WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2002

ENNOLLED

House Bill No. 4662
(By Delegates Douglas, Kuhn, Varner, Butcher, Prunty, Leggett and Border)

Passed March 9, 2002
In Effect Ninety Days from Passage
ENROLLED

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 no agency terminates under this section unless a full performance evaluation has been conducted upon the agency:
(1) On the first day of July, two thousand three: Division of culture and history; division of motor vehicles; division of environmental protection; division of natural resources; department of health and human resources; purchasing division within the department of administration; investment management board; and school building authority.

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

(3) On the first day of July, two thousand five: Parkways, economic development and tourism authority; department of tax and revenue; division of highways; division of corrections; West Virginia public land corporation; office of insurance commissioner; James ‘Tiger’ Morton catastrophic illness commission; 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:

(1) 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 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; 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; records management and preservation board; public energy authority and public energy authority board; and environmental quality board.

6. 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;
(7) 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; educational broadcasting authority; clean coal technology council; racing commission; and emergency medical services advisory council.

(8) 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; whitewater commission within the division of natural resources; unemployment compensation; women’s commission; and soil conservation committee.

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

(10) On the first day of July, two thousand eight: Ethics 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 three: Commission for the deaf and hard-of-hearing; state geological and economic survey; public employees insurance agency; West Virginia contractor licensing board; personal assistance service program; and public service commission.

3. On the first day of July, two thousand four: Office of the environmental advocate; and veterans’ council.

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

§4-10-5b. 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 three: Board of pharmacy; board of dental examiners; board of osteopathy; board of examiners of psychologists; and massage therapy licensure board.

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

(4) 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.

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

(6) 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.

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

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

(9) On the first day of July, two thousand ten: Board of registration for professional engineers; board of examiners for registered professional nurses; board of examiners for licensed practical nurses; board of examiners for speech language pathology and audiology; 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 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 is approved this the 3rd
day of April, 2002.

Governor