

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 4238**

(BY DELEGATES HOWELL, ARVON, BLAIR, R. PHILLIPS.,  
HILL, HARTMAN, STANSBURY, MCGEEHAN, R. SMITH,  
HAMRICK AND MORGAN)

[Originating in the Committee on Government  
Organization, January 25, 2016]



1 A BILL to amend and reenact §30-13A-4 of the Code of West Virginia, 1931, as amended, relating  
2 to the West Virginia Board of Professional Surveyors; changing requirements for  
3 membership on the board; staggering terms; providing for continued service of qualifying  
4 board members; providing for the disqualification of certain members who become  
5 licensees; and providing that citizen member appointments represent different  
6 congressional districts.

*Be it enacted by the Legislature of West Virginia:*

1 That §30-13A-4 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted to read as follows:

**ARTICLE 13A. LAND SURVEYORS.**

**§30-13A-4. Board of Professional Surveyors.**

1 (a) The “West Virginia Board of Professional Surveyors” is continued. Any member of the  
2 board ~~except the endorsed underground surveyor member,~~ in office on July 1, ~~2010~~ 2016 may  
3 continue to serve until his or her successor has been appointed and qualified.

4 ~~(b) Prior to July 1, 2010, the Governor, by and with the advice and consent of the Senate,~~  
5 ~~shall appoint one licensed professional surveyor with at least ten years of experience in land~~  
6 ~~surveying to replace the endorsed underground surveyor.~~

7 ~~(c)~~ (b) Commencing July 1, ~~2010,~~ 2016 the board shall consist of the following five  
8 members with staggered terms:

9 (1) ~~Three~~ Two licensed professional surveyors with at least ten years of experience in land  
10 surveying each from a separate congressional district.

11 (2) ~~One person who has a license in another field of practice other than surveying and~~  
12 ~~also who has a surveyor license by examination and has practiced surveying for at least ten years;~~  
13 must be a retired, inactive, or emeritus member under the provisions of this article, and may not  
14 be licensed to practice under the provisions of this article; and

15           (3) ~~One citizen member who is~~ Two citizen members who are not regulated under the  
16 provisions of this article and ~~does~~ do not perform any services related to the practice of surveying  
17 under the provisions of this article.

18           (c) Members of the board as of the effective date of this section may continue to serve  
19 their term without regarding to the status of their license until a successor is appointed by the  
20 Governor.

21           (d) Each licensed member of the board, at the time of his or her appointment, must have  
22 held a license in this state for a period of not less than three years immediately preceding the  
23 appointment.

24           (e) Each member must be appointed by the Governor, by and with the advice and consent  
25 of the Senate, and must be a resident of this state during the appointment term.

26           (f) The term of each board member is four years.

27           (g) No member may serve more than two consecutive full terms and any member having  
28 served two full terms may not be appointed for one year after completion of his or her second full  
29 term. A member shall continue to serve until his or her successor has been appointed and  
30 qualified.

31           (h) The Governor may remove any member from the board for neglect of duty,  
32 incompetency or official misconduct.

33           (i) A licensed member of the board immediately and automatically forfeits membership to  
34 the board if his or her license to practice is suspended or revoked.

35           (j) Any member who is unlicensed or who holds a retired, inactive, or emeritus license  
36 immediately and automatically forfeits his or her membership on the board if he or she obtains an  
37 active license that would permit him or her to practice under the provisions of this article, or obtains  
38 a similar license from another jurisdiction.

39           ~~(j)~~ (k) A member of the board immediately and automatically forfeits membership to the  
40 board if he or she is convicted of a felony under the laws of any jurisdiction or becomes a  
41 nonresident of this state.

42           ~~(k)~~ (l) The board shall designate one of its members as chairperson and one member as  
43 secretary-treasurer.

44           ~~(j)~~ (m) Each member of the board is entitled to receive compensation and expense  
45 reimbursement in accordance with section eleven, article one of this chapter.

46           ~~(m)~~ (n) A majority of the members of the board shall constitute a quorum.

47           ~~(n)~~ (o) The board shall hold at least one annual meeting. Other meetings shall be held at  
48 the call of the chairperson, or upon the written request of two members, at such time and place  
49 as designated in the call or request.

NOTE: The purpose of this bill is to amend the qualifications for members of the Board of Surveyors, and by adding one retired, inactive, or emeritus member; and two citizen members and to provide for their removal upon obtaining an active license.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.