

HOUSE BILL No. 5408

January 24, 1990, Introduced by Reps. Sofio, Stupak, Alley, DeMars, Hickner, Gagliardi, Niederstadt, Sikkema, Stacey, Crandall, Ouwinga, Joe Young, Jr., Pitoniak, Weeks, Murphy, Spaniola and Camp and referred to the Committee on Forestry and Minerals.

A bill to amend sections 2101, 2103, 2105, 2107, and 2108 of Act No. 299 of the Public Acts of 1980, entitled "Occupational code,"

section 2103 as amended by Act No. 83 of the Public Acts of 1981 and section 2107 as amended by Act No. 463 of the Public Acts of 1988, being sections 339.2101, 339.2103, 339.2105, 339.2107, and 339.2108 of the Michigan Compiled Laws; and to add sections 2109, 2111, and 2113.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2101, 2103, 2105, 2107, and 2108 of Act
2 No. 299 of the Public Acts of 1980, section 2103 as amended by
3 Act No. 83 of the Public Acts of 1981 and section 2107 as amended
4 by Act No. 463 of the Public Acts of 1988, being sections
5 339.2101, 339.2103, 339.2105, 339.2107, and 339.2108 of the

1 Michigan Compiled Laws, are amended and sections 2109, 2111, and
2 2113 are added to read as follows:

3 Sec. 2101. As used in this article:

4 (a) "Forester" means ~~a person~~ AN INDIVIDUAL who ~~by~~
5 ~~reason of his or her knowledge of the natural sciences, mathemat-~~
6 ~~ics, and the principles of forestry, acquired by forestry educa-~~
7 ~~tion and practical experience, is qualified~~ ENGAGES IN OR OFFERS
8 to engage in the practice of professional forestry.

9 (b) "Practice of professional forestry" means ~~professional~~
10 ~~forestry services, including consultation, investigation, evalu-~~
11 ~~ation, planning, or responsible supervision of forestry interns~~
12 ~~or forest technicians when the professional service requires the~~
13 ~~application of forestry principles and techniques~~ PERFORMING OR
14 OFFERING TO PERFORM SERVICES WHICH REQUIRE A KNOWLEDGE OF THE
15 NATURAL SCIENCES, MATHEMATICS, AND THE PRINCIPLES AND TECHNIQUES
16 OF FORESTRY ACQUIRED BY FORESTRY EDUCATION AND PRACTICAL
17 EXPERIENCE, WHICH SERVICES INCLUDE CONSULTATION, INVESTIGATION,
18 EVALUATION, PLANNING, OR SUPERVISION OF FORESTRY ACTIVITIES. THE
19 PRACTICE OF PROFESSIONAL FORESTRY INCLUDES ALL OF THE FOLLOWING:

20 (i) THE INVESTIGATION OF THE ECOLOGY OF FORESTLAND SOILS,
21 PLANTS, AND ANIMALS.

22 (ii) THE APPLICATION OF SCIENTIFIC KNOWLEDGE IN THE FIELDS
23 OF URBAN TREE GROWTH AND MANAGEMENT, FORESTLAND MANAGEMENT AND
24 PROTECTION, TIMBER GROWING AND UTILIZATION, FOREST RESOURCE
25 INVENTORIES, WATERSHED MANAGEMENT, FOREST ECONOMICS AND FINANCE,
26 TIMBER APPRAISAL, AIR AND WATER POLLUTION CONTROL ON FORESTLANDS,
27 OUTDOOR RECREATION, AND THE MANAGEMENT OF FORESTLAND SCENERY.

1 (iii) THE MARKING OF CUTTING OR TREATMENT LINES BETWEEN
2 PROPERTY CORNERS IN ORDER TO OUTLINE UPON THE GROUND PREMISES FOR
3 FORESTRY ACTIVITY.

4 (iv) THE PRESCRIBING OF FOREST MANAGEMENT PRACTICES CONSIS-
5 TENT WITH STATE AND FEDERAL LAWS.

6 (C) "TIMBER" MEANS TREES, STANDING OR FELLED, WHICH ARE
7 CAPABLE OF BEING UTILIZED FOR BUILDING, STRUCTURAL, MANUFACTUR-
8 ING, PROCESSING, OR ENERGY PRODUCTION PURPOSES.

9 Sec. 2103. (1) ~~A person shall receive a certificate of~~
10 ~~registration as a forester if the person graduates from an~~
11 ~~accredited university or college, has 2 or more years of~~
12 ~~experience in forestry work, and is of good moral character.~~ THE
13 DEPARTMENT SHALL ISSUE A LICENSE AS A FORESTER TO AN INDIVIDUAL
14 WHO MEETS ALL OF THE FOLLOWING:

15 (A) IS AT LEAST 18 YEARS OF AGE.

16 (B) IS OF GOOD MORAL CHARACTER.

17 (C) HAS PROVIDED PROOF OF COMPLETION OF AT LEAST A BACCALAU-
18 REATE DEGREE FROM AN ACCREDITED COLLEGE OR UNIVERSITY AND A FOR-
19 ESTRY CURRICULUM ACCEPTABLE TO THE BOARD.

20 (D) HAS PROVIDED DOCUMENTATION OF THE EQUIVALENT OF AT LEAST
21 2 YEARS OF FULL-TIME EXPERIENCE IN THE PRACTICE OF PROFESSIONAL
22 FORESTRY ACCEPTABLE TO THE BOARD, COMPLETED UNDER THE SUPERVISION
23 OF A REGISTERED OR LICENSED FORESTER.

24 (2) A LICENSE UNDER THIS ARTICLE SHALL BE ISSUED ONLY TO AN
25 INDIVIDUAL AND NOT TO A FIRM, PARTNERSHIP, CORPORATION,
26 CO-PARTNERSHIP, ASSOCIATION, OR OTHER LEGAL ENTITY.

1 Sec. 2105. A plan, map, specification, or report issued by
2 a ~~registered~~ forester LICENSED UNDER THIS ARTICLE shall be
3 indorsed with his or her name and ~~certificate of registration~~
4 LICENSE number during the life of the ~~certificate of~~
5 ~~registration~~ LICENSE. A ~~registered~~ forester LICENSED UNDER
6 THIS ARTICLE shall not indorse a plan, specification, estimate,
7 or map unless the ~~registered forester~~ LICENSEE actually pre-
8 pared the plan, specification, estimate, or map or was in the
9 actual charge of the preparation of the plan, specification,
10 estimate, or map.

11 Sec. 2107. The department shall ~~register~~ ISSUE A LICENSE
12 TO an applicant who is a legally ~~authorized~~ REGULATED forester
13 in another state or country if the requirements of the state or
14 country are considered by the board to be equivalent to the
15 requirements of ~~registration~~ LICENSURE in this state.

16 Sec. 2108. (1) A person shall not ~~use the title~~
17 ~~"registered forester" unless he or she is registered under this~~
18 ~~article~~ ENGAGE IN OR OFFER TO ENGAGE IN THE PRACTICE OF PROFES-
19 SIONAL FORESTRY IN THIS STATE WITHOUT BEING LICENSED OR EXEMPT
20 FROM LICENSURE UNDER THIS ARTICLE.

21 (2) A PERSON SHALL NOT USE OR IMPLY THE USE OF ANY OF THE
22 FOLLOWING TITLES OR ANY TITLE SUBSTANTIALLY SIMILAR TO THOSE
23 LISTED WITHOUT BEING LICENSED UNDER THIS ARTICLE: "FORESTER",
24 "LICENSED FORESTER", "REGISTERED FORESTER", "REGISTERED PROFES-
25 SIONAL FORESTER", "PROFESSIONAL FORESTER", OR "LICENSED PROFES-
26 SIONAL FORESTER".

1 (3) A PERSON SHALL NOT ADVERTISE THAT A FIRM, PARTNERSHIP,
2 CORPORATION, CO-PARTNERSHIP, ASSOCIATION, OR OTHER LEGAL ENTITY
3 OFFERS PROFESSIONAL SERVICES REGULATED BY THIS ARTICLE UNLESS AN
4 INDIVIDUAL LICENSED UNDER THIS ARTICLE IS A PRINCIPAL OR OWNER OF
5 THE FIRM AND IS AVAILABLE TO SUPERVISE ALL PROFESSIONAL FORESTRY
6 ACTIVITIES.

7 (4) EXCEPT AS OTHERWISE PROVIDED IN SECTION 2109, A SINGLE
8 ACT OF PRACTICING OR OFFERING TO PRACTICE PROFESSIONAL FORESTRY
9 OR USING OR IMPLYING THE USE OF A PROHIBITED TITLE IS A VIOLATION
10 OF THIS ARTICLE.

11 (5) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS PROHIBIT-
12 ING THE PRACTICE OF ANY OTHER OCCUPATION OR PROFESSION REGULATED
13 BY THIS STATE.

14 SEC. 2109. (1) THE FOLLOWING ARE EXEMPT FROM LICENSING
15 UNDER THIS ARTICLE:

16 (A) AN EMPLOYEE OF THE FEDERAL GOVERNMENT WHEN PRACTICING
17 PROFESSIONAL FORESTRY ON FEDERALLY-OWNED LANDS.

18 (B) AN EMPLOYEE OF THE STATE OF MICHIGAN WHEN PRACTICING
19 PROFESSIONAL FORESTRY ON STATE OWNED LANDS.

20 (C) AN EMPLOYEE OF A FOREST INDUSTRY WHEN PRACTICING PROFES-
21 SIONAL FORESTRY ON LANDS LOCATED WITHIN THE STATE OF MICHIGAN AND
22 OWNED BY THE INDIVIDUAL'S EMPLOYER.

23 (D) AN EMPLOYEE OR SUBCONTRACTOR OF A FORESTER LICENSED
24 UNDER THIS ARTICLE WHEN ENGAGED IN PROFESSIONAL FORESTRY ACTIVI-
25 TIES UNDER THE DIRECTION AND SUPERVISION OF THAT INDIVIDUAL. THE
26 LICENSEE SHALL BE FULLY RESPONSIBLE FOR FORESTRY ACTIVITIES
27 CARRIED OUT UNDER HIS OR HER SUPERVISION.

1 (2) THE FOLLOWING ARE NOT CONSIDERED TO BE ENGAGING IN THE
2 PRACTICE OF PROFESSIONAL FORESTRY:

3 (A) A CONTRACTOR OFFERING SERVICES TO HOME OWNERS FOR THE
4 CARE AND MAINTENANCE OF INDIVIDUAL TREES AND TREE GROWTH ON THE
5 OWNER'S PROPERTY.

6 (B) A PROPERTY OWNER OR A PERSON EMPLOYED OR UNDER CONTRACT
7 TO A PROPERTY OWNER WHO ENGAGES IN FORESTRY ACTIVITY UNDER THE
8 SUPERVISION OF THE OWNER ON THE OWNER'S PROPERTY.

9 (C) AN INDIVIDUAL ENGAGED IN ESTIMATING THE VALUE OF TIMBER
10 OR IN PURCHASING TIMBER FOR A FOREST INDUSTRY EMPLOYER, OR IN
11 BROKERING THE SALE OF TIMBER BETWEEN FOREST INDUSTRY PURCHASERS,
12 PROVIDED THAT NO PROFESSIONAL SERVICES ARE RENDERED TO A FOREST-
13 LAND OWNER.

14 SEC. 2111. AN INDIVIDUAL WHO POSSESSES A VALID REGISTRATION
15 ISSUED UNDER THIS ARTICLE ON THE EFFECTIVE DATE OF THE AMENDATORY
16 ACT THAT ADDED THIS SECTION SHALL BE CONSIDERED LICENSED UNDER
17 THIS ARTICLE AND SHALL BE ISSUED A LICENSE UPON THE EXPIRATION OF
18 THAT INDIVIDUAL'S REGISTRATION.

19 SEC. 2113. THE BOARD MAY PROMULGATE RULES REQUIRING THE
20 COMPLETION OF A PROGRAM OF CONTINUING PROFESSIONAL EDUCATION AS A
21 CONDITION FOR THE RENEWAL OF A LICENSE.