

## Registration of Foresters Act

### Title 17 Professions, Occupations, and Businesses

#### Subtitle 2. Nonmedical Professions

#### Chapter 31 Foresters

#### Subchapter 1 – General Provisions

##### **17-31-101. Title and purpose.**

(a) This chapter may be referred to and cited as the “Registration of Foresters Act”.

(b) The purpose of this chapter is to ensure that no person shall use in connection with the person's name, or otherwise assume, use, or advertise any title or description that the person is a forester, unless the person is registered as herein provided.

##### **17-31-102. Definitions.**

As used in this chapter:

(1) [Repealed.]

(2)

(A) “Forestry” means the science, the art, and the practice of managing, harvesting, and using the natural resources which occur on and in association with forestlands. It also means the care and management of forestlands for repeated crops of raw wood products, at annual or somewhat longer intervals, and for allied uses, such as watershed protection, recreation, wildlife, and grazing.

(B) However, nothing contained in this chapter shall be construed as preventing any person, firm, partnership, or corporation from managing woodlands, forests, or trees, or from buying or selling timber, or from harvesting any products therefrom, or from performing tree planting, timber stand improvement, or other vendor services on any land, in any manner desired;

(3)

(A) “Practice of forestry” includes services for hire such as consultation, investigation, evaluation, planning, or responsible supervision of any forestry activity in connection with public or private lands.

(B) The practice of forestry shall not include services rendered for wages, salary, or payment received for the buying, selling, cutting, handling, or processing of timber, or wages, salary, or payment received for tree planting, timber stand improvement, or other vendor service activities on the forestlands of the owner thereof or on the forestlands of another; and

(4) “Registered forester” means a person holding a valid certificate of registration issued pursuant to this chapter.

##### **17-31-103. Administrative procedure.**

All proceedings of the Arkansas Forestry Commission shall be governed by the Arkansas Administrative Procedure Act, § 25-15-201 et seq., in addition to the requirements set forth in this chapter.

##### **17-31-104. Enforcement.**

The Department of Agriculture and the Arkansas Forestry Commission are charged with the duty of seeing that the provisions of this chapter are enforced.

##### **17-31-105. Violations — Penalties.**

(a) Any person required to be registered under this chapter shall be guilty of a Class A misdemeanor if that person:

(1) Practices or offers to practice forestry without a valid certificate of registration issued pursuant to this chapter;

- (2) Claims to be a forester certified under this chapter without being so certified;
  - (3) In any way tends to convey the impression that he or she is a forester certified under the provisions of this chapter without being so registered;
  - (4) Uses as his or her own the certificate of registration of another;
  - (5) Gives false or forged evidence to the Department of Agriculture or the Arkansas Forestry Commission;
  - (6) Uses an expired or revoked certificate; or
  - (7) Violates any provision of this chapter.
- (b) A Class A misdemeanor shall also be charged against a registered forester, subject to penalties as prescribed in subsection (a) of this section, who endorses any plan, specification, estimate, report, or map unless he or she actually prepared the plan, specification, estimate, report, or map or has been in actual charge or supervision of the preparation of it.

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**Subtitle 2. Nonmedical Professions**  
**Chapter 31 Foresters**  
**Subchapter 2 – Administration**

**17-31-201. [Repealed.]**

**17-31-202. [Repealed.]**

**17-31-203. [Repealed.]**

**17-31-204. Powers.**

(a) The Arkansas Forestry Commission shall have the power to make, adopt, alter, amend, and promulgate all bylaws and rules consistent with the Arkansas Constitution and laws of this state, which may be reasonably necessary for the proper performance of its duties and the regulation of the proceedings before it.

**(b)**

(1) Each member of the commission shall have power to administer oaths.

(2) The commission shall have power to subpoena witnesses and compel the production of books and papers pertinent to any investigation or hearing authorized by this chapter.

(3) Any employee of the Department of Agriculture engaged in making any investigation on behalf of the commission shall have the power to administer oaths to and take depositions of persons pertaining to any investigation.

(4) The department may require any law enforcement officer of any state agency, the sheriffs of the various counties, or other law enforcement officers of any county or municipality to serve subpoenas and other process of the commission or department.

(5) When county, municipal, or other local officers are required to serve subpoenas or other process of the commission or department, they shall be paid the same fees by the commission as are provided by laws for similar services under process issued by circuit courts.

**(c)**

(1) If any person shall refuse to testify or produce any books, papers, or documents, the commission may proceed by rule, in the circuit court of the county where the person is domiciled or is engaged in business, to have the person adjudged guilty of contempt.

(2) In the event the rule is made absolute, the circuit court shall punish the person for contempt of court.

(3) The person shall be permitted to purge himself or herself of contempt by compliance with such order as the court may render.

**17-31-205. [Repealed.]**

**17-31-206. Compensation of witnesses.**

(a) The Department of Agriculture may hire investigators and pay traveling expenses thereof for the investigation and prosecution of any violator of this chapter.

(b)

(1) At its discretion, the department may pay any witness subpoenaed to appear before the Arkansas Forestry Commission twenty-five dollars (\$25.00) per diem when actually in attendance, including time spent in traveling not to exceed one (1) day to and one (1) day from the location of the commission meeting.

(2) In addition, the department may reimburse any witness for actual traveling expenses when furnished proof of such expenses, including hotel or motel expenses, when the witness resides in a county other than the one in which the commission is meeting.

**17-31-207. Records and reports.**

(a)

(1) The Department of Agriculture shall keep a record of Arkansas Forestry Commission proceedings and a register of all applications.

(2) The register shall show:

(A) The name, age, and residence of each applicant;

(B) The date of the application;

(C) The place of business of such an applicant;

(D) His or her education and other qualifications;

(E) Whether or not an examination was required;

(F) Whether the applicant was rejected;

(G) Whether a certificate of registration was granted;

(H) The date of action of the commission; and

(I) Such other information as may be deemed necessary by the commission.

(b)

(1) A roster showing the names and places of business of all foresters registered under this chapter shall be published by the department during the month of April each year.

(2) Copies of this roster shall be furnished to the public on request.

(c) The records of the commission shall be prima facie evidence of the proceedings of the commission.

(d) A transcript of the records of the commission, certified by authorized department personnel, shall be admissible in evidence with the same force and effect as if the originals were produced.

(e) [Repealed.]

**17-31-208. Disposition of funds.**

(a) All fines collected for the violation of any provisions of this chapter shall be paid over to the Department of Agriculture to be used by it in the same manner as funds received for the issuance of licenses.

(b) Under no circumstances shall the total amount of warrants issued in payment of the expenses and compensation provided for in this chapter exceed the amount of the application, registration, and other fees collected as herein provided.

(c) Any surplus funds at the end of the fiscal year may be retained for future expenditures, and shall not be required to be paid into the General Revenue Fund Account of the State Apportionment Fund.

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**Subchapter 3 – Certificate of Registration**

**17-31-301. Requirement — Exemptions.**

(a) Any person using in connection with the person's name or otherwise assuming, using, or advertising any title or description tending to convey the impression that the person is a forester engaged in the practice of forestry on private lands shall be registered as provided in this subchapter.

(b) All foresters are eligible to apply for registration. However, nothing in this chapter shall be construed as requiring:

(1) Any person, employee of a firm, partnership, corporation, or department or agency of any branch of the government to be registered pursuant to this chapter in order to practice forestry on the person's or its own lands or manage the person's or its own timberlands, woodlands, or forests or to supervise the removal of any products therefrom; or

(2) Any person to be registered pursuant to this chapter in order to perform duties as an employee of a registered forester acting under the supervision of the registered forester.

(c) Certificates of registration shall be issued only to individuals. No firm, company, partnership, or corporation may be registered under this chapter.

**17-31-302. Qualifications.**

The applicant must pass a written examination on basic forestry subjects administered by the Arkansas Forestry Commission or the Department of Agriculture, or both, with a score established by the commission along with the following minimum evidence that an applicant is qualified to be registered as a forester:

(1) A bachelor's or advanced degree in forestry from a college or university program accredited by the Society of American Foresters;

(2) A bachelor's or advanced degree in forestry from a college or university program not accredited by the Society of American Foresters and three (3) years' or more experience in forestry work of a nature satisfactory to the commission;

(3) A bachelor's degree in a natural resources-related field from a college or university program, including, but not limited to, wildlife management, with at least twenty (20) semester hours of forestry courses approved by the commission and three (3) years' or more experience in forestry work of a nature satisfactory to the commission;

(4) A bachelor's degree not related to natural resources from a college or university program and six (6) years' or more experience in forestry work of a nature satisfactory to the commission; or

(5) A two-year associate's degree in forestry and six (6) years' or more experience in forestry work of a nature satisfactory to the commission.

**17-31-303. Application for registration.**

(a) Application for registration shall:

(1) Be on forms prescribed and furnished by the Arkansas Forestry Commission;

(2) Contain statements under oath giving a detailed summary of the applicant's education and technical experience; and

(3) Contain the names and addresses of not fewer than five (5) references, of whom three (3) or more shall be registered foresters who have personal or professional knowledge of the applicant's forestry experience or his or her character and ability.

(b) The amount of the application fee and the registration fee shall be set annually by the commission.

(c) [Repealed.]

**17-31-304. Examinations.**

- (a) When written examinations are required, they shall be held at such times and places as the Department of Agriculture, in consultation with the Arkansas Forestry Commission, shall determine.
- (b) The scope of the examinations and the methods of procedure shall be prescribed by the commission.
- (c) A candidate who fails an examination may apply for another examination.
- (d) Subsequent examinations will be granted only upon payment of the prescribed fee.

**17-31-305. Issuance — Form — Evidence.**

- (a) The Arkansas Forestry Commission shall issue a certificate of registration upon payment of a registration fee as provided for in this chapter to any applicant who, in the opinion of the commission, has satisfactorily met all of the requirements of this chapter.
- (b) The certificate shall show the full name of the registrant, shall have a serial number, and shall be signed by the State Forester and the Chair of the Arkansas Forestry Commission.
- (c) The issuance of a certificate of registration by the commission shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered forester while the certificate remains unrevoked or unexpired

**17-31-306. Seal — Unlawful use.**

- (a)
  - (1) Each registrant may obtain a seal of a design authorized by the Arkansas Forestry Commission, bearing the registrant's name, serial number, and the legend "Registered Forester, Arkansas".
  - (2) All registrants engaged in the practice of forestry, either in a private professional practice or as an employee of an agency of the government or of a corporation, company, partnership, individual, or other private employer, shall endorse with his or her name and impress with his or her seal all plans, specifications, maps, reports, or documents which he or she prepares or which shall be prepared under his or her supervision.
- (b) Anyone who endorses his or her name or impresses his or her seal upon any document, after the certificate of registration of the registrant named thereon has expired or has been revoked, shall be charged with a misdemeanor unless his or her certificate has been renewed or reissued.

**17-31-307. Expiration and renewal.**

- (a) Certificates of registration shall expire on December 31 of the year for which issued or renewed and shall become invalid thereafter unless renewed.
- (b)
  - (1) The Department of Agriculture shall notify by letter to the last known address every person registered under this chapter of the date of the expiration of the certificate and the amount of the fee required for its renewal of one (1) year.
  - (2) Notice shall be delivered at least one (1) month in advance of the date of the expiration of such a certificate.
- (c)
  - (1)
    - (A) The Arkansas Forestry Commission shall require persons who are licensed under this subchapter to complete not fewer than six (6) hours of continuing forestry education during the previous year beginning January 1, 2001, as a condition of license renewal.

**(B)** Continuing forestry education shall be equivalent to the Society of American Foresters Category I for continuing forestry education which includes, but is not limited to, seminars, short courses, and workshops in forestry or a related subject matter as approved by the commission.

**(2)** Credit accrues at a rate of one (1) hour for each hour of actual contact.

**(3)**

**(A)** The commission may approve continuing forestry education courses offered by professional organizations, institutions of higher education, qualified individuals, or specialty societies.

**(B)** The commission may approve credit hours for meetings, presentations, or other activities considered by the commission to be a form of continuing forestry education.

**(4)** A successful applicant for licensure under this subchapter shall have two (2) years from the date the license is issued to complete the first year's requirements for continuing forestry education. After two (2) years, the registered forester shall complete the continuing forestry education requirements as required by this subsection.

**(d)** The commission may waive the continuing forestry education requirements in cases of hardship, illness, or retirement from active forestry practice.

**(e)** The commission may promulgate rules to ensure compliance with the requirements of this section.

**(f)** Renewal of a certificate of registration shall be for a fee set annually by the commission.

**(g)** The failure on the part of any registrant to renew the certificate annually in the month of December as required in this section shall not deprive the person of the right of renewal, but the fee to be paid for the renewal of a certificate after December 31 shall be increased ten percent (10%) for each month or fraction of a month that payment of renewal is delayed. However, the maximum fee for delayed renewal shall not exceed two (2) times the annual renewal fee.

#### **17-31-308. Reciprocity.**

Upon application therefor and the payment of a fee set by the Arkansas Forestry Commission, the commission may issue a certificate of registration as a registered forester in Arkansas to any qualified person of any state of the United States or its possessions, or Canada, provided that:

**(1)** The person is a legally registered forester or the equivalent in the person's own state or province and has submitted evidence satisfactory to the commission that the person is so registered and that the requirements therein are substantially equivalent to the requirements of registration under this chapter; and

**(2)** The state in which the person is so registered will accept the certificates of registration issued by the commission on a reciprocal basis.

#### **17-31-309. Revocation — Grounds — Proceedings.**

**(a)** The Department of Agriculture may receive and investigate complaints against registered foresters and the Arkansas Forestry Commission may make findings thereon.

**(b)**

**(1)** The commission may revoke the certificate of any registered forester who has been convicted of a felony listed under § 17-3-102 or who is found guilty by the commission of any fraud, deceit, gross negligence, misrepresentation, willful violation of contract, misconduct, or gross incompetence.

**(2)** The commission shall investigate such charges.

**(c)** All charges, unless dismissed as unfounded or trivial, shall be heard by the commission within three (3) months after the date on which they are presented to the commission.

**(d)** Before the commission shall revoke the certificate of any registered forester, the commission shall conduct a hearing, the time and place for which shall be fixed by the commission. A copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed by

registered letter to the last known address of the registered forester at least thirty (30) days before the date fixed for the hearing.

**(e)** At any hearing, the accused registered forester shall have the right to appear personally and, by counsel, to cross-examine witnesses appearing against him or her and to produce evidence and witnesses in his or her own defense.

**(f)** A written record, including the testimony of all witnesses, shall be made.

**(g)** If the accused registered forester is found guilty of the charges made against him or her, the commission may revoke his or her certificate of registration.

**(h)** A registered forester whose certificate of registration has been revoked may apply for a review of the proceedings of the commission by any court of competent jurisdiction as provided for in the Arkansas Administrative Procedure Act, § 25-15-201 et seq. The petition to the circuit court shall set out in detail what adverse action of the commission was erroneous.

**17-31-310. Reissuance.**

**(a)** A new certificate of registration to replace any revoked, lost, destroyed, or mutilated certificate may be issued, subject to the rules of the Arkansas Forestry Commission, and for a charge fixed by the commission.

**(b)** The commission may also reissue a certificate of registration to any person whose certificate has been revoked if:

**(1)** A majority of the commission members present vote in favor of reissuance; and

**(2)** The person presents satisfactory assurances that the grounds which caused the certificate to be revoked will not occur again and that the person is otherwise qualified to be registered hereunder.