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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE  
*Regular Session, 2004*

**ENROLLED**

SENATE BILL NO. 717

*(Originating in the Committee on  
(By Senator Government Organization)*

PASSED March 13, 2004

<sup>90 days</sup>  
In Effect From            Passage

SB717

FILED

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SECRETARY OF STATE

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Senate Bill No. 717

[Passed March 13, 2004; in effect <sup>ninety days from</sup> ~~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,
- 2 but no agency terminates under this section unless a full
- 3 performance evaluation has been conducted upon the
- 4 agency:

5 (1) On the first day of July, two thousand five: Depart-  
6 ment of tax and revenue; West Virginia public land  
7 corporation; office of insurance commissioner; James  
8 "Tiger" Morton catastrophic illness commission; depart-  
9 ment of health and human resources; department of  
10 environmental protection; state police; school building  
11 authority; consolidated public retirement board; workers'  
12 compensation; and tourism functions within the develop-  
13 ment office.

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

16 (3) On the first day of July, two thousand seven: Office of  
17 health facilities licensure and certification within the  
18 department of health and human resources; development  
19 office; parkways, economic development and tourism  
20 authority; division of highways; and division of personnel.

21 (4) On the first day of July, two thousand eight: purchas-  
22 ing division within the department of administration;  
23 division of rehabilitation services; division of corrections;  
24 division of labor; investment management board; and  
25 division of natural resources.

26 (5) On the first day of July, two thousand nine: Office of  
27 judges in workers' compensation.

**§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,  
2 but no agency terminates under this section unless a  
3 compliance monitoring and further inquiry update has  
4 been completed on the agency subsequent to the prior  
5 completion of a full performance evaluation:

6 On the first day of July, two thousand five: Division of  
7 culture and history.

**§4-10-5. Termination of agencies following preliminary performance reviews.**

1 The following agencies terminate on the date indicated,  
2 but no agency terminates under this section unless a  
3 preliminary performance review has been conducted upon  
4 the agency:

5 (1) On the first day of July, one thousand nine hundred  
6 ninety-six: Juvenile facilities review panel.

7 (2) On the first day of July, one thousand nine hundred  
8 ninety-seven: Public employees insurance agency advisory  
9 board; cable television advisory board.

10 (3) On the first day of July, one thousand nine hundred  
11 ninety-nine: Tree fruit industry self-improvement assess-  
12 ment program.

13 (4) On the first day of July, two thousand: Terms of  
14 family law master and family law master system.

15 (5) On the first day of July, two thousand three: Advisory  
16 council on public health; governors' office of fiscal risk  
17 analysis and management.

18 (6) On the first day of July, two thousand four: Workers'  
19 compensation appeal board; and public energy authority  
20 and public energy authority board.

21 (7) On the first day of July, two thousand five: Health  
22 care authority; clean coal technology council; manufac-  
23 tured housing construction and safety board; commission  
24 for the deaf and hard-of-hearing; oral health program;  
25 rural health advisory panel; state board of risk and insur-  
26 ance management; steel advisory commission and steel  
27 futures program; public employees insurance agency  
28 finance board; public defender services; and emergency  
29 medical services advisory council.

30 (8) On the first day of July, two thousand six: Family  
31 protection services board; medical services fund advisory

32 council; West Virginia stream partners program; Ohio  
33 River valley water sanitation commission; state lottery  
34 commission; whitewater commission within the division of  
35 natural resources; unemployment compensation; women's  
36 commission; personal assistance services program; contrac-  
37 tor licensing board; state rail authority; office of explosives  
38 and blasting; waste tire fund; real estate commission; care  
39 home advisory board; capitol building commission; records  
40 management and preservation board; public employees  
41 insurance agency; and soil conservation committee.

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

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

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

61 (12) On the first day of July, two thousand ten: Meat  
62 inspection program of the department of agriculture;  
63 motor vehicle dealers advisory board; interstate commis-  
64 sion on uniform state laws; design-build board; center for  
65 professional development board; state rail authority; and  
66 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.**

1 The following agencies terminate on the date indicated,  
2 but no agency terminates under this section unless a  
3 compliance monitoring and further inquiry update has  
4 been completed on the agency subsequent to the prior  
5 completion of a preliminary 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 five: Bureau for  
9 child support enforcement.

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

13 (4) On the first day of July, two thousand eight: Environ-  
14 mental quality board.

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

**§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  
3 professions and occupations, at least once every twelve  
4 years. The evaluation shall assess whether the board  
5 complies with the policies and provisions of chapter thirty  
6 of this code and other applicable laws and rules, whether  
7 the board follows a disciplinary procedure which observes  
8 due process rights and protects the public interest and  
9 whether the public interest requires that the board be  
10 continued.

11 (b) The following boards terminate on the date indicated,  
12 but no board terminates under this section unless a

13 regulatory board evaluation has been conducted upon the  
14 board:

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

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

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

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

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

34 (6) On the first day of July, two thousand ten: Board of  
35 registration for professional engineers; board of examiners  
36 for registered professional nurses; board of examiners for  
37 licensed practical nurses; board of examiners for speech  
38 language pathology and audiology; board of registration  
39 for foresters; and radiologic technology board of examiners.  
40

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

43 (8) On the first day of July, two thousand fourteen: Board  
44 of architects.

45 (9) On the first day of July, two thousand fifteen: Mas-  
46 sage therapy licensure board.

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

*[Signature]*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from <sup>ninety days</sup> *ok DEW* passage.

*[Signature]*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Clerk of the House of Delegates

*[Signature]*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *is approved* this the *5<sup>th</sup>*  
Day of *April*, 2004.

*[Signature]*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

DATE 3/22/04

TIME 4:10 pm