WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2005

ENROLLED

House Bill No. 3361
(By Delegates Beane, Ennis, Butcher, Hatfield, Hunt,
Iaquinta, Martin, Perdue, Frich and Walters)

Passed April 9, 2005

In Effect July 1, 2005.
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, all to read as follows:

ARTICLE 10. THE WEST VIRGINIA SUNSET LAW.
§4-10-4. Termination of agencies following full performance evaluations.

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 six: Division of Motor Vehicles; Department of Revenue; Department of Health and Human Resources; Department of Environmental Protection; State Police; Consolidated Public Retirement Board; and Workers' Compensation.

2. 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; Division of Personnel; Office of the Insurance Commissioner; and Division of Culture and History.

3. 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.

4. On the first day of July, two thousand nine: Office of Judges in Workers' Compensation; and Public Land Corporation.

§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 perfor-
mance evaluation:

(1) On the first day of July, two thousand six: Tourism
Commission within the Development Office.

(2) On the first day of July, two thousand seven: School
Building Authority.

(3) On the first day of July, two thousand eight: James
“Tiger” Morton Catastrophic Illness Commission.

§4-10-5. Termination of agencies following preliminary perfor-
mance 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; Governor’s Office of Fiscal Risk
Analysis and Management.
(6) On the first day of July, two thousand four: Workers’ Compensation Appeal Board.

(7) On the first day of July, two thousand five: Clean Coal Technology Council; and Steel Advisory Commission and Steel Futures Program.

(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; Contractor Licensing Board; State Rail Authority; Office of Explosives and Blasting; Waste Tire Fund; Care Home Advisory Board; Capitol Building Commission; Records Management and Preservation Board; Public Employees Insurance Agency; Soil Conservation Committee; and Rural Health Advisory Panel.

(9) On the first day of July, two thousand seven: Human Rights Commission; Office of Coalfield Community Development; 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; State Geological and Economic Survey; and Public Energy Authority and Board.

(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; Marketing and Development Division of Department of Agriculture; Public Defender Services; Health Care Authority; Public Employees Insurance Agency Finance Board; West Virginia Prosecuting Attorneys Institute; and Design-Build Board.
(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; Commission on Holocaust Education; and Commission for the Deaf and Hard of Hearing.

(12) On the first day of July, two thousand ten: Meat Inspection Program of the Department of Agriculture; Motor Vehicle Dealers Advisory Board; Interstate Commission on Uniform State Laws; Center for Professional Development Board; Interstate Commission on the Potomac River Basin; and Bureau for Child Support Enforcement.

(13) On the first day of July, two thousand eleven: Manufactured Housing Construction and Safety Standards Board.

§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 six: State Board of Risk and Insurance Management.

(3) On the first day of July, two thousand seven: Office of the Environmental Advocate; Racing Commission; Educational Broadcasting Authority; and Oral Health Program.
§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 six: Board of Examiners in Counseling; Board of Osteopathy; Board of Examiners of Land Surveyors; Board of Dental Examiners; Board of Licensed Dietitians; Board of Examiners of Psychologists; and Real Estate Commission.

(2) 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; Board of Respiratory Care Practitioners; Board of Veterinary Medicine; and Board of Accountancy.
(3) On the first day of July, two thousand eight: Nursing Home Administrators Board; Board of Hearing Aid Dealers; Board of Pharmacy; Board of Medicine; Board of Barbers and Cosmetologists; and Board of Acupuncture.

(4) 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.

(5) 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.

(6) On the first day of July, two thousand thirteen: Real Estate Appraiser Licensure and Certification Board.

(7) On the first day of July, two thousand fourteen: Board of Architects.

(8) 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 July 1, 2005.

The within bill approved this the ______ day of ______, 2005.

Governor