

HB 3035

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HOUSE OF DELEGATES

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



# ENROLLED

## House Bill No. 3035

(By Delegates Douglas, Collins, Prunty,  
H. White, Hatfield, Stalnaker and Willison)



Passed March 13, 1999

In Effect Ninety Days from Passage

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SENATE OF WEST VIRGINIA

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# H. B. 3035

(BY DELEGATES DOUGLAS, COLLINS, PRUNTY,  
H. WHITE, HATFIELD, STALNAKER AND WILLISON)

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[Passed March 13, 1999; in effect ninety days from passage.]

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AN ACT to amend and reenact sections four, four-a, five and five-a, article ten, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section six-a, relating to providing for the deposition of property of a terminated agency and changing agency termination dates pursuant to the West Virginia sunset law.

*Be it enacted by the Legislature of West Virginia:*

That sections four, four-a, five and five-a, article ten, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, and that said article be further amended by adding thereto a new section, designated section six-a, all to read as follows:

**§4-10-4. Termination of agencies following full performance evaluations.**

- 1 The following agencies shall be terminated on the date
- 2 indicated, but no agency may be terminated under this section
- 3 unless a full performance evaluation has been conducted upon
- 4 such agency:

5 (1) On the first day of July, two thousand: Division of  
6 corrections; division of environmental protection; workers'  
7 compensation; department of health and human resources;  
8 department of tax and revenue.

9 (2) On the first day of July, two thousand one: division of  
10 natural resources; purchasing division within the department of  
11 administration; division of motor vehicles.

12 (3) On the first day of July, two thousand two: Division of  
13 highways; division of labor.

14 (4) On the first day of July, two thousand three: Division of  
15 culture and history; school building authority.

16 (5) On the first day of July, two thousand four: Division of  
17 personnel; division of rehabilitation services.

18 (6) On the first day of July, two thousand five: Parkways,  
19 economic development and tourism authority; tourism func-  
20 tions within the development office.

**§4-10-4a. Termination of agencies previously subject to full  
performance evaluations following compliance  
monitoring and further inquiry updates.**

1 The following agencies shall be terminated on the date  
2 indicated, but no agency may be terminated under this section  
3 unless a compliance monitoring and further inquiry update has  
4 been completed on the agency subsequent to the prior comple-  
5 tion of a full performance evaluation:

6 On the first day of July, two thousand: office of judges of  
7 workers' compensation.

**§4-10-5. Termination of agencies following preliminary perfor-  
mance reviews.**

1 The following agencies shall be terminated on the date  
2 indicated, but no agency may be terminated under this section  
3 unless a preliminary performance review has been conducted  
4 upon such agency:

5 (1) On the first day of July, one thousand nine hundred  
6 ninety-six: Juvenile facilities review panel.

7       (2) On the first day of July, one thousand nine hundred  
8 ninety-seven: Public employees insurance agency advisory  
9 board; cable television advisory board.

10       (3) On the first day of July, one thousand nine hundred  
11 ninety-nine: Tree fruit industry self improvement assessment  
12 program.

13       (4) On the first day of July, two thousand: Family protec-  
14 tion services board; environmental quality board; West  
15 Virginia's membership in the Ohio River valley water sanita-  
16 tion commission; oil and gas inspector's examining board;  
17 board of examiners in counseling; West Virginia state rail  
18 authority; state police; terms of family law master and the  
19 family law master system; stream partners program within the  
20 division of natural resources; advisory council to the state  
21 medicaid agency; soil conservation committee of the depart-  
22 ment of agriculture; board of medicine.

23       (5) On the first day of July, two thousand one: Real estate  
24 commission; marketing and development division of the  
25 department of agriculture; board of architects; public employees  
26 insurance agency; public employees insurance agency finance  
27 board; center for professional development; rural health  
28 advisory panel; oil and gas conservation commission; state fire  
29 commission; office of water resources of the division of  
30 environmental protection; motorcycle safety and education  
31 committee.

32       (6) On the first day of July, two thousand two: Whitewater  
33 commission within the division of natural resources; state  
34 geological and economic survey; unemployment compensation;  
35 West Virginia contractor licensing board; women's commis-  
36 sion; parks section and parks functions of the division of natural  
37 resources; ethics commission; veterans' council; educational  
38 broadcasting authority; board of respiratory care practitioners;  
39 division of protective services; office of explosives and  
40 blasting; office of coalfield community development.

41       (7) On the first day of July, two thousand three: Driver's  
42 licensing advisory board; West Virginia commission for

43 national and community service; West Virginia's membership  
44 in the southern regional education board.

45 (8) On the first day of July, two thousand four: Meat  
46 inspection program of the department of agriculture; state board  
47 of risk and insurance management; board of examiners of land  
48 surveyors; interstate commission on uniform state laws; design-  
49 build board; interstate commission on the Potomac River basin.

50 (9) On the first day of July, two thousand five: Board of  
51 banking and financial institutions; board of social work  
52 examiners; lending and credit rate board; governor's cabinet on  
53 children and families; health care authority; emergency medical  
54 services advisory council.

**§4-10-5a. Termination of agencies previously subject to prelimi-  
nary performance reviews following compliance  
monitoring and further inquiry updates.**

1 The following agencies shall be terminated on the date  
2 indicated, but no agency may be terminated under this section  
3 unless a compliance monitoring and further inquiry update has  
4 been completed on the agency subsequent to the prior comple-  
5 tion of a preliminary performance review:

6 (1) On the first day of July, two thousand: Child support  
7 enforcement division; state building commission; board of  
8 examiners in speech pathology and audiology; public defender  
9 services; racing commission; West Virginia commission for the  
10 deaf and hard of hearing; office of environmental advocate of  
11 the division of environmental protection; investment manage-  
12 ment board.

13 (2) On the first day of July, two thousand one: State lottery  
14 commission; public service commission; human rights commis-  
15 sion.

16 (3) On the first day of July, two thousand two: Capitol  
17 building commission.

**§4-10-6a. Disposition of agency assets, equipment, and records  
after final termination.**

1       Upon final termination pursuant to section six of this article  
2 and on or before the thirtieth day of June of the final year of the  
3 entity, the terminated entity shall file a report describing the  
4 disposition of assets and records with the secretary of the  
5 department of administration and the legislative auditor's  
6 performance evaluation and research division. The legislative  
7 auditor's performance evaluation and research division shall  
8 report to the joint committee on government operations the  
9 results of its review of the disposition of furniture, computers  
10 and other office equipment, program and personnel records and  
11 revenue of the agency. Furniture, computers and other office  
12 equipment of a terminated agency shall either be transferred to:  
13 (1) The secretary or commissioner of the department or bureau  
14 to which the agency is a part; or (2) the state agency for surplus  
15 property in the department of administration. All program and  
16 fiscal records shall be deposited with the division of administra-  
17 tion and support services of the department of administration.  
18 The terminated agency's personnel records shall be accepted  
19 and stored by the division of personnel, without regard to civil  
20 service coverage of the employees of the terminated agency.

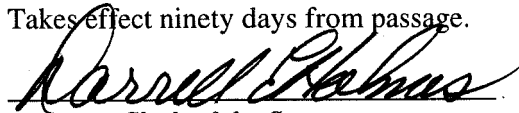
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

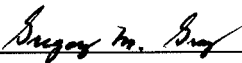
  
Chairman Senate Committee

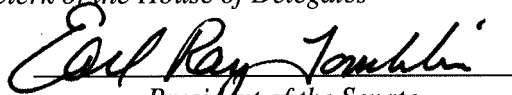
  
Chairman House Committee

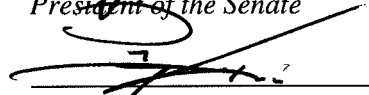
Originating in the House.

Takes effect ninety days from passage.

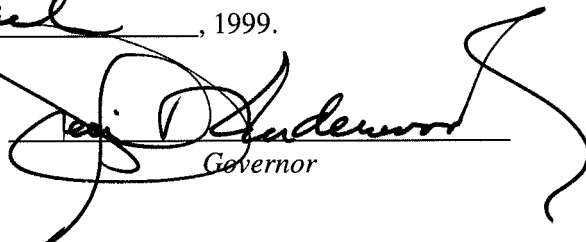
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within approved this the 2nd  
day of April, 1999.

  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/30/99

Time 3:55pm