

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2690

**FISCAL
NOTE**

BY DELEGATES HOWELL, ARVON, HAMRICK, QUEEN,

CRISS, WARD, ROMINE, C., ATKINSON AND LEWIS

[Introduced February 24, 2017; Referred
to the Committee on Government Organization then
the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §19-1A-6; and to amend said code by adding thereto a new section,
 3 designated §30-19-18, all relating generally to registration, certification and supervision of
 4 the commercial practice of forestry; terminating the West Virginia Board of Registration of
 5 Foresters and setting a schedule for disposition of assets, property and records; providing
 6 for state registration of professional foresters by the Division of Forestry; authorizing the
 7 collection of registration fees; prohibiting the use of certain titles relating to the practice of
 8 forestry without appropriate registration; providing criminal penalties for violations; and
 9 authorizing the Director of the Division of Forestry to investigate alleged violations and to
 10 seek injunctions to prevent continued violations.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, be amended by adding thereto a new section,
 2 designated §19-1A-6; and that said code be amended by adding thereto a new section,
 3 designated §30-19-18, all to read as follows:

CHAPTER 19. AGRICULTURE.

ARTICLE 1A. DIVISION OF FORESTRY.

§19-1A-6. Registration of professional foresters; fee; unlawful use of certain professional titles; criminal penalties; injunction.

1 (a) The division shall maintain a registry of all persons who practice professional forestry
 2 in this state or represent themselves, for any commercial or professional purpose in this state, to
 3 be trained or qualified as a professional forester. Registrants must be certified as a Certified
 4 Forester or a Candidate Certified Forester by the Society of American Foresters and pay an
 5 annual registration fee in an amount established through an approved legislative rule, proposed
 6 by the director of the division.

7 (b) No person may, for any commercial or professional purpose in this state, use the title

8 of registered professional forester, certified forester, candidate certified forester, professional
9 forester, forester, forestry technician or any other title tending to convey to the general public that
10 the person is trained as a forester qualified to perform professional forestry services unless that
11 person has registered with the division. Any person who violates this provision is guilty of a
12 misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500
13 for the first offense, and for each subsequent offense, shall be fined not less than \$500 nor more
14 than \$1,000, or confined in jail not more than six months, or both.

15 (c) The director of the division and his or her designees are authorized to investigate
16 allegations of unlawful use of the professional titles referenced in subsection (b) of this section
17 and to present evidence of violations to the prosecuting attorney of the county in which the
18 violation or violations occurred. Whenever the director obtains information that a person has
19 engaged in, is engaging in or is about to engage in any act which constitutes or will constitute a
20 violation of the provisions of subsection (b) of this section, the director may apply to the circuit
21 court for an order enjoining the act.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 19. FORESTERS.

§30-19-18. Termination of the West Virginia Board of Registration of Foresters.

1 (a) The West Virginia Board of Registration of Foresters is hereby terminated in
2 accordance with section twelve, article ten, chapter four of this code. Effective July 1, 2018, the
3 board is eliminated and the provisions of this article shall cease to be effective. Upon the effective
4 date of this section, the board shall begin winding up its affairs and take all necessary steps to
5 effectuate the termination of the board and its regulation of foresters.

6 (b) On or before May 1, 2018, the board shall prepare and present a report to the West
7 Virginia Division of Forestry listing all persons with active certifications from the board, the
8 persons' mailing addresses, telephone numbers and the name or names of the businesses

- 9 through which each certified person practices professional forestry.
- 10 (c) On or before June 30, 2018, the board shall dispose of all assets, property and records
- 11 pursuant to section thirteen, article ten, chapter four of this code. All unexpended funds in the
- 12 Board of Foresters Fund shall be transferred into the General Revenue Fund.
- 13 (d) Effective July 1, 2018, all legislative rules promulgated by the board in accordance with
- 14 sections five and six of this article are terminated and have no further force or effect.

NOTE: The purpose of this bill is to terminate the West Virginia Board of Registration of Foresters while preserving essential protections against misrepresentation by unqualified persons in the commercial practice of forestry.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.