

# Code of Alabama, 1975

## Title 34, Chapter 12 - Foresters

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### **Article 1**

#### *General Provisions*

#### **Section 34-12-1 Definitions.**

For purposes of this chapter, the following words and phrases shall have the respective meanings ascribed by this section:

- (1) BOARD. The State Board of Registration for Foresters.
- (2) PRACTICE OF FORESTRY. Any professional service such as consultation, investigation, evaluation, planning, or responsible supervision as interpreted by the board of any forestry activities in connection with any public or private lands wherein the public welfare and property are concerned or involved when the professional service requires the application of forestry principles and data. The term also means the application, teaching, investigation, or administration of forestry theories, principles, practices, or programs directly or indirectly related to the environmental and economic use and the biological and ecological understanding of gross areas of land in public or private ownership or direction, or both, and supervision over persons engaged in the formation or implementation, or both, of forestry policies.
- (3) REGISTERED FORESTER. A person who, by reason of his or her knowledge of the natural sciences, mathematics, economics, and the principles of forestry and by his or her demonstrated skills acquired through professional forestry education and professional forestry experience as interpreted by the board is qualified to engage in the practice of forestry and who also has been duly registered and holds a current valid license issued by the board.  
(Acts 1957, No. 533, p. 750, &sect;2; Acts 1969, No. 1051, p. 1965, &sect;2; Acts 1973, No. 1202, p. 2020, &sect;2; Act 98-145, p. 223, &sect;3.)

#### **Section 34-12-2 Registration required; exceptions.**

(a) In order to benefit and protect the public, no person in either public or private capacity shall practice or offer to practice forestry, unless he or she has submitted evidence that he or she is qualified so to practice and is registered by the board as hereinafter provided or unless he or she is specifically exempted from registration under this chapter. It shall be unlawful for any person to practice or offer to practice in this state forestry, as defined by this chapter, or to use in connection

with his or her name or otherwise assume, use, or advertise any title or description tending to convey the impression that he or she is a registered forester, unless duly registered or exempt from registration under this chapter.

(b) This chapter shall not be construed to prevent or to affect:

(1) The practice of any other legally recognized profession or trade.

(2) The application of forestry principles and procedures on any timberlands, woodlands, or forest in which any person, firm, partnership, or corporation owns an interest; or persons, firms, partnerships, and corporations having the right to manage and administer forestlands in any legal manner.

(3) The work of an employee or a subordinate of any registered forester holding a license under this chapter; provided, that such work is done under the direction, supervision, and responsibility of a person holding a license under this chapter.

(4) The practice of forestry by officers and employees of the United States government on federally owned lands.

(5) The practice of forestry by officers and employees of the State of Alabama on state-owned lands.

(6) Employees of the federal government and educational institutions of the State of Alabama who, in the exercise of their assigned duties, conduct forestry education programs or provide free forestry advice and assistance to timberland owners, or both.

(Acts 1957, No. 533, p. 750, Â§1; Acts 1969, No. 1051, p. 1965, Â§1; Acts 1973, No. 1202, p. 2020, Â§1; Act 98-145, p. 223, Â§3.)

#### **Section 34-12-3 Roster of registered foresters.**

A roster showing the names and places of business of all registered foresters qualified according to this chapter shall be prepared by the secretary of the board during the month of January biennially in even-numbered calendar years. Copies of this roster shall be posted on the board website, placed on file with the Secretary of State, and furnished to the public, upon request, for a reasonable fee determined by the board.

(Acts 1957, No. 533, p. 750, Â§11; Acts 1969, No. 1051, p. 1965, Â§5; Acts 1977, No. 755, p. 1293, Â§1; Act 2006-150, p.221, Â§3.)

#### **Section 34-12-4 Qualifications of applicants for registration.**

(a) The following requirements shall be considered as minimum evidence satisfactory to the board that the applicant is qualified to practice forestry and to be registered and licensed pursuant to this chapter. Each applicant shall:

(1) Hold a bachelors or higher degree from a school approved by the board or accredited by the Society of American Foresters in a forestry curriculum accepted by the board.

(2) Have passed a written or oral examination, or both, designed to show the knowledge and skill obtained through graduation from the school or college.

(3) Have a specific record of two years or more of experience in the practice of forestry of a nature satisfactory to the board and indicating that the applicant is competent to practice forestry.

(4) Be a person of good character and reputation.

(5) Be a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.

(b) The board shall issue licenses only to those applicants who meet the requirements of this section.

(Acts 1957, No. 533, p. 750, Å§12; Acts 1961, Ex. Sess, No. 141, p. 2082, Å§1; Acts 1969, No. 1051, p. 1965, Å§6; Acts 1973, No. 1202, p. 2020, Å§5; Acts 1990, No. 90-105, p. 124, Å§3; Act 98-145, p. 223, Å§3; Act 2010-278, 502, Å§3.)

#### **Section 34-12-5 Applications; registration fees.**

Application for registration shall be made on forms prescribed and furnished by the board. An application shall contain statements made under oath showing the education of the applicant and a detailed summary of his or her professional work. The application shall also contain not less than five references, of whom three or more shall be registered foresters or graduates of a curriculum in forestry of four years or more in a school or college approved by the board or accredited by the Society of American Foresters, having personal or professional knowledge of the forestry experience of the applicant. Any proposed subsequent statement, correction, or addition to the application shall be given under oath in writing and shall be made a part of the original application. The registration fee for a license shall be set annually by the board in an amount not to exceed two hundred dollars (\$200), which shall accompany the application. Should the board deny the issuance of a license to any applicant, the fee deposited shall be retained by the board as an application fee.

(Acts 1957, No. 533, p. 750, Å§13; Acts 1969, No. 1051, p. 1965, Å§7; Acts 1973, No. 1202, p. 2020, Å§6; Acts 1977, No. 756, p. 1294, Å§1; Acts 1986, No. 86-117, p. 138, Å§3; Act 98-145, p. 223, Å§3.)

#### **Section 34-12-6 Examination.**

When written or oral examinations, or both, are required, they shall be held at such time and place as the board may determine. The methods of procedure shall be prescribed by the board. A candidate failing an examination may apply for reexamination at the expiration of six months. This examination and all subsequent oral and written examinations shall be granted upon payment of a fee to be determined annually by the board, not to exceed one hundred dollars (\$100) in each instance. (Acts 1957, No. 533, p. 750, Å§14; Acts 1986, No. 86-117, p. 138, Å§3; Act 98-145, p. 223, Å§3.)

#### **Section 34-12-7 Licenses - Issuance; contents; use of license number.**

The board shall issue a license upon payment of a registration fee as provided for in this chapter to an applicant who, in the opinion of the board, has satisfactorily met all of the requirements set out by this chapter. Licenses shall show the full name of the registrant, shall have a serial number and shall be signed by the chairman of the board. The issuance of a license by the board shall be evidence that the person named therein is entitled to all of the rights and privileges of a registered forester while the said license remains unrevoked or unexpired. Plans, maps, specifications and reports issued by a registrant shall be endorsed with his name and license number during the life of the registrant's license, but it shall be a misdemeanor for anyone to endorse any document with said name and license number after the license of the registrant named therein has expired or has been revoked, unless said license shall have been renewed or reissued. It shall be a misdemeanor for any registered forester to endorse any plan, specification, estimate or map unless he shall have actually prepared such plan, specification, estimate or map, or shall have been in the actual charge of the preparation thereof.

(Acts 1957, No. 533, p. 750, Å§15.)

#### **Section 34-12-8 Licenses - Expiration; renewal.**

(a) Licenses shall expire on the thirtieth day of September next following their issuance or renewal and shall become invalid on that date unless renewed. The secretary of the board shall notify, at his or her last registered address, every person registered under this chapter of the date of the expiration of his or her license and the amount of the fee that shall be required for its renewal for one year. The notice shall be mailed three months in advance of the date of the expiration of the licenses. Two subsequent monthly notices may be mailed, the second by certified mail, return receipt requested. The annual renewal fee for licenses shall be established annually by the Board and shall not exceed two hundred dollars (\$200). Renewal of licenses for the following year may be affected at any time during the three months preceding September 30 of the year in which the license has been issued or renewed by the payment of the renewal fee so fixed by this chapter. Licensees who renew their

licenses between September 30 and December 31 of any year renewal is due shall pay a late renewal fee set by the board not to exceed an amount equal to twice the annual renewal fee. The board shall make an exception to the foregoing renewal provision in the case of a person who is in the armed services of the United States. A licensee who fails to renew a license by December 31 of any year renewal is due shall have his or her license revoked.

(b) The state board shall adopt a program of continuing education for its licensees not later than October 1, 1991, and after that date no licensee shall have his or her active license renewed unless, in addition to any other requirements of this chapter, the minimum continuing annual education requirements are met. It is further provided that the continuing education program herein required shall not apply to any licensee who is 65 years of age or older and shall not include testing or examination of the licensees in any manner. The Board may relax or suspend the continuing annual education requirements for retirees or for reasons of the health, hardship, or other extenuating circumstances of the licensee based on the licensee's specific case. (Acts 1957, No. 533, p. 750, s 6; Acts 1969, No.1051, p. 1965, s 8; Acts 1977, No. 756, p. 1294, Acts 1986, No. 86-117, p. 138, s 3; Acts 1990, No. 90-105, s 3; Acts 2021 No.436, Â§1.)

### **Section 34-12-9 Licenses - Revocation; administrative fines; reissuance; replacement of lost license.**

The board may revoke the license of any registrant who is found guilty by the board of gross negligence, incompetency, or misconduct in the practice of forestry. The board may discipline its licensees by the imposition and collection of an administrative fine set by the board not to exceed two thousand dollars (\$2,000) per violation, and may institute any legal proceeding necessary to effect compliance with the chapter. All administrative fines collected by the board shall be deposited in the State Treasury in the "Professional Foresters Fund." 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 in connection with any forestry practice against any registrant, as may come to its attention. Any person or persons so designated by the board shall receive the same compensation and shall be reimbursed for expenses in the same amount as the board as outlined in Section 34-12-32. Any person may prefer charges of fraud, deceit, gross negligence, incompetency, or other misconduct in connection with any forestry practice against any registrant. The charges shall be in writing, shall be sworn to by the person making them, and shall be filed with the secretary of the board. All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three months after the date on which they have been preferred. The time and place for the hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of the hearing, shall be personally served on, or mailed to the last known address of, the registrant, at least 30 days before the date fixed for the hearing. At any hearing, the accused registrant 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. If, after a hearing, three or more members of the board vote in favor of finding the accused guilty, the board may revoke the license of the registered forester. Any applicant whose license has been revoked as above may apply for a review of the proceedings with reference to the revocation of his or her license by the aforementioned circuit court and from there by appeal to the Supreme Court of Alabama. The only record to be considered by either the circuit court or by the Supreme Court shall be the record made before the board. New evidence shall be presented to the board, in session, before it may be used in court proceedings. The board, for reasons it may deem sufficient, may reissue a license to any person whose license has been revoked when three or more members vote in favor of reissuance. A new license to replace a revoked license may be issued, subject to the rules of the board and at a fee set by the board not to exceed an amount equal to twice the annual renewal fee. Lost, destroyed, or mutilated licenses may be issued, subject to the rules of the board and at a fee set by the board not to exceed fifty dollars (\$50) for the issuance. (Acts 1957, No. 533, p. 750, Â§19; Acts 1986, No. 86-117, p. 138, Â§3; Acts 1994, No. 94-130, p. 163, Â§3; Act 98-145, p. 223, Â§3.)

### **Section 34-12-10 Firms, partnerships and corporations.**

Registration shall be determined upon a basis of individual, personal qualifications. No firms, companies, partnerships or corporations can be licensed under this chapter.

(Acts 1957, No. 533, p. 750, Â§17.)

### **Section 34-12-11 Reciprocity.**

(a) A person not a resident of, and having no established place of business in Alabama, or who has recently become a resident thereof, may use the title of registered forester and practice forestry provided:

(1) Such person is legally licensed as a registered forester in his or her own state or country and has submitted evidence to the board that he or she is so licensed;

(2) The state or country in which he or she is so licensed:

a. Has standards for licensing comparable to Alabama and acceptable to the board; and

b. Observes these same rules of reciprocity in regard to persons licensed under the provisions of this chapter.

(b) Each person seeking the privileges of reciprocity granted under this chapter shall submit his or her application therefor to the board and shall receive a card or certificate from the board before exercising such privileges. The application fee for obtaining such a reciprocity card or certificate shall be the same as is charged an Alabama licensee seeking to obtain reciprocal privileges in the home state or country of the applicant.

(c) Persons practicing forestry in the state through reciprocity shall be subject to the same renewal and expiration rules as provided in Section 34-12-8.

(Acts 1957, No. 533, p. 750, Â§18; Acts 1969, No. 1051, p. 1965, Â§9; Act 98-145, p. 223, Â§3.)

### **Section 34-12-12 Violations and penalties.**

(a) Any person who shall practice or offer to practice the profession of forestry in this state without being registered or exempted in accordance with this chapter; or any person who shall use in connection with his or her name or otherwise assume, use, or advertise any title or description tending to convey the impression that he or she is a registered forester, without being registered or exempted in accordance with this chapter; or any person who shall present or attempt to use as his or her own the license of another; or any person who shall give any false or forged evidence of any kind to the board or any member thereof in obtaining a license; or any person who shall attempt to use an expired or revoked license; or any person, firm, partnership, or corporation who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000) for each offense. The board, or the person or persons designated by the board to act in its stead, may prefer charges for any of the violations of this chapter in any county in this state in which the violations may have occurred. All duly constituted officers of the law of this state, or any political subdivision thereof, shall enforce this chapter and prosecute any persons, firms, partnerships, or corporations violating the same. The Attorney General of the state and his or her assistants shall act as legal advisers of the board and render legal assistance as may be necessary in carrying out the provisions of this chapter.

(b) All fines collected for the violation of any provisions of this chapter shall be paid over to the secretary of the board to be by him or her delivered to the State Treasurer to be placed in the Professional Foresters Fund in the same manner as funds received for the issuance of licenses.

(Acts 1957, No. 533, p. 750, Â§20; Acts 1973, No. 1202, p. 2020, Â§7; Acts 1990, No. 90-105, p. 124, Â§3; Acts 1994, No. 94-130, p. 163, Â§3; Act 98-145, p. 223, Â§3.)

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## **Article 2**

Board of Registration

### **Section 34-12-30 Creation; composition; diversity of membership.**

(a) A State Board of Registration for Foresters is created whose duty it shall be to administer this chapter. The board shall consist of five foresters, who shall be selected and appointed by the Governor of Alabama from among 10 nominees recommended by the Alabama Division of the Society of American Foresters and shall have the qualifications required by Section 34-12-31. Each member of the board shall receive a certificate of his or her appointment from the Governor and before beginning his or her term of office shall file with the Secretary of State his or her written oath of affirmation for the faithful discharge of his or her official duties. The five members of the initial board shall be appointed for terms of one, two, three, four, and five years, respectively, and in making the appointment the Governor shall designate the term for which each of the members is appointed as provided for above. At the expiration of the term of any member of the initial board, the Governor from a list of three nominees recommended by the Alabama Division of the Society of American Foresters and any active state forestry organization meeting criteria established by the board pursuant to subsection (c), shall appoint for a term of five years a registered forester having the qualifications required by Section 34-12-31 to succeed the member whose term on the board is expiring. Nothing contained in this chapter shall prohibit any member whose term expires to be reappointed to succeed himself or herself on the board. After March 7, 1990, no member shall serve more than two full consecutive terms of office. If the Governor fails to make appointment in 90 days after expiration of any term, the board shall make the necessary appointment from nominees submitted as hereinabove provided and who meet the qualifications set out by Section 34-12-31. Each member of the board shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified.

(b) The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. The board shall annually report to the Legislature by the second legislative day of each regular session the extent to which the board has complied with the diversity provisions of this subsection.

(c) The board shall adopt rules setting qualifying criteria for active state forestry organizations to participate in the recommendation of nominees for placement for membership on the board pursuant to subsection (a)." (Acts 1957, No. 533, p. 750, Â§3; Acts 1969, No. 1051, p. 1965, Â§3; Acts 1986, No. 86-117, p.138, Â§3; Acts 1990, No. 90-105, p. 124, Â§3; Acts 2021, No. 433, Â§1.)

### **Section 34-12-31 Qualifications of members.**

Each member of the board shall be a citizen of the United States and a resident of the State of Alabama, a "registered forester" under the provisions of this chapter and shall have been engaged in the practice of the profession of forestry for the last 10 years prior to such appointment. (Acts 1957, No. 533, p. 750, Â§4; Acts 1969, No. 1051, p. 1965, Â§4; Acts 2021, No. 412, Â§1.)

### **Section 34-12-32 Compensation and expenses.**

Each member of the board shall receive a nominal sum of \$50.00 per diem when actually attending to the work of the board or any of its committees and for the time spent in necessary travel and, in addition thereto, shall be reimbursed for all traveling expenses as provided in Article 2 of Chapter 7 of Title 36, and incidental and clerical expenses necessarily incurred in carrying out the provisions of this chapter. Such compensation and expenses shall be paid out of the Professional Foresters Fund in the manner prescribed herein.

(Acts 1957, No. 533, p. 750, Â§5; Acts 1973, No. 1202, p. 2020, Â§3; Acts 1986, No. 86-117, p. 138, Â§3.)

### **Section 34-12-33 Removal of members; vacancies.**

The Governor may remove any member of the board for misconduct, incompetency or neglect of duty. Vacancies in the membership of the board shall be filled for the unexpired term by appointment only in the manner provided by this chapter for the appointment of members of the board. (Acts 1957, No. 533, p. 750, Â§6.)

#### **Section 34-12-34 Meetings; officers; quorum.**

The members of said board shall be named and appointed by the Governor within 60 days after September 13, 1957. The board shall hold a meeting within 30 days after its members are first appointed and thereafter shall hold at least two regular meetings each year. Special meetings shall be held at the time and place as the bylaws of the board may provide. Notice of all meetings shall be given in the manner as the bylaws may provide. The board shall elect or appoint annually the following officers: A chairman, vice-chairman, and a secretary, who shall each be members of the board. A quorum of the board shall consist of not less than three voting members. (Acts 1957, No. 533, p. 750, Â§7.; Acts 2021, No. 435, Â§1.)

#### **Section 34-12-35 Powers generally.**

The board shall have the power to make all bylaws and rules, not inconsistent with the constitution and laws of this state, which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before the board. Notwithstanding any other provision of law, following appropriate review by the Contract Review Permanent Legislative Oversight Committee, the board may enter into any contract or agreement relating to the board without further approval. The board shall adopt and have an official seal. In carrying into effect the provisions of this chapter, the board may, under the hand of its chairman and the seal of the board, subpoena witnesses and compel their attendance and may also require them to produce books, papers, maps, or documents. Any member of the board may administer oaths of affirmation to witnesses appearing before the board. Witnesses officially called by the board shall receive the same compensation and shall be reimbursed for expenses in the same amount as the members of the board as provided and set out in Section 34-12-4. If any person shall refuse to appear as a witness before the board, or refuse to testify, or refuse to produce any books, papers, or documents, the board may present its petition to the Circuit Court of Montgomery County, setting forth the facts, and the court shall, in a proper case, issue a subpoena to the person, requiring his or her attendance before the circuit court and there to testify or to produce such books, papers, and documents as may be deemed necessary and pertinent by the board. Any person failing or refusing to obey the subpoena or order of the circuit court may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the court. The board is empowered to apply for relief by injunction, without bond, to restrain any person, partnership, or corporation from the commission of any act which is prohibited by this chapter. Application for an injunction may be made to the Circuit Court of Montgomery County, Alabama, or the circuit court of the county in which it is alleged that the violation is occurring. The members of the board shall not be personally liable for instituting any such proceedings.

(Acts 1957, No. 533, p. 750, Â§8; Acts 1973, No. 1202, p. 2020, Â§4; Act 2002-83, p. 261, Â§3.)

#### **Section 34-12-36 Receipts; disbursements; bond of secretary; employees; gifts, bequests, etc.**

(a) The secretary of the board shall receive and account for all moneys derived under the provisions of this chapter and shall pay the same monthly to the State Treasurer, who shall keep such moneys in a separate fund to be known as the "Professional Foresters Fund." Such fund shall be kept separate and apart from all other moneys in the treasury and shall be paid out only by warrant of the Comptroller upon the State Treasurer, upon itemized vouchers approved by the chairman and attested by the secretary of the board. All moneys in the Professional Foresters Fund are hereby specifically appropriated for the use of the board. The secretary of the board, its office manager or other

designated officer of the board who handles funds shall give surety bond to the state in such sum as the board may determine. The premium on said bond shall be regarded as a proper and necessary expense of the board and shall be paid from the Professional Foresters Fund.

(b) The board may employ such clerical and other assistants as are necessary for the proper performance of its work, or, in lieu of employing clerical assistants, the board may contract with any state department or agency to furnish the board with such clerical assistance as the board deems necessary. The compensation of such assistants or the cost of contracting for such clerical assistance shall be paid out of the Professional Foresters Fund in the manner prescribed herein.

(c) The board is authorized to accept all gifts, bequests, and donations from any source whatsoever, and such gifts, bequests and donations shall be used or expended in accordance with their terms or stipulations, but in the absence of any such terms or stipulations, such gifts, bequests, or donations may be used or expended for such purposes as the board may determine.

(d) (1) Except as otherwise provided herein, the board may make expenditures for any purpose which, in the opinion of the board, is reasonably necessary for the proper performance of its duties under the provisions of this chapter, including the expenses of the board's delegates to any annual conventions of, and membership dues to, the Society of American Foresters; provided, that under no circumstances shall the total amount of warrants issued by the Comptroller in payment of the expenses and compensation provided for by this chapter exceed the amount of the examination and registration fees, license fees, donations and other moneys collected by the board as herein provided.

(2) The board may incur and engage in marketing and promotional expenditures and activities in furtherance of its purposes as determined by the board, which may include the sale of nominal items for marketing and promotional purposes. Any proceeds derived by the board from the sale of marketing and promotional items shall be deposited into the Professional Foresters Fund to be used by the board. (Acts 1957, No. 533, p. 750, Â§9; Acts 1986, No. 86-117, p. 138, Â§3. Â§1; Acts 2021, No. 434, Â§1.)

### **Section 34-12-37 Records and reports.**

The board shall keep a record of its proceedings and a register of all applications for registration, which register shall show the name, age and residence of each applicant, the date of the application, the place of business of such applicant, his educational and other qualifications, whether or not an examination was required, whether or not the application was rejected, whether or not a license of registration was granted, the date of the action by the board and such other information as may be deemed necessary by the board. The records of the board shall be prima facie evidence of the proceedings of the board set forth therein, and a transcript thereof, duly certified by the secretary of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced. Annually, as of the thirtieth day of September each year, the board shall submit to the Governor a report of its transactions of the preceding year and shall transmit to him as a part of said report a complete statement of the receipts and expenditures of the board and the statement shall be attested by the chairman and the secretary of the board.

(Acts 1957, No. 533, p. 750, Â§10.)