

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4238

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 §30-13A-4 of the Code of West Virginia, 1931, as amended, relating
 2 to adding citizen members to the board of Professional Surveyors; staggering terms;
 3 providing for the disqualification of citizen members who become licensees; and providing
 4 that citizen member appointments represent different congressional districts.

Be it enacted by the Legislature of West Virginia:

1 That §30-13A-4 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 13A. LAND SURVEYORS.

§30-13A-4. Board of Professional Surveyors.

1 (a) The “West Virginia Board of Professional Surveyors” is continued. Any member of the
 2 board ~~except the endorsed underground surveyor member,~~ in office on July 1, 2010 2016 may
 3 continue to serve until his or her successor has been appointed and qualified.

4 (b) Prior to July 1, ~~2010,~~ 2016 the Governor, by and with the advice and consent of the
 5 Senate, shall appoint one licensed professional surveyor with at least ten years of experience in
 6 land surveying to replace the endorsed underground surveyor.

7 (c) Commencing July 1, ~~2010,~~ 2016 the board shall consist of the following five members
 8 with staggered terms:

9 (1) ~~Three~~ Two licensed professional surveyors with at least ten years of experience in land
 10 surveying each from a separate congressional district.

11 (2) ~~One person who has a license in another field of practice other than surveying and~~
 12 ~~also who has a surveyor license by examination and has practiced surveying for at least ten years;~~
 13 must be a retired, inactive, or emeritus member under the provisions of this article, and may not
 14 be licensed to practice under the provisions of this article; and

15 (3) ~~One citizen member who is~~ Two citizen members who are not regulated under the
 16 provisions of this article and ~~does~~ do not perform any services related to the practice of surveying
 17 under the provisions of this article.

18 (d) Members of the board as of the effective date of this section may continue to serve
19 their term without regarding to the status of their license until a successor is appointed by the
20 Governor.

21 ~~(d)~~ (e) Each licensed member of the board, at the time of his or her appointment, must
22 have held a license in this state for a period of not less than three years immediately preceding
23 the appointment.

24 ~~(e)~~ (f) Each member must be appointed by the Governor, by and with the advice and
25 consent of the Senate, and must be a resident of this state during the appointment term.

26 ~~(f)~~ (g) The term of each board member is four years.

27 ~~(g)~~ (h) No member may serve more than two consecutive full terms and any member
28 having served two full terms may not be appointed for one year after completion of his or her
29 second full term. A member shall continue to serve until his or her successor has been appointed
30 and qualified.

31 ~~(h)~~ (i) The Governor may remove any member from the board for neglect of duty,
32 incompetency or official misconduct.

33 ~~(i)~~ (j) A licensed member of the board immediately and automatically forfeits membership
34 to the board if his or her license to practice is suspended or revoked.

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

39 ~~(j)~~ (l) A member of the board immediately and automatically forfeits membership to the
40 board if he or she is convicted of a felony under the laws of any jurisdiction or becomes a
41 nonresident of this state.

42 ~~(k)~~ (m) The board shall designate one of its members as chairperson and one member as
43 secretary-treasurer.

44 ~~(t)~~ (n) Each member of the board is entitled to receive compensation and expense
45 reimbursement in accordance with section eleven, article one of this chapter.

46 ~~(m)~~ (o) A majority of the members of the board shall constitute a quorum.

47 ~~(n)~~ (p) The board shall hold at least one annual meeting. Other meetings shall be held at
48 the call of the chairperson, or upon the written request of two members, at such time and place
49 as designated in the call or request.

NOTE: The purpose of this bill is to amend the qualifications for members of the Board of Surveyors, and by adding one retired, inactive, or emeritus member; and two citizen members 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.