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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



ENROLLED

House Bill No. 4662

(By Delegates Douglas, Kuhn, Vamer, Butcher,
Prunty, Leggett and Border)



Passed March 9, 2002

In Effect Ninety Days from Passage

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H. B. 4662

(BY DELEGATES DOUGLAS, KUHN, VARNER, BUTCHER,
PRUNTY, LEGGETT AND BORDER)

[Passed March 9, 2002; in effect ninety days from passage.]

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 to read as follows:

ARTICLE 10. 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:

4 (1) On the first day of July, two thousand three: Division of
5 culture and history; division of motor vehicles; division of
6 environmental protection; division of natural resources;
7 department of health and human resources; purchasing division
8 within the department of administration; investment manage-
9 ment board; and school building authority.

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

13 (3) On the first day of July, two thousand five: Parkways,
14 economic development and tourism authority; department of
15 tax and revenue; division of highways; division of corrections;
16 West Virginia public land corporation; office of insurance
17 commissioner; James 'Tiger' Morton catastrophic illness
18 commission; and tourism functions within the development
19 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 (1) On the first day of July, two thousand three: Office of
7 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 three: Driver's
15 licensing advisory board; West Virginia commission for
16 national and community service; West Virginia's membership
17 in the southern regional education board; bureau of senior
18 services; public employees insurance agency finance board;
19 state police; oil and gas inspector's examining board; advisory
20 council on public health; office of explosives and blasting;
21 office of coalfield community development; workers' compen-
22 sation appeal board; holocaust education commission; gover-
23 nors' office of fiscal analysis and management; marketing and
24 development division of the department of agriculture; manu-
25 factured housing construction and safety board; records
26 management and preservation board; public energy authority
27 and public energy authority board; and environmental quality
28 board.

29 (6) On the first day of July, two thousand four: Meat
30 inspection program of the department of agriculture; state board
31 of risk and insurance management; real estate commission;

32 rural health advisory panel; state fire commission; motorcycle
33 safety awareness board; motor vehicle dealers advisory board;
34 interstate commission on uniform state laws; design-build
35 board; center for professional development board; parks section
36 and parks functions of the division of natural resources; office
37 of water resources of the division of environmental protection;
38 division of protective services; state rail authority; care home
39 advisory board; steel advisory commission and steel futures
40 program; children's health policy board; capitol building
41 commission; public defender services; and interstate commis-
42 sion on the Potomac River basin.

43 (7) On the first day of July, two thousand five: Board of
44 banking and financial institutions; lending and credit rate board;
45 governor's cabinet on children and families; oil and gas
46 conservation commission; health care authority; educational
47 broadcasting authority; clean coal technology council; racing
48 commission; and emergency medical services advisory council.

49 (8) On the first day of July, two thousand six: Family
50 protection services board; medical services fund advisory
51 council; West Virginia stream partners program; Ohio River
52 valley water sanitation commission; state lottery commission;
53 whitewater commission within the division of natural resources;
54 unemployment compensation; women's commission; and soil
55 conservation committee.

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

58 (10) On the first day of July, two thousand eight: Ethics
59 commission.

§4-10-5a. Termination of agencies previously subject to preliminary 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 three: Commis-
9 sion for the deaf and hard-of-hearing; state geological and
10 economic survey; public employees insurance agency; West
11 Virginia contractor licensing board; personal assistance service
12 program; and public service commission.

13 (3) On the first day of July, two thousand four: Office of the
14 environmental advocate; and veterans' council.

15 (4) On the first day of July, two thousand five: Bureau for
16 child support enforcement.

**§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 three: Board of
16 pharmacy; board of dental examiners; board of osteopathy;
17 board of examiners of psychologists; and massage therapy
18 licensure board.

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

22 (4) On the first day of July, two thousand five: Board of
23 social work examiners; board of accountancy; board of veteri-
24 nary medicine; acupuncture board; and board of medicine.

25 (5) On the first day of July, two thousand six: Board of
26 examiners in counseling.

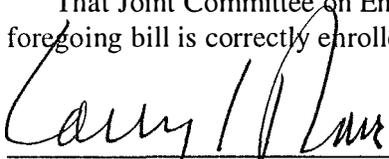
27 (6) On the first day of July, two thousand seven: Board of
28 registration for sanitarians; board of embalmers and funeral
29 directors; board of optometry; and board of respiratory care
30 practitioners.

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

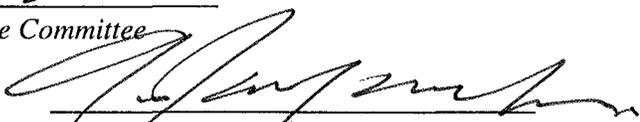
34 (8) On the first day of July, two thousand nine: Board of
35 physical therapy; board of chiropractic examiners; and board of
36 occupational therapy.

37 (9) On the first day of July, two thousand ten: Board of
38 registration for professional engineers; board of examiners for
39 registered professional nurses; board of examiners for licensed
40 practical nurses; board of examiners for speech language
41 pathology and audiology; and radiologic technology board of
42 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.

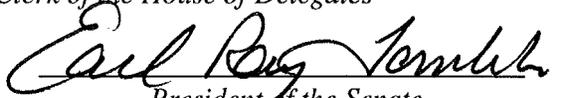
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Clerk of the Senate



Clerk of the House of Delegates

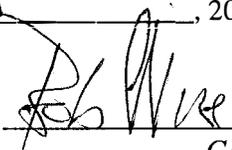


President of the Senate



Speaker of the House of Delegates

The within is approved this the 3rd
day of April, 2002.



Governor

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