

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1971

ENROLLED

COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 198

(By Mr. McCOURT, MR. PRESIDENT AND)
MR. HUBBARD - ORIGINAL SPONSOR

PASSED MARCH 9, 1971

In Effect JULY 1, 1971 Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE 4-2-71

198
1

ENROLLED

COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 198

(By MR. McCOURT, MR. PRESIDENT, and MR. HUBBARD,
original sponsor)

[Passed March 9, 1971; in effect July 1, 1971.]

AN ACT to amend chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twenty-two, relating to the practice of landscape architecture; providing for the licensing of persons engaging in the practice of landscape architecture; providing a legislative finding, a declaration of public policy and definitions; creating the West Virginia state board of landscape architects; relating to the qualifications, terms, oath and expenses of members of said board; relating to the officers

of said board; providing for meetings of said board; specifying the powers and duties of said board; relating to the receipt and disbursement of funds by said board; establishing qualifications for the issuance of a license or temporary permit for a landscape architect; providing exceptions; providing for applications for and the issuance of licenses and temporary permits, renewals thereof and fees in connection therewith; relating to the license and seal of a landscape architect; relating to partnerships and corporations and the practice of landscape architecture; relating to various exemptions from said article twenty-two; authorizing the board to suspend or revoke a license or temporary permit of a landscape architect and establishing the grounds therefor; authorizing said board to hold hearings; providing a time and place for such hearings; expressly providing that the provisions of chapter twenty-nine-a of the code shall govern such hearings; authorizing the board to issue subpoenas and subpoenas duces tecum in connection with such hearings; providing an automatic stay or suspension of certain orders of the board pending such hearings; relating to the costs for

such hearings; providing for judicial review of decisions of the board entered following such hearings; providing for appeals to the supreme court of appeals; providing for legal counsel for the board; relating to issuance of new license after revocation of license; establishing criminal penalties; providing for injunctive relief; and providing a severability clause.

Be it enacted by the Legislature of West Virginia:

That chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article twenty-two, to read as follows:

ARTICLE 22. LANDSCAPE ARCHITECTS.

§30-22-1. Legislative findings and declaration of public policy.

1 The Legislature of the state of West Virginia hereby
2 determines and finds that in the public interest persons
3 should not hold themselves out as landscape architects
4 in this state without the requisite experience and train-
5 ing and without adequate regulation and control. It is
6 therefore declared to be the public policy of this state
7 that the practice of landscape architecture affects the

8 general welfare and public interest of the state and its
9 citizens; that persons without the necessary qualifica-
10 tions, training and education should not hold themselves
11 out to the public as landscape architects; and that the
12 evils of such unauthorized and unqualified representations
13 may be best prevented and the interest of the public
14 best served by regulating and controlling such repre-
15 sentations as provided in this article.

§30-22-2. Definitions.

1 (a) Unless the context in which used clearly requires
2 a different meaning, as used in this article:

3 (1) "Applicant" means any person making application
4 for an original or renewal license or a temporary permit
5 under the provisions of this article.

6 (2) "Licensee" or "landscape architect" means any
7 person holding a license or a temporary permit issued
8 under the provisions of this article and hence licensed
9 to practice landscape architecture in the state of West
10 Virginia under the provisions of this article.

11 (3) "Board" means the West Virginia state board of

12 landscape architects created in section four of this
13 article.

14 (4) "Examination" means the examination in landscape
15 architecture required by subdivision ⁵(~~6~~), subsection (a), 
16 section six of this article.

17 (5) "Landscape architecture" means the performance
18 of professional services, including but not limited to
19 consultations, research, planning, design or responsible
20 supervision in connection with the development of land,
21 where the dominant purpose of such professional services
22 is the preservation, enhancement or determination of:

23 (i) Land uses;

24 (ii) Natural land features;

25 (iii) Ground cover and planting;

26 (iv) Naturalistic and aesthetic value;

27 (v) Settings and approaches to structures or other
28 improvements;

29 (vi) Natural drainage; and

30 (vii) Consideration and determination of inherent
31 problems of the land relating to erosion, wear and tear,
32 blight or other hazard.

33 (b) The practice of landscape architecture shall in-
34 clude the location and arrangement of such tangible
35 objects and features as are incidental and necessary to
36 the purposes outlined in the above definition of such
37 term, but shall not include the design of structures or
38 facilities with separate and self-contained purposes such
39 as are ordinarily included in the practice of engineering
40 or architecture; and shall not include the making of final
41 land plats for official approval or recording: *Provided,*
42 That nothing contained herein shall preclude a landscape
43 architect from performing any of the services described
44 in the foregoing provisions of this subsection in connec-
45 tion with the settings, approaches or surroundings for
46 buildings, structures or facilities.

§30-22-3. License to practice landscape architecture required.

1 On and after July one, one thousand nine hundred
2 seventy-one, no person shall hold himself out to the public
3 as a landscape architect unless and until he shall first
4 obtain a license or temporary permit in accordance with
5 the provisions of this article, which license or temporary
6 permit remains unexpired, unsuspended and unrevoked.

§30-22-4. Creation of board of landscape architects; members, terms, meetings, officers, oath and expenses; general provisions.

1 (a) There is hereby created the West Virginia state
2 board of landscape architects which shall be composed
3 of three members appointed by the governor by and with
4 the advice and consent of the Senate. Each member must
5 be a resident of West Virginia and must be the holder of
6 a license under the provisions of this article, or, in the
7 case of the members first appointed, must be eligible for
8 such a license.

9 (b) The members of the board shall be appointed for
10 overlapping terms of three years each and until their
11 respective successors have been appointed and have quali-
12 fied, except for the original appointments. For the pur-
13 pose of original appointments, one member shall be ap-
14 pointed for a term of three years and until his successor
15 has been appointed and has qualified, one member shall
16 be appointed for a term of two years and until his suc-
17 cessor has been appointed and has qualified and one
18 member shall be appointed for a term of one year and

19 until his successor has been appointed and has qualified.
20 Members may be reappointed for any number of terms.
21 Before entering upon the performance of his duties, each
22 member shall take and subscribe to the oath required by
23 section five, article four of the constitution of this state.
24 Vacancies shall be filled by appointment by the governor
25 for the unexpired term of the member whose office shall
26 be vacant and such appointment shall be made within
27 sixty days of the occurrence of such vacancy. Any mem-
28 ber may be removed by the governor in case of incom-
29 petency, neglect of duty, gross immorality or malfeasance
30 in office.

31 (c) The board shall elect from its membership a chair-
32 man and secretary who shall serve at the will and plea-
33 sure of the board. A majority of the members of the board
34 shall constitute a quorum and meetings shall be held at
35 the call of the chairman or upon the written request of
36 two members at such time and place as designated in
37 such call or request, and, in any event, the board shall
38 meet at least once annually to conduct the examination
39 hereinafter provided for and to transact such other busi-

40 ness as may come before it. Members shall serve without
41 compensation but may be reimbursed for all reasonable
42 and necessary expenses actually incurred in the perform-
43 ance of their duties, which expenses shall be paid in ac-
44 cordance with the provisions of subsection (b), section
45 six of this article.

§30-22-5. Powers and duties of board; funds of board.

1 (a) The board shall:

2 (1) Examine applicants and determine their eligi-
3 bility for a license or temporary permit as a landscape
4 architect;

5 (2) Prepare, conduct and grade an apt and proper
6 written, oral or written and oral examination of appli-
7 cants for a license, to ascertain whether an applicant is
8 qualified as to the theory and practice of landscape archi-
9 tecture, and determine the satisfactory passing score on
10 such examination;

11 (3) Promulgate reasonable rules and regulations im-
12 plementing the provisions of this article and the powers
13 and duties conferred upon the board hereby, all of which
14 reasonable rules and regulations shall be promulgated in

15 accordance with the provisions of article three, chapter
16 twenty-nine-a of this code;

17 (4) Issue, renew, deny, suspend or revoke licenses
18 and temporary permits of landscape architects in accord-
19 ance with the provisions of this article and, in accord-
20 ance with the administrative procedures hereinafter pro-
21 vided, may review, affirm, reverse, vacate or modify
22 its order with respect to any such denial, suspension or
23 revocation;

24 (5) Investigate alleged violations of the provisions of
25 this article, reasonable rules and regulations promulgated
26 hereunder and orders and final decisions of the board
27 and take appropriate disciplinary action against any
28 licensee for the violation thereof or institute appropriate
29 legal action for the enforcement of the provisions of this
30 article, reasonable rules and regulations promulgated
31 hereunder and orders and final decisions of the board or
32 take such disciplinary action and institute such legal
33 action;

34 (6) Obtain an office, secure such facilities and employ,
35 direct, discharge and define the duties of full or part-

36 time professional, clerical or other personnel to the extent
37 necessary to effectuate the provisions of this article;

38 (7) Keep accurate and complete records of its pro-
39 ceedings, certify the same as may be appropriate, and
40 prepare, from time to time, a list showing the names and
41 addresses of all licensees;

42 (8) Whenever it deems it appropriate, confer with the
43 attorney general or his assistants in connection with all
44 legal matters and questions; and

45 (9) Take such other action as may be reasonably neces-
46 sary or appropriate to effectuate the provisions of this
47 article.

48 (b) All moneys paid to the board shall be accepted by
49 a person designated by the board and deposited by him
50 with the treasurer of the state and credited to an account
51 to be known as the "board of landscape architects fund."
52 The reimbursement of all reasonable and necessary ex-
53 penses actually incurred by the members of the board
54 and all other costs and expenses incurred by the board in
55 the administration of this article shall be paid from such

56 fund, and no part of the state's general revenue fund
57 shall be expended for this purpose.

**§30-22-6. Qualifications of applicants; exceptions; applica-
tions; fee.**

1 (a) To be eligible for a license as a landscape archi-
2 tect, the applicant must:

3 (1) Be at least twenty-one years of age;

4 (2) Be of good moral character;

5 (3) Not, within the next preceding twelve months,
6 have had his application for a license or a certificate or
7 for registration to engage in the practice of landscape
8 architecture or as a landscape architect refused, sus-
9 pended or revoked in any state of the United States;

10 (4) Either (i) Be a holder of an undergraduate degree
11 or graduate degree in landscape architecture from an
12 accredited institution of higher learning, with adequate
13 course study at such institution in landscape architecture,
14 the adequacy of any such course study to be determined
15 by the board; and when the degree held is an under-
16 graduate degree, have had at least two years' experience
17 subsequent to receiving said degree in the practice of

18 landscape architecture under the supervision of a land-
19 scape architect or a person having qualifications accept-
20 able to the board and similar to the qualifications of a
21 landscape architect, and, when the degree held is a grad-
22 uate degree, have had at least one year's experience sub-
23 sequent to receiving said graduate degree in the practice
24 of landscape architecture under the supervision of a land-
25 scape architect or a person having qualifications accept-
26 able to the board and similar to the qualifications of a
27 landscape architect; or (ii) Have had at least ten years'
28 experience in the practice of landscape architecture, of
29 a grade and character to qualify him to assume responsi-
30 bility for the work involved in the practice of landscape
31 architecture, at least six years of which shall have been
32 under the supervision of a landscape architect or a person
33 having qualifications acceptable to the board and similar
34 to the qualifications of a landscape architect; and

35 (5) Have passed the examination prescribed by the
36 board, which examination shall cover the theory and
37 practice of landscape architecture.

38 (b) The following persons shall be eligible for a li-
39 cense as a landscape architect without examination:

40 (1) Any person who was once licensed under the pro-
41 visions of this article, who temporarily abandoned the
42 practice of landscape architecture and did not renew his
43 license, provided he satisfies the board that he remains
44 qualified to engage in the practice of landscape archi-
45 tecture; and

46 (2) Any person who holds a license or certificate or
47 is registered to engage in the practice of landscape ar-
48 chitecture issued by or effected in any other state, the
49 requirements for which license, certificate or registration
50 are found by the board to be at least as great as those
51 provided in this article.

52 (c) Any person meeting the qualifications set forth
53 in subdivisions (1), (2) and (3), subsection (a) of
54 this section, who submits evidence satisfactory to the
55 board that for at least one year prior to the effective
56 date of this article he regularly engaged in the prac-
57 tice of landscape architecture as a principal livelihood
58 shall be entitled to be licensed under the provisions of

59 this article, without meeting the qualifications set forth
60 in subdivisions (4) and (5), subsection (a) of this sec-
61 tion, if he files such application with the board within
62 six months from and after the effective date of this
63 article.

64 (d) Any applicant for any such license shall submit
65 an application therefor at such time (subject to the time
66 limitation set forth in subsection (c) of this section), in
67 such manner, on such forms and containing such infor-
68 mation as the board may from time to time by reason-
69 able rule and regulation prescribe, and pay to the board
70 a license fee of forty dollars, which fee shall be returned
71 to the applicant if he is denied a license.

§30-22-7. Issuance of license; renewal of license; renewal fee;

duplicate license; display of license; seal.

1 Whenever the board finds that an applicant meets all
2 of the requirements of this article for a license as a land-
3 scape architect, it shall forthwith issue to him such license;
4 and otherwise the board shall deny the same. Licenses
5 shall expire on June thirty of each year, but shall be
6 renewable each year without examination upon appli-

7 cation for renewal on a form prescribed by and filed
8 with the board and payment to the board of an annual
9 renewal fee in such amount as may be prescribed by
10 the board not to exceed fifty dollars: *Provided*, That
11 if application for renewal is filed with the board after
12 June thirty of the year of expiration, an additional re-
13 newal fee of fifteen dollars must accompany such appli-
14 cation: *Provided, however*, That the board may deny an
15 application for renewal for any reason which would
16 justify the denial of an original application for a license.
17 A duplicate license may be obtained upon the payment
18 to the board of a fee of ten dollars. The board shall pre-
19 scribe the form of licenses and each license shall be con-
20 spicuously displayed by the licensee at his principal place
21 of practice.

22 Every person licensed under the provisions of this
23 article as a landscape architect shall have a seal, ap-
24 proved by the board, which shall contain the name of
25 the licensee and the words "Professional Landscape Archi-
26 tect, State of West Virginia" and such other words or
27 figures as the board may prescribe. All working drawings

28 and specifications, prepared by such landscape architect or
29 under the supervision of such landscape architect, shall
30 have such seal affixed thereto: *Provided further*, That
31 nothing contained in this article shall be construed to
32 permit the seal of a landscape architect to serve as a
33 substitute for the seal of an architect, an engineer or a
34 land surveyor whenever the seal of such architect, engi-
35 neer or land surveyor is required by law.

§30-22-8. Temporary permits.

1 (a) Upon proper application the board may issue,
2 without examination, a temporary permit as a landscape
3 architect, pending examination, to an applicant who meets
4 the qualifications of subdivisions (1), (2), (3) and (4),
5 subsection (a), section six of this article, which tempo-
6 rary permit shall expire thirty days after the board gives
7 written notice of the results of the examination held
8 next following the issuance of such temporary permit,
9 and such permit may not be renewed nor another thereof
10 issued to be same person.

11 (b) The fee for such temporary permit shall be fifteen
12 dollars.

§30-22-9. Partnerships and corporations.

1 Nothing contained in this article shall be deemed to
2 preclude a person licensed under the provisions of this
3 article from forming a partnership or corporation with per-
4 sons who are not so licensed if the name of the person so
5 licensed shall appear as the landscape architect on all
6 plans, drawings, specifications, reports or other instru-
7 ments of service rendered or submitted by such partner-
8 ship or corporation. In no case shall the other members
9 of such partnership or the others having an interest in or
10 connected with such corporation be designated or de-
11 scribed as landscape architects. A landscape architect
12 who forms a partnership or corporation with a person
13 or persons who are not landscape architects shall notify
14 the board in writing of such fact within thirty days
15 thereof, giving the board such information as may be re-
16 quired by the board. Upon dissolution of any such part-
17 nership or corporation, the landscape architect shall notify
18 the board thereof, in writing, within thirty days after
19 such dissolution.

§30-22-10. Exemptions from article.

1 Nothing contained in this article shall under any cir-
2 cumstances whatever be construed as in any way affecting
3 the laws relating to the practice, licensing, certification
4 or registration of architects, engineers, land surveyors and
5 foresters.

6 An architect, engineer, land surveyor or forester
7 licensed, certified or registered to practice his profession
8 or occupation in West Virginia under the provisions of
9 any law to regulate the practice of such profession or
10 occupation is exempt from licensing under the provisions
11 of this article, and nothing contained in this article shall
12 under any circumstances whatever be construed as in
13 any way precluding an architect, engineer or forester
14 from performing any of the services included within the
15 definition of the term landscape architecture in section
16 two of this article when incidental to the performance
17 of his normal practice as an architect, engineer or forester
18 or as requiring any such person to be licensed under the
19 provisions of this article.

20 Community, city or other municipal, urban and regional

21 planners and urban designers shall not be required to be
22 licensed under the provisions of this article.

23 Every agriculturist, horticulturist, landscape contractor,
24 nurseryman, gardener, landscape gardener, garden or
25 lawn caretaker, and grader or cultivator of land is exempt
26 from licensing under the provisions of this article.

27 Nothing contained in this article shall under any cir-
28 cumstances whatever be construed as in any way pre-
29 cluding any person from making any landscape plans,
30 drawings or specifications for any property owned, leased
31 or rented by him or, without compensation therefor, for
32 the property of any other person, or as requiring such
33 person to be licensed under the provisions of this article.

34 None of the persons referred to in this section shall,
35 however, use the title, "Landscape Architect," without
36 obtaining a license under the provisions of this article.

**§30-22-11. Suspension or revocation of license or temporary
permit.**

1 (a) The board may at any time upon its own motion,
2 and shall upon the verified written complaint of any per-
3 son filed with the board within two years from and after

4 the act or omission complained of, conduct an investiga-
5 tion to determine whether there are any grounds for the
6 suspension or revocation of a license or temporary permit
7 issued under the provisions of this article.

8 (b) The board shall suspend for a period not exceed-
9 ing one year or revoke any license or shall suspend or
10 revoke any temporary permit when it finds the holder
11 thereof has:

12 (1) Obtained a license or temporary permit by means
13 of fraud or deceit or false or forged evidence;

14 (2) Been incompetent, grossly negligent, or guilty of
15 other malpractice as defined by the board by reasonable
16 rules and regulations or has been guilty of any fraud or
17 deceit as defined by the board by reasonable rules and
18 regulations;

19 (3) Affixed his seal to any plans, drawings, specifica-
20 tions, reports or other instruments of service which were
21 not prepared by him or under his immediate and respon-
22 sible supervision, or permitted his name to be used for
23 the purpose of assisting any person to evade the provisions
24 of this article; or

25 (4) Failed or refused to comply with the provisions
26 of this article or any reasonable rule and regulation
27 promulgated by the board hereunder or any order or final
28 decision of the board.

29 (c) The board shall also suspend for a period not ex-
30 ceeding one year or revoke any license or shall suspend
31 or revoke any temporary permit if it finds the existence
32 of any ground which would justify the denial of an appli-
33 cation for such license or temporary permit if application
34 were then being made for it.

§30-22-12. Procedures for hearing.

1 (a) Whenever the board shall deny an application for
2 any original or renewal license or deny an application for
3 a temporary permit or shall suspend or revoke any
4 license or temporary permit, it shall make and enter an
5 order to that effect and serve a copy thereof on the ap-
6 plicant or licensee, as the case may be, by certified mail,
7 return receipt requested. Such order shall state the
8 grounds for the action taken and shall require that any
9 license or temporary permit suspended or revoked thereby
10 shall be returned to the board by the holder within

11 twenty days after receipt of said copy of said order.

12 (b) Any person adversely affected by any such order
13 shall be entitled to a hearing thereon (as to all issues not
14 excluded from the definition of a "contested case" as
15 set forth in article one, chapter twenty-nine-a of this
16 code) if, within twenty days after receipt of a copy there-
17 of, he files with the board a written demand for such
18 hearing. A demand for hearing shall operate automatical-
19 ly to stay or suspend the execution of any order suspend-
20 ing or revoking a license or temporary permit or deny-
21 ing an application for a renewal license. The board may
22 require the person demanding such hearing to give rea-
23 sonable security for the costs thereof and if such person
24 does not substantially prevail at such hearing such costs
25 shall be assessed against him and may be collected by an
26 action at law or other proper remedy.

27 (c) Upon receipt of a written demand for such hear-
28 ing, the board shall set a time and place therefor not
29 less than ten and not more than thirty days thereafter.
30 Any scheduled hearing may be continued by the board

31 upon its own motion or for good cause shown by the
32 person demanding the hearing.

33 (d) All of the pertinent provisions of article five, chap-
34 ter twenty-nine-a of this code shall apply to and govern
35 the hearing and the administrative procedures in con-
36 nection with and following such hearing, with like effect
37 as if the provisions of said article five were set forth in
38 this subsection.

39 (e) Any such hearing shall be conducted by a quorum
40 of the board. For the purpose of conducting any such
41 hearing any member of the board shall have the power
42 and authority to issue subpoenas and subpoenas duces
43 tecum which shall be issued and served within the time,
44 for the fees and shall be enforced, as specified in sec-
45 tion one, article five of said chapter twenty-nine-a, and
46 all of the said section one provisions dealing with sub-
47 poenas and subpoenas duces tecum shall apply to sub-
48 poenas and subpoenas duces tecum issued for the pur-
49 pose of a hearing hereunder.

50 (f) At any such hearing the person who demanded the
51 same may represent himself or be represented by an

52 attorney at law admitted to practice before any circuit
53 court of this state. Upon request by the board, it shall
54 be represented at any such hearing by the attorney
55 general or his assistants without additional compensation.

56 (g) After any such hearing and consideration of all
57 of the testimony, evidence and record in the case, the
58 board shall render its decision in writing. The written
59 decision of the board shall be accompanied by findings
60 of fact and conclusions of law as specified in section three,
61 article five, chapter twenty-nine-a of this code, and a
62 copy of such decision and accompanying findings and con-
63 clusions shall be served by certified mail, return receipt
64 requested, upon the person demanding such hearing, and
65 his attorney of record, if any.

66 (h) The decision of the board shall be final unless re-
67 versed, vacated or modified upon judicial review thereof
68 in accordance with the provisions of section thirteen of
69 this article.

**§30-22-13. Judicial review; appeal to supreme court of appeals;
legal representation for board.**

1 Any person adversely affected by a decision of the board

2 rendered after a hearing held in accordance with the
3 provisions of section twelve of this article shall be en-
4 titled to judicial review thereof. All of the pertinent pro-
5 visions of section four, article five, chapter twenty-nine-a
6 of this code shall apply to and govern such judicial re-
7 view with like effect as if the provisions of said section
8 four were set forth in this section.

9 The judgment of the circuit court shall be final unless
10 reversed, vacated or modified on appeal to the supreme
11 court of appeals in accordance with the provisions of sec-
12 tion one, article six, chapter twenty-nine-a of this code.

13 Legal counsel and services for the board in all appeal
14 proceedings in any circuit court and the supreme court
15 of appeals shall be provided by the attorney general or
16 his assistants and in any circuit court by the prosecuting
17 attorney of the county as well, all without additional
18 compensation.

§30-22-14. Issuance of new license after revocation.

1 After revocation of a license to engage in the practice
2 of landscape architecture, the board may not issue a new
3 license to the person whose license was revoked, without

4 an examination. Such person may file an application with
5 the board for an examination and new license, and the
6 board may, in its sole discretion, issue a new license to
7 such person.

§30-22-15. Penalties.

1 Any person who violates any of the provisions of this
2 article, any of the reasonable rules and regulations
3 promulgated hereunder or any order or any final decision
4 of the board shall be guilty of a misdemeanor, and, upon
5 conviction thereof, shall be fined not less than one hun-
6 dred and not more than five hundred dollars, or im-
7 prisoned in the county jail not more than one year, or
8 both fined and imprisoned.

§30-22-16. Actions to enjoin violations.

1 Whenever it appears to the board that any person has
2 been or is violating or is about to violate any provision
3 of this article, any reasonable rule and regulation promul-
4 gated hereunder or any order or final decision of the
5 board, the board may apply in the name of the state to
6 the circuit court of the county in which the violation or
7 violations or any part thereof has occurred, is occurring

8 or is about to occur, or the judge thereof in vacation, for
9 an injunction against such person and any other persons
10 who have been, are or are about to be, involved in any
11 practices, acts or omissions, so in violation, enjoining such
12 person or persons from any such violation or violations.
13 Such application may be made and prosecuted to conclu-
14 sion whether or not any such violation or violations have
15 resulted or shall result in prosecution or conviction under
16 the provisions of section fifteen of this article.

17 Upon application by the board, the circuit courts of
18 this state may by mandatory or prohibitory injunction
19 compel compliance with the provisions of this article, the
20 reasonable rules and regulations promulgated hereunder
21 and all orders and final decisions of the board. The court
22 may issue a temporary injunction in any case pending
23 a decision on the merits of any application filed.

24 The judgment of the circuit court upon any application
25 permitted by the provisions of this section shall be final
26 unless reversed, vacated or modified on appeal to the
27 supreme court of appeals. Any such appeal shall be
28 sought in the manner and within the time provided by

29 law for appeals from circuit courts in other civil actions.

30 The board shall be represented in all such proceedings

31 by the attorney general or his assistants and in such

32 proceedings in the circuit court by the prosecuting at-

33 torneys of the several counties as well, all without addi-

34 tional compensation.

§30-22-17. Severability.

1 If any provision of this article or the application thereof

2 to any person or circumstance is held unconstitutional

3 or invalid, such unconstitutionality or invalidity shall not

4 affect other provisions or applications of the article, and to

5 this end the provisions of this article are declared to be

6 severable.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Fussell H. Swan
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1971.

Howard Myers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

E. H. Bond
President of the Senate

Don F. Boiesky
Speaker House of Delegates

The within *approved* this the *12th*
day of *April*, 1971.

Arch A. Starnes
Governor

PRESENTED TO THE
GOVERNOR

Date 3/13/71

Time 3:45 p.m.

RECEIVED

APR 2 11 58 PM '71

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA