WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2001

ENROLLED

House Bill No. 3241
(By Delegates Douglas, Kuhn, Varner, Butcher, Manchin, Prunty and Leggett)

Passed April 14, 2001
In Effect July 1, 2001
AN ACT to amend and reenact sections four, four-a, five, five-a and five-b, article ten, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, 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, five-a and five-b, article ten, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 10. THE WEST VIRGINIA SUNSET LAW.

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

1 The following agencies terminate on the date indicated, but 2 no agency terminates under this section unless a full perfor- 3 mance evaluation has been conducted upon the agency:
(1) On the first day of July, two thousand two: Division of highways; division of labor; department of health and human resources; division of natural resources; and division of corrections.

(2) On the first day of July, two thousand three: Division of culture and history; division of motor vehicles; division of environmental protection; and school building authority.

(3) On the first day of July, two thousand four: Division of personnel; division of rehabilitation services; and workers’ compensation.

(4) On the first day of July, two thousand five: Parkways, economic development and tourism authority; department of tax and revenue; and 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 terminate on the date indicated, but no agency terminates 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 two: Purchasing division within the department of administration.

On the first day of July, two thousand three: Office of judges in workers’ compensation.

§4-10-5. Termination of agencies following preliminary performance reviews.
The following agencies terminate on the date indicated, but no agency terminates under this section unless a preliminary performance review has been conducted upon the 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: Terms of family law master and family law master system.

(5) On the first day of July, two thousand two: Whitewater commission within the division of natural resources; state geological and economic survey; unemployment compensation; public employees insurance agency; personal assistance service program; records management and preservation board; office of water resources of the division of environmental protection; facilities protection division; West Virginia contractor licensing board; women’s commission; ethics commission; veterans’ council; educational broadcasting authority; division of protective services; investment management board and state rail authority.

(6) 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; bureau of senior services; public employees insurance agency finance board; state police; oil and gas inspector’s examining board; advisory council on public health; office of explosives and blasting;
office of coalfield community development; workers' compensation appeal board; care home advisory board; holocaust education commission; governors' office of fiscal analysis and management; marketing and development division of the department of agriculture; manufactured housing construction and safety board; and environmental quality board.

(7) On the first day of July, two thousand four: Meat inspection program of the department of agriculture; state board of risk and insurance management; real estate commission; rural health advisory panel; state fire commission; motorcycle safety awareness board; motor vehicle dealers advisory board; interstate commission on uniform state laws; design-build board; center for professional development and interstate commission on the Potomac River basin.

(8) On the first day of July, two thousand five: Board of banking and financial institutions; lending and credit rate board; governor's cabinet on children and families; oil and gas conservation commission; health care authority; and emergency medical services advisory council.

(9) On the first day of July, two thousand six: Family protection services board; medical services fund advisory council; West Virginia stream partners program; Ohio River valley water sanitation commission; state lottery commission; and soil conservation committee.

(10) On the first day of July, two thousand seven: Human rights commission.

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

The following agencies terminate on the date indicated, but no agency terminates 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: State building
commission.

(2) On the first day of July, two thousand two: Capitol
building commission; racing commission; bureau for child
support enforcement; parks section and parks functions of the
division of natural resources; and public defender services.

(3) On the first day of July, two thousand three: Commis-
sion for the deaf and hard-of-hearing; and public service
commission.

(4) On the first day of July, two thousand four: Office of the
environmental advocate.

§4-10-Sb. Termination of boards created to regulate professions
and occupations.

(a) The legislative auditor shall evaluate each board created
under chapter thirty of this code to regulate professions and
occupations, at least once every twelve years. The evaluation
shall assess whether the board complies with the policies and
provisions of chapter thirty of this code and other applicable
laws and rules, whether the board follows a disciplinary
procedure which observes due process rights and protects the
public interest, and whether the public interest requires that the
board be continued.

(b) The following boards terminate on the date indicated,
but no board terminates under this section unless a regulatory
board evaluation has been conducted upon the board:

(1) On the first day of July, two thousand one: board of
licensed dietitians.
(2) On the first day of July, two thousand two: Board of examiners for speech language pathology and audiology; board of examiners for registered practical nurses; board of examiners for licensed practical nurses; and board of architects.

(3) On the first day of July, two thousand three: Board of pharmacy; board of dental examiners; board of osteopathy; and massage therapy licensure board.

(4) On the first day of July, two thousand four: Board of examiners of land surveyors; board of landscape architects; and board of registration for foresters.

(5) On the first day of July, two thousand five: Board of social work examiners; board of accountancy; board of veterinary medicine; acupuncture board; and board of medicine.

(6) On the first day of July, two thousand six: Board of examiners in counseling; and board of examiners of psychologists.

(7) On the first day of July, two thousand seven: Board of registration for sanitarians; board of embalmers and funeral directors; board of optometry; and board of respiratory care practitioners.

(8) On the first day of July, two thousand eight: Nursing home administrators board; board of hearing aid dealers; and board of barbers and cosmetologists.

(9) On the first day of July, two thousand nine: Board of physical therapy; board of chiropractic examiners; and board of occupational therapy.

(10) On the first day of July, two thousand ten: Professional firefighters board; board of registration for professional engineers; and radiologic technology board of examiners.
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.

In effect July 1, 2001.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within bill approved this the 30th day of April, 2001.

Governor