

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 4230**

(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 §30-13-4 and §30-13-5 of the Code of West Virginia, 1931, as  
 2 amended, all relating to the Board of Registration for Professional Engineers; changing  
 3 the qualifications for membership on the board; providing for continued service of  
 4 qualifying board members; creating an emeritus status; and providing for the  
 5 disqualification of certain members who become licensees.

*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, all to read as follows:

**ARTICLE 13. ENGINEERS.**

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

1 There is hereby created the Board of Registration for Professional Engineers which shall  
 2 hereafter be referred to as the board. The board shall be composed of five members appointed  
 3 by the Governor, by and with the consent of the Senate, preferably from a list of names submitted  
 4 by the West Virginia society of professional engineers. The members of the board shall be  
 5 qualified and shall meet the requirements of ~~section~~ sections four and five of this article. The  
 6 Governor shall present each board member with a certificate of appointment. Each board member  
 7 shall make and file an oath or affirmation with the Secretary of State to faithfully execute the duties  
 8 of a member of the board. Members of the board shall serve a term of five years. ~~Of the members~~  
 9 ~~first appointed, one shall serve a term of one year, one shall serve a term of two years, one shall~~  
 10 ~~serve a term of three years, one shall serve a term of four years and one shall serve a term of~~  
 11 ~~five years.~~ Members are eligible for reappointment but no member may be appointed for more  
 12 than three full consecutive terms. Each member shall hold office until the expiration of the term  
 13 for which appointed or until a successor has been duly appointed and has qualified. In the event  
 14 of a vacancy on the board due to resignation, death or for any cause resulting in an unexpired

15 term and if not filled within three months by the Governor, the board may appoint a member to  
16 serve in the vacancy until the Governor makes the appointment. Members of the former board  
17 ~~whose terms have not expired shall fill the term on this board which corresponds with the length~~  
18 ~~of the unexpired term of that member~~ as of the effective date of this section shall continue to serve  
19 their terms without regarding to the status of their license until a successor is appointed by the  
20 Governor.

21 Any present or former board member, upon application for the nonpracticing designation  
22 of retired, shall be bestowed the further designation of professional engineer emeritus and is  
23 eligible for continued board service. The term limitations set forth in this section does not prohibit  
24 the Governor from appointing a professional engineer emeritus to continued service on the board.

#### **§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. Two members must be actively licensed under the provisions of this article; two members  
3 must be retired, inactive, or emeritus members under the provisions of this article, and may not  
4 be licensed to practice under the provisions of this article; and one member must be a citizen  
5 member who is not licensed under the provisions of this article. Any member who is unlicensed  
6 or who holds a retired, inactive, or emeritus license immediately and automatically forfeits his or  
7 her membership on the board if he or she obtains an active license that would permit him or her  
8 to practice under the provisions of this article, or obtains a similar license from another jurisdiction:  
9 Provided, That the unlicensed citizen member may be currently employed in academia in a related  
10 field so long as he or she is not licensed to practice under the provisions of this article or a similar  
11 license from another jurisdiction. Each actively licensed member shall have been engaged in the  
12 lawful practice of engineering as a professional engineer for at least twelve years; shall have been  
13 in responsible charge of engineering projects for at least five years; and shall be or has been a  
14 registered professional engineer in this state for at least five years.

CS for HB4230

NOTE: The purpose of this bill is to add one citizen and two nonpracticing members to the board and to provide for their removal upon obtaining an active license. The bill creates emeritus status and sets forth qualifications for board members.

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