **one private forest land owner who is a Certified Tree Farmer under the American Tree Farm System and whose Certified Tree Farm is at least 10 acres in size.**

(2) Each member of the Board shall be a citizen of the United States and a resident of Missouri.

(3) The Board shall elect annually the following officers: a chair, and a vice-chair, who shall be members of the Board and a secretary who may be a member of the Board. A quorum of the Board shall consist of not less than three voting members of the Board.

(4) Each member shall be appointed by the Governor for a three-year term. **The Governor shall accept nominations from the Missouri Society of American Foresters, the Forestry Division Administrator, Missouri Dept. of Conservation, Director-School of Forestry, University of Missouri and the Missouri Consulting Foresters Association for all vacancies or regular term**

appointments. No member may serve more than two complete consecutive terms *except that a member will continue to serve until a successor has been nominated, qualified and approved by the Senate. Terms of Board members shall be staggered such that regular expiration of a term will occur for no more than two (2) members in one(1) calendar year.*

(5) Vacancies in the membership of the Board shall be filled by appointment by the Governor for the unexpired term.

(6) The Governor may remove a board member for cause.

Meetings of the Board

The Board shall meet at least once a year to conduct its business and elect its officers. Additional meetings shall be held as necessary to conduct the business of the Board, and may be convened at the call of the chairman or a majority of the board members.

Powers of the Board

The board shall have the following duties and powers, in addition to those otherwise set forth in this chapter.

(1)**Registration; Enforcement.** The Board shall evaluate the qualifications of applicants for *registration* under this chapter, and shall investigate or cause to be investigated all complaints made to it and all cases of noncompliance with this chapter.

(2) Rules. The board may adopt such rules as may be reasonably necessary for the proper performance of its duties and the administration of this chapter. The Board may not make or promulgate rules on forest practices, but may, under this chapter, proceed against any person for alleged violations of any rules or laws made and promulgated by the legislature or any other duly authorized governmental body or agency relating to forestry or like subject.

(3) The Board shall adopt an official seal.

(4) Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

(5) The Board may establish fees.

(6) Hearings. Hearings may be conducted by the Board to assist with investigations, to determine whether grounds exist for suspension, revocation, or denial of a license, or as otherwise deemed necessary to the fulfillment of its responsibilities under this chapter. The board shall not refuse to renew a license for any reason other than failure to pay a required fee, unless it has afforded the licensee an opportunity for an adjudicatory hearing. The board shall hold an adjudicatory hearing at the written request of any person who is denied a license for any reason other than failure to pay a required fee, provided that the request for hearing is received by the Board within 30 days of the applicants receipt of written notice of the denial of his application, the reasons for the denial of his application and his right to request a hearing. Hearings shall be conducted in accordance with Missouri State Law. The board may subpoena witnesses, records and documents in any hearing its conducts.

Receipts and Disbursements

The secretary of the board shall receive and account for all moneys derived under this chapter, and shall keep these moneys in a separate fund known as the "Registered Foresters Fund." Moneys in the fund shall be expended to carry out the purposes of the Board. The secretary of the board shall give surety bond to the Board in an amount determined by the Board. The premium for the surety bond is a proper expense of the Board and shall be paid from the Registered Foresters Fund.

The board may employ and fix the compensation of necessary clerical and other assistants. The compensation of these assistants shall be paid out of the Registered Foresters Fund.

Records and Reports

The Board shall keep a record of its proceedings and a register of all applications for registration. The register shall show the name, age, and residence of each applicant; the date of the application; the applicant's place of business; the applicant's educational and other qualifications; whether or not examination was required; whether the application was rejected or registration was granted; the date of action by the board; and other information deemed necessary by the Board. The board shall submit a report of its transactions annually to the Director of the State Board of Licensing and Registration.

Compensation and Expenses of Board

Each member of the Board shall receive per diem and allowances as provided by administrative rules of the Missouri State Board of Registration and Licensing.

General Requirements for Registration

The minimum qualifications and requirements for registration as a registered professional forester shall be as follows:

(1) Education. Graduation from a curriculum in forestry of four years or more in a school or college approved by the Board or graduation from a postgraduate curriculum in forestry leading to a degree higher than a bachelor's degree in a school or college approved by the Board.

(2) Experience. Completion of a minimum of *Three* years experience in forestry or forestry related discipline under the guidance of a registered forester; or prior registration as a registered professional forester by the Missouri Board for Foresters or credentialing as a professional forester in another state with substantially similar requirements for professional forestry registration. *Prior employment by a federal agency in a professional level position relating directly to the practice of forestry for a period of three years will be considered to meet the experience requirement providing all other requirements are met.*

(3) Continuing Education. *Satisfactory completion of continuing education activities as established and approved by the board*

(4) Examination. Beginning January 1, 2004, successful completion of a written examination, the content of which is determined by the board. Examination must be given at least twice each year. The board shall set a fee for the examination. In some circumstances, as determined by the board, an oral examination may be substituted for the written examination. Persons who are registered on or before January 1, 2004 are not required to complete an examination as a condition for continuing registration. All applicants must have met all other qualifications for registration prior to taking an examination.

Registration shall be determined upon the basis of individual personal qualification. No firm, company, partnership, corporation, or public agency shall be registered as a professional forester.

A non-resident or person who has moved to Missouri recently and who is registered as a registered forester in another jurisdiction may be registered under this chapter, by written application to the Board, if that jurisdiction provides for the same or substantially the same registration requirements as this chapter.

A non-resident of Missouri may become a registered forester in Missouri by filing a written application with the Board, providing documentation for all qualifications, and payment of prescribed fees.

A non-resident of Missouri may use the term "registered forester" or other titles otherwise prohibited by this chapter in Missouri without becoming registered under this chapter if registered in another state which will reciprocate with the provision of this chapter.

Applications; Fees.

Applications for registration must be made on forms prescribed and furnished by the board, and contain statements made under oath as to residence, the applicant's education, and a detailed summary of *qualifying* experience. Notwithstanding any other provisions of law, any communications solicited or received by the board may be kept confidential by the board and any discussion of references may be conducted in executive session. An application fee may be established by the board in an amount that is reasonable and necessary for its purpose.. If the board denies a certificate of registration to any applicant, the initial application fee shall be retained by the Board. The fee for registration as a registered professional forester is fixed by the board and must be paid before the issuance of the registration. Should the applicant fail to remit the registration fee within 30 days after being notified by certified mail that the application has been accepted, the applicant forfeits the right to have registration so issued and the applicant may be required to again submit an original application. It is unlawful for any person to provide false or forged information to the Board or member of the Board in obtaining a certificate of registration.

Issuance of Registration; endorsement of documents.

The board shall issue a certificate of registration upon payment of registration fees as provided in this chapter to any applicant who,

in the opinion of the board, has satisfactorily met all the requirements of this chapter. Certificates of registration must show the full name of the registrant. The issuance of a certificate of registration by the board is evidence that the person named is entitled to all the rights and privileges of a registered professional forester while the registration remains un-revoked or un-expired.

Expiration and renewals; Continuing Education

Registrations shall expire on the last day of the twenty-fourth month following issuance and shall become invalid after that date unless renewed. The secretary of the Board shall notify every person registered under this chapter, at the person's last registered address, of the date of expiration of registration and the amount of fee required for its renewal. The notices shall be mailed at least 30 days prior to the expiration date of the certificate of registration.. The renewal fee for certificates shall be an amount established by the board. The fee for issuance of replacement certificates of registration shall be *determined by the Board*.

Any registration which has expired may be renewed by paying the registration fee plus one twenty-fourth of the renewal fee per calendar month from the date of expiration. Charges above the renewal fee shall not exceed an amount equal to the renewal fee.

Registrations which have been expired for greater than a twelve (12) month period shall require a new application for registration and satisfactory completion of a written examination after January 1, 2004.

The Board shall require registered foresters to complete continuing education activities approved by the Board *for renewals*.

Revocation; suspension; refusal to renew and re-issuance of registrations.

The board may revoke or suspend the certificate of registration of any registrant who it finds has committed gross negligence, fraud, deceit, or flagrant misconduct in the practice of forestry or has demonstrated incompetence as a practicing forester. The board may designate a person or persons to investigate and report to it upon any charges of fraud, deceit, gross negligence, incompetency or other misconduct by a registrant in the practice of forestry.

Any person may prefer charges against a registrant. The charges shall be in writing, sworn to by the person making them, and filed with the secretary of the board. The time and place for a hearing before the Board shall be fixed by the Board. At any hearing the accused may appear in person or by counsel. The Board may reissue a certificate of registration to any person whose certificate of registration has been revoked or suspended.

Roster of Registered Foresters

A roster showing the names, registration numbers, and places of business residence of all registrants under this chapter shall be prepared annually by the secretary of the board. Copies of this roster shall be place on file with the Missouri Secretary of State. A copy shall be sent to each registrant and copies may be furnished to the public upon request and upon payment of a fee set by the board.

Violations and penalties

It shall be unlawful for any person to practice forestry or offer to practice forestry or to use in connection with his name, or otherwise assume, use or advertise any title or description that directly or indirectly conveys the impression that he is a registered professional forester in this State unless he is registered or exempt in accordance with the provisions of this chapter. Any person who shall present or attempt to use as his own, the registration of another, or any person who shall give any false or forged evidence to the board or any member thereof in obtaining a registration, or any person who shall attempt to use an expired, suspended or revoked registration, or any person, firm, partnership or corporation who shall violate any provision of this chapter is guilty of a *first class misdemeanor* crime for *first* offense. *Successive Offenses???? (We need assistance from legislative research on this.)* The board, or any person or persons designated by the board to act in its behalf, is empowered to prefer charges for any violation of this chapter in any court of competent jurisdiction in any county in the State in which the violation shall have occurred. It shall be the duty of all duly constituted officers of the law of the State, or of any political subdivisions thereof, to enforce the provisions of this chapter and to prosecute any persons, firms, partnerships, or corporations violating the same. The Attorney General shall act as legal advisor to the board and shall render such legal assistance as may be necessary in carrying out the provisions of this chapter.