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2001 MAY ~~2~~ A 11: 15

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# **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

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OFFICE WEST VIRGINIA  
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**H. B. 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:

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4 (1) On the first day of July, two thousand two: Division of  
5 highways; division of labor; department of health and human  
6 resources; division of natural resources; and division of  
7 corrections.

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

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

14 (4) On the first day of July, two thousand five: Parkways,  
15 economic development and tourism authority; department of  
16 tax and revenue; and tourism functions within the development  
17 office.

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

1 The following agencies terminate on the date indicated, but  
2 no agency terminates under this section unless a compliance  
3 monitoring and further inquiry update has been completed on  
4 the agency subsequent to the prior completion of a full perfor-  
5 mance evaluation:

6 On the first day of July, two thousand two: Purchasing  
7 division within the department of administration.

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

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

1       The following agencies terminate on the date indicated, but  
2 no agency terminates under this section unless a preliminary  
3 performance review has been conducted upon the agency:

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

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

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

12       (4) On the first day of July, two thousand: Terms of family  
13 law master and family law master system.

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

25       (6) On the first day of July, two thousand three: Driver's  
26 licensing advisory board; West Virginia commission for  
27 national and community service; West Virginia's membership  
28 in the southern regional education board; bureau of senior  
29 services; public employees insurance agency finance board;  
30 state police; oil and gas inspector's examining board; advisory  
31 council on public health; office of explosives and blasting;

32 office of coalfield community development; workers' compen-  
33 sation appeal board; care home advisory board; holocaust  
34 education commission; governors' office of fiscal analysis and  
35 management; marketing and development division of the  
36 department of agriculture; manufactured housing construction  
37 and safety board; and environmental quality board.

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

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

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

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

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

1 The following agencies terminate on the date indicated, but  
2 no agency terminates under this section unless a compliance

3 monitoring and further inquiry update has been completed on  
4 the agency subsequent to the prior completion of a preliminary  
5 performance review:

6 (1) On the first day of July, two thousand: State building  
7 commission.

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

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

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

**§4-10-5b. Termination of boards created to regulate professions  
and occupations.**

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

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

13 (1) On the first day of July, two thousand one: board of  
14 licensed dietitians.

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

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

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

25       (5) On the first day of July, two thousand five: Board of  
26 social work examiners; board of accountancy; board of veteri-  
27 nary medicine; acupuncture board; and board of medicine.

28       (6) On the first day of July, two thousand six: Board of  
29 examiners in counseling; and board of examiners of psycholo-  
30 gists.

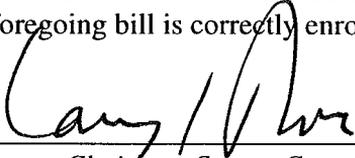
31       (7) On the first day of July, two thousand seven: Board of  
32 registration for sanitarians; board of embalmers and funeral  
33 directors; board of optometry; and board of respiratory care  
34 practitioners.

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

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

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

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

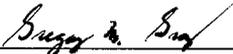
  
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Chairman Senate Committee

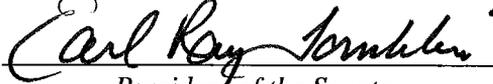
  
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Chairman House Committee

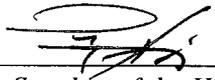
Originating in the House.

In effect July 1, 2001.

  
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Clerk of the Senate

  
\_\_\_\_\_  
Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within is approved this the 30<sup>th</sup>  
day of April, 2001.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/27/01

Time 4:40 pm