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HB 4849

FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



# ENROLLED

## House Bill No. 4849

(By Delegates Beane, Ennis, Barker, Iaquina,  
Martin, Yost, Walters, Frich and Porter)



Passed March 11, 2006

In Effect Ninety Days from Passage

FILED

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**E N R O L L E D**

**H. B. 4849**

(BY DELEGATES BEANE, ENNIS, BARKER, IAQUINTA,  
MARTIN, YOST, WALTERS, FRICH AND PORTER)

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[Passed March 11, 2006; in effect ninety days from passage.]

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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.**

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 seven: Office of  
5 Health Facilities Licensure and Certification within the Depart-  
6 ment of Health and Human Resources; Development Office;  
7 Parkways, Economic Development and Tourism Authority;  
8 Division of Highways; Division of Personnel; Office of the  
9 Insurance Commissioner; Division of Culture and History;  
10 Department of Revenue; Department of Health and Human  
11 Resources; Department of Environmental Protection; and State  
12 Police.

13       (2) On the first day of July, two thousand eight: Purchasing  
14 Division within the Department of Administration; Division of  
15 Rehabilitation Services; Division of Corrections; Division of  
16 Labor; Investment Management Board; Division of Natural  
17 Resources; and Consolidated Public Retirement Board.

18       (3) On the first day of July, two thousand nine: Office of  
19 Judges in Workers' Compensation; and Public Land Corpora-  
20 tion.

21       (4) On the first day of July, two thousand twelve: Division  
22 of Motor Vehicles.

**§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 seven: School  
7 Building Authority; and Tourism Commission within the  
8 Development Office.

9 (2) On the first day of July, two thousand eight: James  
10 "Tiger" Morton Catastrophic Illness Commission.

**§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: Advisory  
15 Council on Public Health; Governor's Office of Fiscal Risk  
16 Analysis and Management.

17 (6) On the first day of July, two thousand four: Workers'  
18 Compensation Appeal Board.

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

22       (8) On the first day of July, two thousand six: Medical  
23   Services Fund Advisory Council; Care Home Advisory Board;

24       (9) On the first day of July, two thousand seven: Human  
25   Rights Commission; Office of Coalfield Community Develop-  
26   ment; State Fire Commission; Children's Health Insurance  
27   Board; Board of Banking and Financial Institutions; Lending  
28   and Credit Rate Board; Governor's Cabinet on Children and  
29   Families; State Geological and Economic Survey; Public  
30   Energy Authority and Board; Ron Yost Personal Assistance  
31   Services Program; Records Management and Preservation  
32   Board; Public Employees Insurance Agency; Office of Explo-  
33   sives and Blasting; Waste Tire Fund; West Virginia Stream  
34   Partners Program; Ohio River Valley Water Sanitation Com-  
35   mission; State Lottery Commission; Whitewater Commission  
36   within the Division of Natural Resources; and Contractor  
37   Licensing Board.

38       (10) On the first day of July, two thousand eight: Ethics  
39   Commission; Public Service Commission; Parks section and  
40   parks function of the Division of Natural Resources; Office of  
41   Water Resources of the Department of Environmental Protec-  
42   tion; Marketing and Development Division of Department of  
43   Agriculture; Public Defender Services; Health Care Authority;  
44   Public Employees Insurance Agency Finance Board; West  
45   Virginia Prosecuting Attorneys Institute; and Design-Build  
46   Board.

47       (11) On the first day of July, two thousand nine: Driver's  
48   Licensing Advisory Board; West Virginia Commission for  
49   National and Community Service; Membership in the Southern  
50   Regional Education Board; Bureau of Senior Services; Oil and

51 Gas Inspector's Examining Board; Division of Protective  
52 Services; Motorcycle Safety Awareness Board; Commission on  
53 Holocaust Education; Commission for the Deaf and Hard of  
54 Hearing; and Rural Health Advisory Panel.

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

61 (13) On the first day of July, two thousand eleven: Manu-  
62 factured Housing Construction and Safety Standards Board;  
63 State Board of Risk and Insurance Management; and State Rail  
64 Authority.

65 (14) On the first day of July, two thousand twelve: Family  
66 Protection Services Board; State Conservation Committee; and  
67 Women's Commission.

**§4-10-5a. Termination of agencies previously subject to prelimi-  
nary 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 seven: Office of  
9 the Environmental Advocate; Racing Commission; Educational  
10 Broadcasting Authority; and Oral Health Program.

11       (3) On the first day of July, two thousand eight: Environ-  
12 mental Quality Board; and Emergency Medical Services  
13 Advisory Council.

14       (4) On the first day of July, two thousand nine: Capitol  
15 Building Commission.

16       (5) On the first day of July, two thousand ten: Veterans'  
17 council; Oil and Gas Conservation Commission; and Unem-  
18 ployment Compensation.

**§4-10-5b. Termination of boards created to regulate professions  
and occupations.**

1       (a) The Legislative Auditor shall evaluate each board  
2 created under chapter thirty of this code to regulate professions  
3 and occupations, at least once every twelve years. The evalua-  
4 tion shall assess whether the board complies with the policies  
5 and provisions of chapter thirty of this code and other applica-  
6 ble 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 seven: Board of  
14 Registration for Sanitarians; Board of Embalmers and Funeral  
15 Directors; Board of Optometry; Board of Social Work Examin-  
16 ers; Board of Respiratory Care Practitioners; Board of Veteri-  
17 nary Medicine; and Board of Accountancy; and Board of  
18 Examiners of Psychologists.

19       (2) On the first day of July, two thousand eight: Nursing  
20 Home Administrators Board; Board of Hearing Aid Dealers;

21 Board of Pharmacy; Board of Medicine; Board of Barbers and  
22 Cosmetologists; and Board of Acupuncture; Board of Licensed  
23 Dietitians; Board of Examiners in Counseling; and Board of  
24 Dental Examiners.

25 (3) On the first day of July, two thousand nine: Board of  
26 Physical Therapy; Board of Chiropractic Examiners; Board of  
27 Landscape Architects; Board of Occupational Therapy; and  
28 Real Estate Commission; and Board of Osteopathy.

29 (4) On the first day of July, two thousand ten: Board of  
30 Registration for Professional Engineers; Board of Examiners  
31 for Registered Professional Nurses; Board of Examiners for  
32 Licensed Practical Nurses; Board of Examiners for Speech  
33 Language Pathology and Audiology; Board of Registration for  
34 Foresters; and Radiologic Technology Board of Examiners.

35 (5) On the first day of July, two thousand eleven: West  
36 Virginia Board of Professional Surveyors.

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

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

41 (8) On the first day of July, two thousand fifteen: Massage  
42 Therapy Licensure Board.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

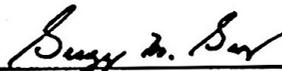
  
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Chairman Senate Committee

  
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Chairman House Committee

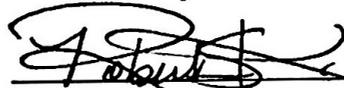
Originating in the House.

In effect ninety days from passage.

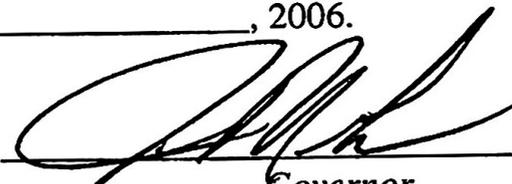
  
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Clerk of the Senate

  
\_\_\_\_\_  
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, 2006.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 3 0 2006

Time 2:55p