

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

House Bill 4311

(BY DELEGATES HOWELL, ARVON, BLAIR, R. PHILLIPS,
HARTMAN, IHLE, CADLE, MCGEEHAN, MOFFATT,
ATKINSON AND MORGAN)

[Originating in the Committee on Government
Organization, January 29, 2016.]

1 A BILL to amend and reenact §30-22-5 of the Code of West Virginia, 1931, as amended, relating
2 to the Board of Landscape Architects; changing the qualifications for membership on the
3 board; providing for continued service of qualifying board members; and providing for the
4 disqualification of certain members who become licensees.

Be it enacted by the Legislature of West Virginia:

1 That §30-22-5 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

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~~ one of whom must be a licensed landscape ~~architects~~ architect;
3 one of whom must be a retired, inactive, or emeritus member under the provisions of this article,
4 and may not be licensed to practice under the provisions of this article; and one board member
5 must be a citizen member who is not licensed under the provisions of this article, appointed by
6 the Governor by and with the advice and consent of the Senate, for staggered terms of three
7 years: Provided, That members of the board as of the effective date of this section shall continue
8 to serve their term without regard to the status of their license until a successor is appointed by
9 the Governor.

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

13 (c) Each member of the board must be a resident of this state during the appointment
14 term.

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

19 ~~(d)~~ (e) No member may serve more than three consecutive full terms and any member
20 having served three consecutive full terms may not be appointed for one year after completion of
21 his or her third full term. A member shall continue to serve until his or her successor has been
22 appointed and qualified. Any member currently serving on the board on the effective date of this
23 article may be reappointed in accordance with the provisions of this section.

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

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

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

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

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

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

37 ~~(k)~~ (l) The board shall hold at least one annual meeting. Other meetings shall be held at
38 the call of the chairperson or upon the written request of two members, at such time and place as
39 designated in the call or request.

NOTE: The purpose of this bill is to add citizen and non-practicing members to the board
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.