ENROLLED

SENATE BILL NO. 717

Originating in the Committee on
(Government Organization)

PASSED March 13, 2004

90 days In Effect From Passage
AN ACT to amend and reenact §4-10-4, §4-10-4a, §4-10-5, §4-10-5a and §4-10-5b of the code of West Virginia, 1931, as amended, all relating to the West Virginia sunset law; terminating agencies following full performance evaluations; terminating agencies previously subject to full performance evaluations following compliance monitoring and further inquiry updates; terminating agencies following preliminary performance reviews; terminating agencies previously subject to preliminary performance reviews following compliance monitoring and further inquiry updates; and terminating boards created to regulate professions and occupations.

Be it enacted by the Legislature of West Virginia:

That §4-10-4, §4-10-4a, §4-10-5, §4-10-5a and §4-10-5b of the code of West Virginia, 1931, as amended, be amended and reenacted 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 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 five: Department of tax and revenue; West Virginia public land corporation; office of insurance commissioner; James "Tiger" Morton catastrophic illness commission; department of health and human resources; department of environmental protection; state police; school building authority; consolidated public retirement board; workers' compensation; and tourism functions within the development office.

(2) On the first day of July, two thousand six: Division of motor vehicles.

(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; development office; parkways, economic development and tourism authority; division of highways; and division of personnel.

(4) On the first day of July, two thousand eight: Purchasing division within the department of administration; division of rehabilitation services; division of corrections; division of labor; investment management board; and division of natural resources.

(5) 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: Workers' compensation appeal board; and public energy authority and public energy authority board.

7. On the first day of July, two thousand five: Health care authority; clean coal technology council; manufactured housing construction and safety board; commission for the deaf and hard-of-hearing; oral health program; rural health advisory panel; state board of risk and insurance management; steel advisory commission and steel futures program; public employees insurance agency finance board; public defender services; 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; personal assistance services program; contrac-
tor licensing board; state rail authority; office of explosives
and blasting; waste tire fund; real estate commission; care
home advisory board; capitol building commission; records
management and preservation board; public employees
insurance agency; and soil conservation committee.

(9) On the first day of July, two thousand seven: Human
rights commission; office of coalfield community develop-
ment; state fire commission; children’s health insurance
board; board of banking and financial institutions; lending
and credit rate board; governor’s cabinet on children and
families; and state geological and economic survey.

(10) On the first day of July, two thousand eight: Ethics
commission; public service commission; parks section and
parks function of the division of natural resources; office
of water resources of the department of environmental
protection; and marketing and development division of
department of agriculture.

(11) On the first day of July, two thousand nine: Driver's
licensing advisory board; West Virginia commission for
national and community service; membership in the
southern regional education board; bureau of senior
services; oil and gas inspector's examining board; division
of protective services; motorcycle safety awareness board;
and commission on holocaust education.

(12) On the first day of July, two thousand ten: Meat
inspection program of the department of agriculture;
motor vehicle dealers advisory board; interstate commis-
sion on uniform state laws; design-build board; center for
professional development board; state rail authority; and
interstate commission on the Potomac River basin.
§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 five: Bureau for child support enforcement.

(3) On the first day of July, two thousand seven: Office of the environmental advocate; racing commission; and educational broadcasting authority.

(4) On the first day of July, two thousand eight: Environmental quality board.

(5) On the first day of July, two thousand ten: Veterans' council; and oil and gas conservation commission.

§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
(1) On the first day of July, two thousand five: Board of accountancy; board of veterinary medicine; acupuncture board; and real estate appraiser licensing and certification board.

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

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

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

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

(6) 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; board of registration for foresters; and radiologic technology board of examiners.

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

(8) On the first day of July, two thousand fourteen: Board of architects.
45 (9) On the first day of July, two thousand fifteen: Mas-
46 sage therapy licensure board.
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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Greg Butcher

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 5th Day of April, 2004.

Governor