

1 H.355

2 Introduced by Representative Sweaney of Windsor

3 Referred to Committee on

4 Date:

5 Subject: Professions and occupations; Secretary of State; Office of

6 Professional Regulation; regulation of foresters

7 Statement of purpose of bill as introduced: This bill proposes to require the

8 Secretary of State's Office of Professional Regulation to license and regulate

9 foresters.

10 An act relating to licensing and regulating foresters

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 3 V.S.A. § 122 is amended to read:

13 § 122. OFFICE OF PROFESSIONAL REGULATION

14 An Office of Professional Regulation is created within the Office of the

15 Secretary of State. The Office shall have a director who shall be appointed by

16 the Secretary of State and shall be an exempt employee. The following boards

17 or professions are attached to the Office of Professional Regulation:

18 \* \* \*



1 management. Forestry science consists of those biological, physical,  
2 quantitative, managerial, and social sciences that are applied to forest  
3 management. Forestry services include investigations, consultations, timber  
4 inventory, and appraisal, development of forest management plans, and  
5 responsible supervision of forest management or other forestry activities on  
6 public or private lands.

7 (B) “Forestry” does not include services for the physical  
8 implementation of cutting, hauling, handling, or processing of forest products  
9 or for the physical implementation of silvicultural treatments and practices.

10 (5) “License” means a current authorization granted by the Director  
11 permitting the practice of forestry pursuant to this chapter.

12 (6) “SAF” means the Society of American Foresters.

13 § 4903. PROHIBITIONS; OFFENSES

14 (a) It shall be a violation of this chapter for any person, including any  
15 corporation, association, or individual, to:

16 (1) sell or fraudulently obtain or furnish any forestry degree, diploma,  
17 certificate of registration, license, or any other related document or record or to  
18 aid or abet in so doing;

19 (2) practice forestry under cover of any degree, diploma, registration,  
20 license, or related document or record illegally or fraudulently obtained, or  
21 signed or issued unlawfully or under fraudulent representation;

1           (3) practice forestry unless licensed to do so under the provisions of this  
2 chapter;

3           (4) represent himself or herself as being licensed in this State to practice  
4 forestry or use in connection with a name any words, letters, signs, or figures  
5 that imply that a person is a forester when not licensed under this chapter; or

6           (5) practice forestry during the time a license issued under this chapter is  
7 suspended or revoked.

8           (b) Any person violating this section shall be subject to the penalties  
9 provided in 3 V.S.A. § 127.

10 § 4904. EXEMPTIONS

11           This chapter does not prohibit:

(1) ~~A person, business organization, or~~ *An individual or a* college or  
university in this State from practicing forestry on his, her, or its own lands.

12           (2) The practice of any other occupation or profession by a person duly  
13 licensed or otherwise authorized under the laws of this State.

14           (3) The carrying out of forest practices as an employee of a licensed  
15 forester when acting under the direct supervision of that licensed forester. As  
16 used in this subdivision, “direct supervision” means the licensed forester must  
17 be on-site and present where the forest practices are provided, is immediately  
18 available to the person being supervised, and maintains continued involvement  
19 in the aspects of each forest practice performed by the person being supervised





1 ~~(2) Possession of a bachelor's degree, or higher, in a forestry-related~~  
2 ~~field from a program approved by the Director, satisfactory completion of the~~  
3 ~~SAF Certified Forester experience requirements, and passage of the SAF~~  
4 ~~Certified Forester examination.~~

5 ~~(3) Possession of an associate degree in forestry from a program~~  
6 ~~approved by the Director, satisfactory completion of the SAF Certified~~  
7 ~~Forester experience requirements, and passage of the SAF Certified Forester~~  
8 ~~examination.~~

*(1) Possession of a bachelor's degree, or higher, in forestry from a program approved by the Director, satisfactory completion of two years of the SAF Certified Forester experience requirements, and passage of the SAF Certified Forester examination, which may include a State portion if required by the Director by rule.*

*(2) Possession of a bachelor's degree, or higher, in a forestry-related field from a program approved by the Director, satisfactory completion of three years of the SAF Certified Forester experience requirements, and passage of the SAF Certified Forester examination, which may include a State portion if required by the Director by rule.*

*(3) Possession of an associate degree in forestry from a program approved by the Director, satisfactory completion of four years of the SAF Certified Forester experience requirements, and passage of the SAF Certified*

Forester examination, which may include a State portion if required by the Director by rule.

(4) Possession of a valid registration or license to engage in the practice of forestry issued by the appropriate regulatory authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements and qualifications shown by the application to be equal to or greater than the requirements of this chapter. Such an applicant may be examined on forestry matters peculiar to Vermont and may be granted a license at the discretion of the Director.

1 § 4922. APPLICATIONS FOR LICENSURE

2 Applications for licensure shall be on forms provided by the Director. Each  
3 application shall contain a statement under oath showing the applicant's  
4 education, forestry experience, and other pertinent information required by the  
5 Director. Applications shall be accompanied by the required fee.

6 § 4923. ISSUANCE OF LICENSES

7 The Director shall issue a license, upon payment of the fees prescribed in  
8 this chapter, to any applicant who has satisfactorily met all the requirements of  
9 this chapter.

10 § 4924. RENEWALS

11 (a) Licenses shall be renewed every two years upon payment of the  
12 renewal fee.



1        (b) Biennially, the Director shall provide notice to each licensee of license  
2        expiration and renewal requirements. Upon receipt of the completed form and  
3        the renewal fee, the Director shall issue a new license.

4        ~~(c) As a condition of renewal, the Director may require that a licensee~~  
5        ~~establish that he or she has completed continuing education, as approved by the~~  
6        ~~Director, not to exceed 12 hours for each two-year renewal period.~~

*(c) As a condition of renewal, the Director shall require that a licensee*  
*establish that he or she has completed continuing education, as approved by*  
*the Director, of 24 hours for each two-year renewal period.*

(d) The Director may reinstate the license of an individual whose license  
has expired upon payment of the required fee and reinstatement penalty,  
provided the individual has satisfied all the requirements for renewal, including  
continuing education.

7        § 4925. LICENSE AND RENEWAL FEES

8        Applicants and persons regulated under this chapter shall pay those fees set  
9        forth in 3 V.S.A. § 125(b).

10       § 4926. UNPROFESSIONAL CONDUCT

11       (a) The Director may deny an application for licensure or relicensure;  
12       revoke or suspend any license to practice forestry issued under this chapter; or  
13       discipline or in other ways condition the practice of a licensee upon due notice  
14       and opportunity for hearing in compliance with the provisions of

1 3 V.S.A. chapter 25 if the person engages in the following conduct or the  
2 conduct set forth in 3 V.S.A. § 129a:

3 (1) has made or caused to be made a false, fraudulent, or forged  
4 statement or representation in procuring or attempting to procure registration  
5 or renew a license to practice forestry;

6 (2) whether or not committed in this State, has been convicted of a  
7 crime related to the practice of forestry or a felony that evinces an unfitnes to  
8 practice forestry;

9 (3) is unable to practice forestry competently by reason of any cause;

10 (4) has willfully or repeatedly violated any of the provisions of this  
11 chapter;

12 (5) is habitually intemperate or is addicted to the use of habit-forming  
13 drugs;

14 (6) has a mental, emotional, or physical disability, the nature of which  
15 interferes with the ability to practice forestry competently;

16 (7) engages in conduct of a character likely to deceive, defraud, or harm  
17 the public; or

18 (8) aiding, abetting, encouraging, or negligently causing a violation of  
19 the statutes or rules of the Vermont Department of Forests, Parks and  
20 Recreation.



1           (2) In addition to the ability of an individual to become licensed under  
2           subdivision (1) of this subsection, an individual shall be eligible for licensure  
3           as a forester without being required to take an examination if he or she is a  
4           Certified Forester through the Society of American Foresters.

5           (3) Any person licensed under this subsection shall thereafter be eligible  
6           for licensure renewal pursuant to 26 V.S.A. § 4924.

7           (4) The ability of a person to become licensed under the provisions of  
8           this subsection shall expire on January 1, 2017.

9           Sec. 4. EFFECTIVE DATES

10           This act shall take effect on passage, except that Secs. 1 (amending  
11           3 V.S.A. § 122) and 2 (adding 26 V.S.A. chapter 95) shall take effect on  
12           January 1, 2016.