

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4936

BY DELEGATES FOSTER, PORTERFIELD AND WAXMAN

[Introduced February 11, 2020; Referred to the
Committee on Government Organization]

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:

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 §30-19-1 of this code, the State Board of Registration of
 2 Foresters shall cease to exist and, on or before June 30, 2021, transfer to the Division of Forestry
 3 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 §29A-3-1, et seq. 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, 2021, 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, 2020.

9 (b) Pursuant to the provisions of §4-10-12 and §4-10-13 of this code, the State Board of
 10 Registration of Foresters shall commence all necessary activities pertinent to the wind-up of all
 11 board related activities. No later than June 30, 2021, the State Board of Registration of Foresters
 12 and all related offices of the board shall be closed and all regulatory activity of the board shall
 13 cease.

14 (c) On or before June 30, 2021, 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 in §19-1A-7 of this code.

17 (d) Notwithstanding any other provision of this code, the State Board of Registration of
 18 Foresters shall dispose of any and all board assets, with the advice and consent of the Division
 19 of Forestry as provided in §19-1A-7 of this code, and after consultation with the Surplus Property
 20 Division, established pursuant to §5A-3-1, et seq. of this code.

§30-19-2. Applicable law.

1 [Repealed.]

§30-19-3. Definitions.

1 [Repealed.]

§30-19-4. State Board of Registration of Foresters.

1 [Repealed.]

§30-19-5. Powers and duties of the board.

1 [Repealed.]

§30-19-6. Rulemaking.

1 [Repealed.]

§30-19-7. Fees; special revenue account; administrative fines.

1 [Repealed.]

§30-19-8. General requirements to be certified as a registered forester.

1 [Repealed.]

§30-19-9. General requirements to be registered forestry technician.

1 [Repealed.]

§30-19-10. Qualifications for permit as a forester-in-training or a forestry technician-in-training.

1 [Repealed.]

§30-19-11. License from another state.

1 [Repealed.]

§30-19-12. Renewal requirements.

1 [Repealed.]

§30-19-13. Complaints; investigations; due process procedure; grounds for disciplinary action.

1 [Repealed.]

§30-19-14. Procedures for hearing; right of appeal.

1 [Repealed.]

§30-19-15. Judicial review; appeal to Supreme Court of Appeals.

1 [Repealed.]

§30-19-16. Criminal proceedings; penalties.

1 [Repealed.]

§30-19-17. Single act evidence of practice.

1 [Repealed.]

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.