WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2003

---

ENROLLED

House Bill No. 3195

(By Delegates Beane, Kuhn, Butcher, Martin, Perdue, Leggett and Azinger)

---

Passed March 8, 2003

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, 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 four: Division of personnel; division of rehabilitation services; division of labor; division of motor vehicles; department of environmental protection; department of health and human resources; division of natural resources; purchasing division within the department of administration; school building authority; state police; consolidated public retirement board; and workers’ compensation.

(2) 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; investment management board; and tourism functions within the development office.

(3) On the first day of July, two thousand seven: Office of health facilities licensure and certification within the department of health and human resources.

(4) On the first day of July, two thousand nine: Office of judges in workers’ compensation.

§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 five: Division of culture and history.
§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: advisory council on public health; governors’ office of fiscal risk analysis and management.

(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; 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 board; parks section and parks function of the division of natural resources; office of water resources of the department of environmental protection; division of protective services; state rail authority; care home advisory board; steel advisory commission and steel futures program; children’s health insurance board; capitol building
...
national and community service; membership in the southern regional education board; bureau of senior services; oil and gas inspector’s examining board; and commission on holocaust education.

§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 four: Office of the environmental advocate; and veterans’ council.
3. 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 four: Board of examiners of land surveyors; board of landscape architects; board of architects; real estate appraiser licensing and certification board; and board of registration for foresters.

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

(3) On the first day of July, two thousand six: Board of examiners in counseling; board of osteopathy; and board of licensed dietitians.

(4) 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.

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

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

(7) 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.
(8) On the first day of July, two thousand twelve: board of examiners of psychologists.

(9) On the first day of July, two thousand fifteen: massage therapy licensure board.
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 27th day of March, 2003.

Governor
PRESENTED TO THE
GOVERNOR

Date  3/26/63
Time  4:05 pm