

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4230

BY DELEGATES HOWELL, ARVON, BLAIR, R. PHILLIPS,
HILL, HARTMAN, STANSBURY, MCGEEHAN, R. SMITH,
HAMRICK AND MORGAN

[Introduced January 22, 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, relating to adding citizen members to the board of Registration For Professional
 3 Engineers; creating an emeritus status; establishing qualifications for board members; and
 4 providing for the disqualification of citizen 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 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. Two members must be actively licensed under the
 3 provisions of this article; two members must be retired, inactive, or emeritus members under the
 4 provisions of this article, and may not be licensed to practice under the provisions of this article;
 5 and one member must be a citizen member who is not licensed under the provisions of this article.
 6 Any member who is unlicensed or who holds a retired, inactive, or emeritus license immediately
 7 and automatically forfeits his or her membership on the board if he or she obtains an active license
 8 that would permit him or her to practice under the provisions of this article, or obtains a similar
 9 license from another jurisdiction. The board shall be composed of five members appointed by
 10 the Governor, by and with the consent of the Senate, preferably from a list of names submitted
 11 by the West Virginia society of professional engineers. The members of the board shall be
 12 qualified and shall meet the requirements of section five of this article. The Governor shall present
 13 each board member with a certificate of appointment. Each board member shall make and file an
 14 oath or affirmation with the Secretary of State to faithfully execute the duties of a member of the
 15 board. Members of the board shall serve a term of five years. ~~Of the members first appointed,~~
 16 ~~one shall serve a term of one year, one shall serve a term of two years, one shall serve a term of~~

17 ~~three years, one shall serve a term of four years and one shall serve a term of five years.~~ Members
 18 are eligible for reappointment but no member may be appointed for more than three full
 19 consecutive terms. Each member shall hold office until the expiration of the term for which
 20 appointed or until a successor has been duly appointed and has qualified. In the event of a
 21 vacancy on the board due to resignation, death or for any cause resulting in an unexpired term
 22 and if not filled within three months by the Governor, the board may appoint a member to serve
 23 in the vacancy until the Governor makes the appointment. Members of the former board ~~whose~~
 24 ~~terms have not expired shall fill the term on this board which corresponds with the length of the~~
 25 ~~unexpired term of that member~~ as of the effective date of this section shall continue to serve their
 26 terms without regarding to the status of their license until a successor is appointed by the
 27 Governor.

28 Any present or former board member, upon application for the nonpracticing designation
 29 of retired, shall be bestowed the further designation of professional engineer emeritus and is
 30 eligible for continued board service. The term limitations set forth in this section does not prohibit
 31 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. Each actively licensed member shall have been engaged in the lawful practice of
 3 engineering as a professional engineer for at least twelve years; shall have been in responsible
 4 charge of engineering projects for at least five years; and shall be or has been a registered
 5 professional engineer in this state for at least five years.

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.