

House Bill 53 (COMMITTEE SUBSTITUTE)

By: Representatives Corbett of the 174th, Meeks of the 178th, Pirkle of the 169th, Dickey of the 145th, and Williams of the 148th

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 provide for a registration fee; to authorize the board to issue cease and desist orders and issue
7 additional penalties for violations; to provide for related matters; to repeal conflicting laws;
8 and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

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15 "12-6-42.

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

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

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

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

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

38 (f) On and after January 1, 2025, the board shall be a separate and distinct budget unit as
39 defined in Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act'; provided,
40 however, that the board shall be an attached agency for administrative purposes only to the
41 State Forestry Commission as provided in Code Section 50-4-3 and shall not be considered

42 a division as that term is defined in Code Section 43-1-1. The board shall neither be under
 43 the jurisdiction of the Secretary of State or the State Forestry Commission nor be under the
 44 direction of the division director of the professional licensing boards division of the
 45 Secretary of State.

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

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

51 **SECTION 2.**

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

54 "12-6-46.

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

60 **SECTION 3.**

61 Said part is further amended in Code Section 12-6-50, relating to applications for registration
 62 and fee, by revising subsection (b) as follows:

63 "(b) The registration fee for a license as a registered forester shall be ~~an amount established~~
 64 ~~by the board~~ \$200.00, adjusted on a biennial basis according to the increase or decrease in
 65 the Consumer Price Index. Should the board deny the issuance of a license to any
 66 applicant, the initial fee deposited shall be retained by the board as an application fee."

67 **SECTION 4.**

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

69 "12-6-60.1.70 (a) Notwithstanding any other provisions of the law to the contrary, after notice and
71 hearing, the board may issue a cease and desist order prohibiting any person from violating
72 the provisions of this title by engaging in the practice of professional forestry without a
73 license.74 (b) The violation of any cease and desist order issued under subsection (a) of this Code
75 section shall subject the person violating the order to further proceedings before the board,
76 and the board shall be authorized to impose a fine not to exceed \$500.00 for each
77 transaction constituting a violation thereof. Each day that a person practices in violation
78 of this title shall constitute a separate violation.79 (c) Initial judicial review of the decision of the board entered pursuant to this Code section
80 shall be available solely in the superior court of the county of domicile of the board.81 (d) Nothing in this Code section shall be construed to prohibit the board from seeking
82 remedies otherwise available by statute without first issuing a cease and desist order in
83 accordance with the provisions of this Code section."84 **SECTION 5.**

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