
HOUSE BILL 1830

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Morton, Foreman and Chandler

Read first time 02/10/93. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to consulting foresters; adding a new chapter to
2 Title 18 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** Only a person who is licensed under this
5 chapter may practice or offer to practice forestry on a consulting
6 basis for compensation.

7 NEW SECTION. **Sec. 2.** Unless the context clearly requires
8 otherwise, the definitions in this section apply throughout this
9 chapter.

10 (1) "Board" means the state board of licensing for consulting
11 foresters.

12 (2) "Director" means the director of licensing.

13 (3) "Forestry" means the art and science of managing forest lands
14 for the production of commodity and amenity products and services,
15 including: (a) Formulation of forest or timber management plans; (b)
16 inventory of forest products; (c) appraisal or evaluation of forest
17 products or forest land; (d) preparation for sale of forest products;
18 (e) preparation and administration of forest products sale contracts;

1 (f) supervision for silvicultural projects such as site preparation,
2 planting, thinning, or trail construction; (g) preparation, layout, and
3 supervision of forest road construction; (h) being an expert witness in
4 litigation or arbitration; and (i) being an expert witness in public or
5 private forest land use policy discussion.

6 NEW SECTION. **Sec. 3.** There is created a state board of licensing
7 for consulting foresters. The board shall consist of three consulting
8 foresters and two members of the general public. Members of the board
9 shall be appointed by the governor and must be residents of this state.

10 No public member of the board may be a past or present member of
11 any other licensing board under this title. No public member may make
12 his or her own livelihood from, nor have a parent, spouse, or child
13 make their respective livelihood from providing consulting forester
14 services, or from enterprises dealing in consulting forestry.

15 The consulting forester members of the board must, while serving on
16 the board, be actively engaged in their profession or trade and,
17 immediately preceding appointment, have had at least five years
18 experience in responsible charge of work or teaching within their
19 profession or trade.

20 NEW SECTION. **Sec. 4.** The members of the first board shall serve
21 for the following terms:

22 One member for one year, one member for two years, one member for
23 three years, one member for four years, and one member for five years
24 from the date of appointment or until successors are appointed and
25 qualified. Every member of the board shall receive a certificate of
26 his or her appointment from the governor and before beginning his or
27 her term of office shall file with the secretary of state his or her
28 written oath or affirmation for the faithful discharge of his or her
29 official duties. On the expiration of the term of each member, the
30 governor shall appoint a successor to serve for a term of five years,
31 or until a successor has been appointed and qualified. No member shall
32 serve more than ten consecutive years.

33 The governor may remove any member of the board for cause.
34 Vacancies in the board for any reason shall be filled by appointment
35 for the unexpired term. In carrying out the provisions of this
36 chapter, the members of the board shall be compensated in accordance

1 with RCW 43.03.240 and shall be reimbursed for travel expenses
2 according to the provisions of RCW 43.03.050 and 43.03.060.

3 NEW SECTION. **Sec. 5.** The board shall adopt rules for its own
4 organization and procedure and other rules as necessary for the
5 performance of its duties. Three members of the board constitute a
6 quorum for the conduct of any business of the board.

7 The board may conduct hearings concerning alleged violations of
8 this chapter. In conducting hearings, the chairman of the board, or
9 any member of the board acting in his or her place, may administer
10 oaths or affirmations to witnesses appearing before the board, subpoena
11 witnesses and compel their attendance, and require the production of
12 books, records, papers and documents. If any person refuses to obey
13 any subpoena issued, or refuses to testify or to produce any books,
14 records, papers or documents required to be produced, the board may
15 present a petition to the superior court of the county in which the
16 person resides, setting forth the facts, and the court may enter an
17 order compelling compliance with this chapter and imposing other terms
18 and conditions as the court may deem equitable.

19 NEW SECTION. **Sec. 6.** (1) To be eligible for licensing as a
20 consulting forester, an applicant must:

21 (a)(i) Have completed a four-year course of study in forestry or a
22 related field and graduated from a college or school approved by the
23 board as offering a curriculum in forestry or a related field; or

24 (ii) Demonstrate adequate knowledge, expertise, and experience in
25 forestry management by passing an examination given by the board; and

26 (b) Have a minimum of five years in any combination of training and
27 experience in forestry management under the supervision of a consulting
28 forester.

29 (2) Licensing under this chapter is on an individual, personal
30 basis. The director may not register any firm, company, partnership,
31 corporation, or public agency. Corporate practice is not permitted
32 under this chapter.

33 NEW SECTION. **Sec. 7.** An application for a consulting forester
34 shall be filed with the director before the date set for examination.

1 The application fee shall be determined by the director as provided
2 in RCW 43.24.086 and shall include a nonrefundable examination fee, and
3 a fee for issuance of the license.

4 The application fee for reexamination shall be determined by the
5 director as provided in RCW 43.24.086 and shall include a nonrefundable
6 examination fee and a fee for issuance of the license.

7 The examination fee must be filed with the director not less than
8 six days prior to the date set for examination.

9 NEW SECTION. **Sec. 8.** Examinations of applicants for licenses
10 shall be held at least annually or at such times and places as the
11 board may determine. The board shall determine from the examination
12 and the material submitted with the application whether or not an
13 applicant possesses sufficient knowledge, ability, and moral fitness to
14 safely and properly practice consulting forestry and to hold himself or
15 herself out to the public as qualified for that practice.

16 The scope of the examination and methods of procedure shall be
17 prescribed by the board with special reference to timber management,
18 including the ability to evaluate timber, appropriate contracts,
19 applicable state statutes and rules, including labor and industries,
20 and similar subjects necessary to the practice of consulting forestry.
21 The examination shall consider regional differences in timber
22 management that exist within the state.

23 The board may determine the standard for passing grades computed on
24 a scale of one hundred percent. A consulting forester license shall be
25 granted by the director to all qualified applicants who are certified
26 by the board as having passed the required examination and as having
27 given satisfactory proof of completion of the required experience.

28 NEW SECTION. **Sec. 9.** The board shall adopt continuing education
29 requirements for holders of consulting forester licenses.

30 NEW SECTION. **Sec. 10.** The director may suspend or revoke a
31 consulting forester license upon the grounds that the holder of the
32 license:

33 (1) Fails to comply with the continuing education requirements of
34 section 9 of this act;

35 (2) Is impersonating a practitioner or former practitioner;

1 (3) Is guilty of fraud, deceit, gross negligence, gross
2 incompetency, or gross misconduct in the practice of consulting
3 forestry;

4 (4) Has committed fraud in applying for or obtaining a license;

5 (5) Is an employee of a public agency which regulates or oversees
6 timber-related or forestry-related matters and has provided forestry
7 services in a nonofficial capacity;

8 (6) Has, directly or indirectly through another person or entity,
9 purchased or attempted to purchase timber from a landowner while
10 providing forestry services for the landowner; or

11 (7) Has, directly or indirectly through another person or entity,
12 received consideration for providing forestry services in an amount
13 exceeding the amount claimed as compensation for the services provided.

14 NEW SECTION. **Sec. 11.** The board is authorized to apply for relief
15 by injunction without bond to restrain a person from committing any act
16 which is prohibited by this chapter. The members of the board shall
17 not be personally liable for their actions in any such proceeding or in
18 any other proceeding instituted by the board under this chapter. The
19 board may cause prosecution to be instituted in any county or counties
20 where a violation of this chapter occurs and shall aid in the
21 prosecution of the violator.

22 NEW SECTION. **Sec. 12.** A person who violates any of the provisions
23 of this chapter is guilty of a misdemeanor.

24 NEW SECTION. **Sec. 13.** Sections 1 through 12 of this act shall
25 constitute a new chapter in Title 18 RCW.

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