House Bill No. 4849

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

Passed March 11, 2006

In Effect Ninety Days 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, 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 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; Division of Culture and History; Department of Revenue; Department of Health and Human Resources; Department of Environmental Protection; and State Police.

(2) 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; Division of Natural Resources; and Consolidated Public Retirement Board.

(3) On the first day of July, two thousand nine: Office of Judges in Workers’ Compensation; and Public Land Corporation.

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

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

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

§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; 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: Medical Services Fund Advisory Council; Care Home Advisory Board;

(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; Public Energy Authority and Board; Ron Yost Personal Assistance Services Program; Records Management and Preservation Board; Public Employees Insurance Agency; Office of Explosives and Blasting; Waste Tire Fund; West Virginia Stream Partners Program; Ohio River Valley Water Sanitation Commission; State Lottery Commission; Whitewater Commission within the Division of Natural Resources; and Contractor Licensing 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
§4-10-Sa. 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 seven: Office of the Environmental Advocate; Racing Commission; Educational Broadcasting Authority; and Oral Health Program.
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(3) On the first day of July, two thousand eight: Environmental Quality Board; and Emergency Medical Services Advisory Council.

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

(5) On the first day of July, two thousand ten: Veterans’ council; Oil and Gas Conservation Commission; and Unemployment Compensation.

§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 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; and Board of Examiners of Psychologists.

(2) 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; Board of Licensed Dietitians; Board of Examiners in Counseling; and Board of Dental Examiners.

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

(4) 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.

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

(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 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, 2006.

Governor