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HB 4850

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



ENROLLED

House Bill No. 4850

(By Delegates Beane, Ennis and Frich)



Passed March 11, 2006

In Effect from Passage

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SECRETARY OF STATE

E N R O L L E D

H. B. 4850

(BY DELEGATES BEANE, ENNIS AND FRICH)

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

AN ACT to amend and reenact §30-1A-2 and §30-1A-3 of the code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-1A-2a, all relating to expediting the sunrise application process.

Be it enacted by the Legislature of West Virginia:

That §30-1A-2 and §30-1A-3 of the code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §30-1A-2a, all to read as follows:

CHAPTER 30. PROFESSIONS & OCCUPATIONS

ARTICLE 1A. PROCEDURE FOR REGULATION OF OCCUPATIONS AND PROFESSIONS.

§30-1A-2. Required application for regulation of professional or occupational group.

- 1 (a) Any professional or occupational group or organization,
- 2 any individual or any other interested party which proposes the

3 regulation of any unregulated professional or occupational
4 group shall submit an application for regulation to the Joint
5 Standing Committee on Government Organization, as set out in
6 section two-a of this article. The Joint Standing Committee on
7 Government Organization may only accept an application for
8 regulation of a professional or occupational group when the
9 party submitting an application files with the committee a
10 statement of support for the proposed regulation which has been
11 signed by at least ten residents or citizens of the state of West
12 Virginia who are members of the professional or occupational
13 group for which regulation is being sought.

14 (b) The completed application shall contain:

15 (1) A description of the occupational or professional group
16 proposed for regulation, including a list of associations,
17 organizations and other groups currently representing the
18 practitioners in this state, and an estimate of the number of
19 practitioners in each group;

20 (2) A definition of the problem and the reasons why
21 regulation is deemed necessary;

22 (3) The reasons why certification, registration, licensure or
23 other type of regulation is being requested and why that
24 regulatory alternative was chosen;

25 (4) A detailed statement of the fee structure conforming
26 with the statutory requirements of financial autonomy as set out
27 in subsection (c), section six, article one, chapter thirty of this
28 code;

29 (5) A detailed statement of the location and manner in
30 which the group plans to maintain records which are accessible
31 to the public as set out in section twelve, article one, chapter
32 thirty of this code;

33 (6) The benefit to the public that would result from the
34 proposed regulation; and

35 (7) The cost of the proposed regulation.

§30-1A-2a. Date applications are due and reporting date.

1 (a) For an application for regulation received after the first
2 day of December and on or before the first day of June, the
3 Performance Evaluation and Research Division of the Office of
4 the Legislative Auditor shall present a report to the Joint
5 Committee on Government Organization by the thirty-first day
6 of December of that year.

7 (b) For an application for regulation received after the first
8 day of June and on or before the first day of December, the
9 Performance Evaluation and Research Division of the Office of
10 the Legislative Auditor shall present a report to the Joint
11 Committee on Government Organization by the thirtieth day of
12 June of the next year.

§30-1A-3. Analysis and evaluation of application.

1 (a) The Joint Committee on Government Organization shall
2 refer the completed application of the professional or occupa-
3 tional group to the Performance Evaluation and Research
4 Division of the Office of the Legislative Auditor.

5 (b) The Performance Evaluation and Research Division of
6 the Office of the Legislative Auditor shall conduct an analysis
7 and evaluation of the application. The analysis and evaluation
8 shall be based upon the criteria listed in subsection (c) of this
9 section. The Performance Evaluation and Research Division of
10 the Office of the Legislative Auditor shall submit a report, and
11 such supporting materials as may be required, to the Joint
12 Standing Committee on Government Organization, as set out in
13 section two-a of this article.

14 (c) The report shall include evaluation and analysis as to:

15 (1) Whether the unregulated practice of the occupation or
16 profession clearly harms or endangers the health, safety or
17 welfare of the public, and whether the potential for the harm is
18 easily recognizable and not remote or dependent upon tenuous
19 argument;

20 (2) Whether the public needs, and can reasonably be
21 expected to benefit from, an assurance of initial and continuing
22 professional or occupational competence; and

23 (3) Whether the public can be adequately protected by other
24 means in a more cost-effective manner.

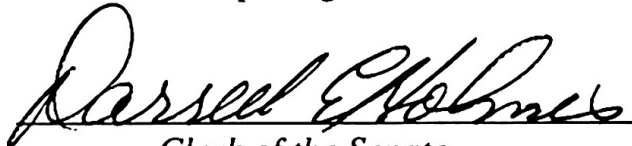
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

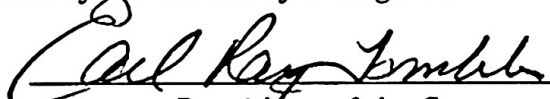

Chairman House Committee

Originating in the House.

In effect 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

PRESENTED TO THE
GOVERNOR

MAR 27 2006

Time 4:15pm