AN ACT CONCERNING THE FOREST PRACTICES ADVISORY BOARD AND GRACE PERIODS FOR THE RENEWAL OF CERTAIN PROFESSIONAL CERTIFICATIONS ISSUED BY THE COMMISSIONER OF ENERGY AND ENVIRONMENTAL PROTECTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 23-65g of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) There is established a Forest Practices Advisory Board consisting of the State Forester or [his designee, and nine public members, six of whom shall be appointed one each by the president pro tempore of the Senate, the majority leader of the Senate, the minority leader of the Senate, the speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives and three of whom shall be appointed by the Governor. The members appointed shall include a professional forester in private practice, a representative of the forest products industry,] the State Forester's designee, and nine public members, six of whom shall be appointed by the legislative leaders, as follows: (1) One by the president pro tempore of the Senate who shall be a professional forester in private practice, (2) one by the majority leader of the Senate who shall be a professor of forestry or natural resources from a college or university located in the state, (3) one by the minority leader of the Senate who shall be a member of the public, (4) one by the speaker of the House of Representatives who shall be an owner of not
fewer than ten but not more than two hundred fifty acres of forest land, (5) one by the majority leader of the House of Representatives who shall be a representative of the forest products industry, and (6) one by the minority leader of the House of Representatives who shall be a member of the public. Three public members shall be appointed by the Governor and shall consist of one member who is an officer of an environmental organization headquartered within the state which is concerned primarily with forests, [a professor of forestry or natural resources from a college or university within the state, an owner of not less than ten nor more than two hundred fifty acres of forest land,] one member who is a representative of an environmental organization not primarily concerned with forests and one member who is a member of an inland wetlands agency.

(b) The appointed members of the initial board shall be appointed so that the terms of two members shall expire on December 31, 1993, the terms of two members shall expire on December 31, 1994, the terms of two members shall expire on December 31, 1995, and the term of one member shall expire on December 31, 1996. Thereafter, each member shall be appointed for a term of four years. Vacancies on the board shall be filled [in the same manner as the original appointments] by the appointing authority. Each member of the board shall serve until his successor is appointed.

(c) The State Forester or his designee shall serve as chairman of the board. The board shall meet at least three times, annually, at such time and place as shall be designated by the chairman, or upon the written request of a majority of the members of the board. A majority of the members shall constitute a quorum for the transaction of business. The principal office of the board shall be the State Forester's office.

(d) Members of the board shall be entitled to reimbursement for travel expenses incurred in the performance of their duties.

(e) The Forest Practices Advisory Board shall have the following powers and duties:
(1) To periodically review applicable regulations concerning forest practices or the certification of forest practitioners and to issue recommendations to the Commissioner of Energy and Environmental Protection for changes to such regulations;

(2) To periodically review the programs and policies of the department regarding forests, forest health and forest practices and to issue recommendations to the commissioner for changes to such programs and policies; and

(3) To provide advice and guidance to the commissioner regarding the certification of technically proficient forest practitioners and the revocation or suspension of such certification.

Sec. 2. Subsection (c) of section 23-65h of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(c) An application for the certification as a forest practitioner shall be made to the Commissioner of Energy and Environmental Protection and shall contain such information regarding the applicant's qualifications and proposed operations and other relevant matters as the commissioner deems necessary.

(1) The commissioner shall require the applicant for forester certification to demonstrate, upon examination, that he possesses adequate knowledge concerning the proper application of forest management techniques, the ecological and environmental consequences of harvesting activity and mitigating measures to be employed to minimize possible adverse impacts on environmental conditions within the harvest area.

(2) The commissioner shall require the applicant for supervising forest products harvester certification to demonstrate, upon examination, that [he] the applicant possesses adequate knowledge concerning techniques and procedures normally employed in the conduct and supervision of a harvest operation, the safe and
environmentally responsible operation of harvesting equipment, and mitigating measures to be employed to minimize possible adverse impacts of harvesting activity on environmental conditions within the harvest area.

(3) The commissioner shall require the applicant for forest products harvester certification to demonstrate, upon examination, that [he] the applicant possesses adequate knowledge concerning techniques and procedures normally employed in the conduct of a harvest operation and the safe and environmentally responsible operation of harvesting equipment, except that an applicant who demonstrates to the satisfaction of the commissioner that [he] the applicant has engaged in commercial forest practices at least once per year for the ten years immediately preceding October 1, 1991, shall be exempt from such examination requirement.

(4) (A) If the commissioner finds that the applicant is competent with respect to the required qualifications, including those provided in section 23-650, [he] the commissioner shall certify the applicant to perform such forest practices as appropriate to the requested certification. The certification shall be valid for a period not to exceed five years and may be renewed by the commissioner with or without further examination. The commissioner may establish regulations for forest practitioner certification so that one-fifth of the certificates expire each year. The commissioner may certify a forest practitioner for less than five years and prorate the registration fee accordingly to implement the regulations established pursuant to this subsection.

(B) Notwithstanding the provisions of subparagraph (A) of this subdivision, the commissioner may grant a sixty-day extension for any forest practitioner who failed to submit a complete application for renewal prior to the expiration date of such forest practitioner's certification. Such forest practitioner shall submit a complete application for renewal within such sixty-day extension period. Any renewed certification issued by the commissioner pursuant to this subparagraph shall not require reexamination by such forest practitioner.
practitioner prior to such issuance but shall require the submission of an additional fee, as determined by the commissioner.

(5) If the commissioner finds that the applicant is not competent with respect to the requirements for the requested certification, the commissioner shall refuse to issue the applicant a certificate. The commissioner shall inform the applicant of the refusal in writing, giving the reasons for such refusal. Any person aggrieved by such refusal may, within thirty days from date of issuance of such denial, request a hearing before the commissioner, which hearing shall be conducted in accordance with chapter 54.

(6) The commissioner may certify without examination any person who is certified: [in] (A) In another state under a law which provides substantially similar qualifications for certification and which grants similar privileges of certification without examination to residents of this state certified under the provisions of this section, or (B) through examination by the Society of American Foresters, or a similar organization, that provides substantially similar qualifications for certification provided such person can demonstrate knowledge of the forestry laws of this state to the commissioner's satisfaction.

(7) The commissioner may, by regulation, adopted in accordance with the provisions of chapter 54, prescribe fees for applicants to defray the cost of administering examinations and carrying out the provisions of this chapter. A state or municipal employee who engages in activities for which certification is required by this section solely as part of his employment shall be exempt from payment of a fee. Any certificate issued to a state or municipal employee for which a fee has not been paid shall be void upon termination of such government employment.

(8) The commissioner may require the display of a decal or other evidence, indicating that a commercial forest practitioner has met the requirements of sections 23-65f to 23-65o, inclusive, in a prominent place on any licensed motor vehicle used in the practitioner's
operations. A fee may be charged to the certified practitioner to cover the cost of the decal or other evidence.

(9) The commissioner shall require all forest practitioners certified under sections 23-65f to 23-65o, inclusive, to participate biennially in a relevant program of professional education to improve or maintain professional forestry skills that is sponsored by the Department of Energy and Environmental Protection, the New England Society of American Foresters, The University of Connecticut, Yale University or the Connecticut cooperative extension system, or participation in another program approved by the department.

Sec. 3. Subsection (f) of section 22a-54 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(f) (1) The commissioner may, by regulation adopted pursuant to the provisions of chapter 54, prescribe fees for applicants to defray the cost of administering examinations and assisting in carrying out the purposes of section 22a-451, except the fees for certification and renewal of a certification shall be as follows: [(1)] (A) For supervisory certification as a commercial applicator, two hundred eighty-five dollars; [(2)] (B) for operational certification as a commercial applicator, eighty dollars, and [(3)] (C) for certification as a private applicator, one hundred dollars. A federal, state or municipal employee who applies pesticides solely as part of his employment shall be exempt from payment of a fee. Any certificate issued to a federal, state or municipal employee for which a fee has not been paid shall be void if the holder leaves government employment. The fees collected in accordance with this section shall be deposited in the General Fund.

(2) The commissioner may renew any certification issued pursuant to this section for the holder of a certification that has lapsed less than one year provided the holder of such certification submits to the commissioner a signed renewal application, payment of the applicable
renewal fee and any late fee. Such late fee shall be calculated as
follows: Beginning on the first day that such certification lapses, ten
per cent of the applicable renewal fee plus one and one-quarter per
cent per month, or part thereof, for a period not to exceed one year.
Any holder of a certification that has lapsed more than one year shall
be examined in accordance with the requirements of this section and
any regulation adopted pursuant to the provisions of this section.

| This act shall take effect as follows and shall amend the following sections: |
|-----------------|-----------------|-----------------|
| Section 1       | from passage    | 23-65g          |
| Sec. 2          | from passage    | 23-65h(c)       |
| Sec. 3          | from passage    | 22a-54(f)       |

**Statement of Legislative Commissioners:**
In section 2 of the bill in subparagraph (B) of subdivision (4) of
subsection (c) of section 23-65h, "certification provided such forest
practitioner submits" was change to "certification. Such forest
practitioner shall submit" for clarity.

**ENV** Joint Favorable Subst. -LCO