

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 4580**

BY DELEGATES R. SMITH, BLAIR, HILL, FAIRCLOTH, IHLE

AND ATKINSON

[Introduced February 17, 2016; Referred  
to the Committee on Government Organization then  
Finance.]

1 A BILL to repeal §30-19-2, §30-19-3, §30-19-4, §30-19-5, §30-19-6, §30-19-7, §30-19-8, §30-19-  
 2 9, §30-19-10, §30-19-11, §30-19-12, §30-19-13, §30-19-14, §30-19-15, §30-19-16 and  
 3 §30-19-17 of the Code of West Virginia, 1931, as amended; to amend said code by adding  
 4 thereto a new section, designated §19-1A-7; and to amend and reenact §30-19-1 of said  
 5 code, all relating to terminating the State Board of Registration of Foresters; providing  
 6 deadlines to wind-up activities of the board; transferring the assets and records of the  
 7 board to the Division of Forestry; creating a special fund; authorizing rule-making; and  
 8 providing for the transfer and disposition of board assets and funds.

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

1 That §30-19-2, §30-19-3, §30-19-4, §30-19-5, §30-19-6, §30-19-7, §30-19-8, §30-19-9,  
 2 §30-19-10, §30-19-11, §30-19-12, §30-19-13, §30-19-14, §30-19-15, §30-19-16 and §30-19-17  
 3 of the Code of West Virginia, 1931, as amended, be repealed; that said code be amended by  
 4 adding thereto a new section, designated §19-1A-7; and that §30-19-1 of said code be amended  
 5 and reenacted, all to read as follows:

## **CHAPTER 19. AGRICULTURE.**

### **ARTICLE 1A. DIVISION OF FORESTRY.**

#### **§19-1A-7. Transfer of assets and funds of the Board of Registration of Foresters to the Division of Forestry; rule-making; special revenue account.**

1 (a) Pursuant to the provisions of section one, article nineteen, chapter thirty of this code,  
 2 the State Board of Registration of Foresters shall cease to exist and, on or before June 30, 2017,  
 3 transfer to the Division of Forestry all assets, records and funds of the board.

4 (b) The Division of Forestry may promulgate legislative rules to carry out and implement  
 5 this section in accordance with article three, chapter twenty-nine-a of this code.

6 (c) The Division of Forestry may open and operate a special revenue account to be known  
 7 as the "Registration of Foresters Fund". On or before June 30, 2017, all remaining funds of the

8 State Board of Registration of Foresters shall be transferred to the “Registration of Foresters  
 9 Fund” created pursuant to this section: *Provided*, That the Division of Forestry may designate any  
 10 portion or all of the funds transferred from the State Board of Registration of Foresters be  
 11 transferred to the State General Revenue Account.

**CHAPTER 30. PROFESSIONS AND OCCUPATIONS.**

**ARTICLE 19. FORESTERS.**

~~§30-19-1. Use of descriptive title restricted~~ **Termination of the Board of Registration of**  
**Foresters; transfer to the Division of Forestry; disposition of assets.**

1 ~~(a) No person may use in connection with his or her name or otherwise assume, use or~~  
 2 ~~advertise any title or description tending to convey the impression that he or she is a registered~~  
 3 ~~forester or registered forestry technician unless he or she is certified in accordance with this~~  
 4 ~~article.~~

5 ~~(b) Nothing contained in this article shall be construed as preventing any person, firm,~~  
 6 ~~partnership or corporation from practicing forestry, managing woodlands or forests, removing any~~  
 7 ~~products or planting trees on any land, in any manner desired.~~

8 (a) The State Board of Registration of Foresters shall terminate on July 1, 2016.

9 (b) Pursuant to the provisions of sections twelve and thirteen, article ten, chapter four of  
 10 this code, the State Board of Registration of Foresters shall commence all necessary activities  
 11 pertinent to the wind-up of all board related activities. No later than June 30, 2017, the State Board  
 12 of Registration of Foresters and all related offices of the board shall be closed and all regulatory  
 13 activity of the board shall cease.

14 (c) On or before June 30, 2017, the State Board of Registration of Foresters shall cease  
 15 to exist and all assets, records and funds shall transfer to the Division of Forestry as provided in  
 16 this section and as provided in section seven, article one-a, chapter nineteen of this code.

17            (d) Unless otherwise provided in this code, the State Board of Registration of Foresters  
18 shall dispose of any and all board assets, with the advice and consent of the Division of Forestry  
19 as provided in section seven, article one-a, chapter nineteen of this code, and after consultation  
20 with the Surplus Property Division, established pursuant to article three, chapter five-a of this  
21 code.

NOTE: The purpose of this bill is to repeal the State Board of Registration of Foresters, provide for a one year wind-up period, and for the transfer of assets and records of the board to the Division of Forestry. The bill provides for rule-making.

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