House Bill No. 3035
(By Delegates Douglas, Collins, Prunty, H. White, Hatfield, Stainaker and Willison)

Passed March 13, 1999

In Effect Ninety Days from Passage
ENROLLED

H. B. 3035

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

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

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 indicated, but no agency may be terminated under this section unless a full performance evaluation has been conducted upon such agency:
(1) On the first day of July, two thousand: Division of corrections; division of environmental protection; workers' compensation; department of health and human resources; department of tax and revenue.

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

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

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

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

(6) On the first day of July, two thousand five: Parkways, economic development and tourism authority; tourism functions within the development office.

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

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

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

§4-10-5. Termination of agencies following preliminary performance reviews.

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

(1) On the first day of July, one thousand nine hundred ninety-six: Juvenile facilities review panel.
(2) On the first day of July, one thousand nine hundred ninety-seven: Public employees insurance agency advisory board; cable television advisory board.

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

(4) On the first day of July, two thousand: Family protection services board; environmental quality board; West Virginia’s membership in the Ohio River valley water sanitation commission; oil and gas inspector’s examining board; board of examiners in counseling; West Virginia state rail authority; state police; terms of family law master and the family law master system; stream partners program within the division of natural resources; advisory council to the state medicaid agency; soil conservation committee of the department of agriculture; board of medicine.

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

(6) On the first day of July, two thousand two: Whitewater commission within the division of natural resources; state geological and economic survey; unemployment compensation; West Virginia contractor licensing board; women’s commission; parks section and parks functions of the division of natural resources; ethics commission; veterans’ council; educational broadcasting authority; board of respiratory care practitioners; division of protective services; office of explosives and blasting; office of coalfield community development.

(7) On the first day of July, two thousand three: Driver’s licensing advisory board; West Virginia commission for
national and community service; West Virginia’s membership in the southern regional education board.

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

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

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

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

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

(2) On the first day of July, two thousand one: State lottery commission; public service commission; human rights commission.

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

§4-10-6a. Disposition of agency assets, equipment, and records after final termination.
Upon final termination pursuant to section six of this article and on or before the thirtieth day of June of the final year of the entity, the terminated entity shall file a report describing the disposition of assets and records with the secretary of the department of administration and the legislative auditor's performance evaluation and research division. The legislative auditor's performance evaluation and research division shall report to the joint committee on government operations the results of its review of the disposition of furniture, computers and other office equipment, program and personnel records and revenue of the agency. Furniture, computers and other office equipment of a terminated agency shall either be transferred to: (1) The secretary or commissioner of the department or bureau to which the agency is a part; or (2) the state agency for surplus property in the department of administration. All program and fiscal records shall be deposited with the division of administration and support services of the department of administration. The terminated agency's personnel records shall be accepted and stored by the division of personnel, without regard to civil service coverage of the employees of the terminated agency.
That Joint Committee on Enrolled Bills hereby certifies that the foregoimg 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 __________, 1999.

Governor