

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4544

BY DELEGATE HOWELL

[Introduced February 16, 2016; Referred
to the Committee on Government Organization.]

1 A BILL to amend and reenact §30-13-4 and §30-13-5 of the Code of West Virginia, 1931, as
 2 amended; and to amend and reenact §30-22-5 of said code, all relating to discontinuing
 3 the West Virginia Board of Landscape Architects and transferring its duties and authority
 4 to the Board of Registration for Professional Engineers; renaming the Board of
 5 Registration for Professional Engineers as the Board of Registration for Professional
 6 Engineers and Landscape Architects.

Be it enacted by the Legislature of West Virginia:

1 That §30-13-4 and §30-13-5 of the Code of West Virginia, 1931, as amended, be amended
 2 and reenacted; and that §30-22-5 of said code be amended and reenacted, all to read as follows:

ARTICLE 13. ENGINEERS.

**§30-13-4. Board of registration for professional engineers and landscape architects;
 appointment and term.**

1 ~~There is hereby created The Board of Registration for Professional Engineers which shall~~
 2 ~~hereafter be referred to as the board~~ On the effective date of the amendment to this article, the
 3 board created as the Board Of Registration For Professional Engineers shall continue and be
 4 known as the Board Of Registration For Professional Engineers and Landscape Architects,
 5 hereafter be referred to as the board and composed of ~~five~~ six members, five of whom are
 6 appointed by the Governor, by and with the consent of the Senate, preferably from a list of names
 7 submitted by the West Virginia society of professional engineers and one appointed by the
 8 Governor, by and with the consent of the Senate, preferably from a list of licensed landscape
 9 architects. The members of the board shall be qualified and shall meet the requirements of
 10 section five of this article. The Governor shall present each board member with a certificate of
 11 appointment. Each board member shall make and file an oath or affirmation with the Secretary of
 12 State to faithfully execute the duties of a member of the board. Members of the board shall serve
 13 a term of five years. Of the members first appointed, ~~one~~ two shall serve a term of one year, ~~one~~
 14 two shall serve a term of two years, ~~one~~ two shall serve a term of three years, one shall serve a

15 term of four years and one shall serve a term of five years. Members are eligible for reappointment
 16 but no member may be appointed for more than three full consecutive terms. Each member shall
 17 hold office until the expiration of the term for which appointed or until a successor has been duly
 18 appointed and has qualified. In the event of a vacancy on the board due to resignation, death or
 19 for any cause resulting in an unexpired term and if not filled within three months by the Governor,
 20 the board may appoint a member to serve in the vacancy until the Governor makes the
 21 appointment. Members of the former board whose terms have not expired shall fill the term on
 22 this board which corresponds with the length of the unexpired term of that member.

§30-13-5. Board qualifications.

1 Each member of the board must be a citizen of the United States and a resident of this
 2 state. ~~Each~~ Four of the members shall have been engaged in the lawful practice of engineering
 3 as a professional engineer for at least twelve years; shall have been in responsible charge of
 4 engineering projects for at least five years; and shall be a registered professional engineer in this
 5 state. One of the members shall be a licensed landscape architect.

ARTICLE 22. LANDSCAPE ARCHITECTS.

§30-22-5. Board of Landscape Architects.

1 (a) The West Virginia Board of Landscape Architects is hereby ~~continued and shall be~~
 2 ~~composed of three members, two of whom must be licensed landscape architects, appointed by~~
 3 ~~the Governor by and with the advice and consent of the Senate, for staggered terms of three~~
 4 ~~years.~~

5 (b) ~~Each licensed member of the board, at the time of his or her appointment, must have~~
 6 ~~held a license in this state for a period of not less than three years and must have been a resident~~
 7 ~~of this state for a period of not less than one year immediately preceding the appointment.~~

8 (c) ~~Each member of the board must be a resident of this state during the appointment~~
 9 ~~term.~~

10 (d) ~~No member may serve more than three consecutive full terms and any member having~~

11 ~~served three consecutive full terms may not be appointed for one year after completion of his or~~
12 ~~her third full term. A member shall continue to serve until his or her successor has been appointed~~
13 ~~and qualified. Any member currently serving on the board on the effective date of this article may~~
14 ~~be reappointed in accordance with the provisions of this section.~~

15 ~~(e) A vacancy on the board shall be filled by appointment by the Governor for the~~
16 ~~unexpired term of the member whose office is vacant.~~

17 ~~(f) The Governor may remove any member from the board for neglect of duty,~~
18 ~~incompetency or official misconduct.~~

19 ~~(g) Any member of the board immediately and automatically forfeits his or her membership~~
20 ~~if he or she has his or her license to practice suspended or revoked by the board, is convicted of~~
21 ~~a felony under the laws of any state or the United States, or becomes a nonresident of this state.~~

22 ~~(h) The board shall designate one of its members as chairperson and one member as~~
23 ~~secretary-treasurer who shall serve at the will of the board.~~

24 ~~(i) Each member of the board is entitled to receive compensation and expense~~
25 ~~reimbursement in accordance with article one of this chapter.~~

26 ~~(j) A majority of the members of the board shall constitute a quorum.~~

27 ~~(k) The board shall hold at least one annual meeting. Other meetings shall be held at the~~
28 ~~call of the chairperson or upon the written request of two members, at such time and place as~~
29 ~~designated in the call or request discontinued and its duties and authority are hereby transferred~~
30 ~~to the Board of Registration for Professional Engineers and Landscape Architects in article~~
31 ~~thirteen of this chapter. All other provisions of this article relating to landscape architects shall~~
32 ~~remain in effect and be subject to the administration, powers, duties and enforcement of the Board~~
33 ~~of Registration for Professional Engineers and Landscape Architects.~~

NOTE: The purpose of this bill is to discontinue the West Virginia Board of Landscape Architects and transfer its duties and authority to the Board of Registration for Professional Engineers. The bill renames the Board of Registration for Professional Engineers as the

Board of Registration for Professional Engineers and Landscape Architects and increases the number of board members by one, who shall be a landscape architect.

This bill is based on recommendations by PERD.

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