

House Bill 1479 (COMMITTEE SUBSTITUTE)

By: Representatives Corbett of the 174th, Watson of the 172nd, Houston of the 170th, Burns of the 159th, and Dickey of the 140th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia
2 Annotated, relating to the practice of professional forestry, so as to provide that the State
3 Board of Registration for Foresters is an independent state agency attached to the State
4 Forestry Commission for administrative purposes only; to require confirmation of the Senate
5 for members of the State Board of Registration for Foresters appointed by the Governor; to
6 authorize the board to issue cease and desist orders and issue additional penalties for
7 violations; to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 2 of Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia Annotated, relating
11 to the practice of professional forestry, is amended by revising Code Section 12-6-42, relating
12 to creation, appointment of members, certificate of appointment, oath, and term of office of
13 the State Board of Registration for Foresters, as follows:

14 "12-6-42.

15 (a) A State Board of Registration for Foresters is created whose duty it shall be to
16 administer this part.

H. B. 1479 (SUB)

17 (b) The board shall consist of five foresters who shall be selected and appointed by the
18 Governor and confirmed by the Senate and who shall have the qualifications required by
19 Code Section 12-6-43.

20 (c) In addition to the five members provided for in subsection (b) of this Code section, the
21 board shall consist of a sixth member who shall be appointed for terms of five years by the
22 Governor from the public at large and who shall have no connection whatsoever with the
23 practice of professional forestry. ~~The initial term of appointment for the additional member
24 provided for by this subsection shall expire June 30, 1985; thereafter, the Governor shall
25 appoint successors for terms of five years each.~~

26 (d) Every member of the board shall receive a certificate of his or her appointment from the
27 Governor and before beginning his or her term of office shall file with the ~~Secretary of State~~
28 director of the State Forestry Commission his or her written oath or affirmation for the
29 faithful discharge of his or her official duty.

30 (e) The five members of the board shall be appointed for terms of five years. On the
31 expiration of the term of any member of the board, the Governor shall in the manner
32 provided in this Code section appoint for a term of five years a registered forester having
33 the qualifications required by Code Section 12-6-43 to take the place of the member whose
34 term on the board is expiring. Each member shall hold office until the expiration of the term
35 for which that member is appointed or until a successor shall have been duly appointed and
36 shall have qualified.

37 (f) On and after January 1, 2023, the board shall be a separate and distinct budget unit as
38 defined in Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act'; provided, however,
39 that the board shall be an attached agency for administrative purposes only to the State
40 Forestry Commission as provided in Code Section 50-4-3 and shall not be considered a
41 division as that term is defined in Code Section 43-1-1. The board shall neither be under
42 the jurisdiction of the Secretary of State or the State Forestry Commission nor be under the

43 direction of the director of the professional licensing boards division of the Secretary of
44 State.

45 (g) The responsibility for enforcement of the provisions of this chapter shall be vested in
46 the board, and the board shall have all of the duties, powers, and authority granted by or
47 necessary for the administration and enforcement of this chapter.

48 (h) The venue of any action involving members of the board shall be the county in which
49 is found the primary office of the board."

50 **SECTION 2.**

51 Said part is further amended by revising Code Section 12-6-46, relating to meetings of the
52 State Board of Registration for Foresters, as follows:

53 "12-6-46.

54 The board shall hold meetings as necessary. The board shall elect or appoint annually a
55 ~~chairman and a vice-chairman~~ chairperson and a vice-chairperson. The ~~division director of~~
56 ~~the professional licensing boards division, as provided in Chapter 1 of Title 43, director of~~
57 the State Forestry Commission; shall serve as secretary of the board ~~in the same manner as~~
58 provided by Code Sections 43-1-1 and 43-1-2 for administrative purposes only."

59 **SECTION 3.**

60 Said part is further amended by adding a new Code section to read as follows:

61 "12-6-60.1.

62 (a) Notwithstanding any other provisions of the law to the contrary, after notice and
63 hearing, the board may issue a cease and desist order prohibiting any person from violating
64 the provisions of this title by engaging in the practice of professional forestry without a
65 license.

66 (b) The violation of any cease and desist order issued under subsection (a) of this Code
67 section shall subject the person violating the order to further proceedings before the board,

68 and the board shall be authorized to impose a fine not to exceed \$500.00 for each
69 transaction constituting a violation thereof. Each day that a person practices in violation of
70 this title shall constitute a separate violation.

71 (c) Initial judicial review of the decision of the board entered pursuant to this Code section
72 shall be available solely in the superior court of the county of domicile of the board.

73 (d) Nothing in this Code section shall be construed to prohibit the board from seeking
74 remedies otherwise available by statute without first seeking a cease and desist order in
75 accordance with the provisions of this Code section."

76 **SECTION 4.**

77 All laws and parts of laws in conflict with this Act are repealed.