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2005 APR 29 A 11: 31

CITY OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2005



ENROLLED

House Bill No. 3361

(By Delegates Beane, Ennis, Butcher, Hatfield, Hunt,
laquinta, Martin, Perdue, Frich and Walters)



Passed April 9, 2005

In Effect July 1, 2005.

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

H. B. 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.

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 six: Division of
5 Motor Vehicles; Department of Revenue; Department of Health
6 and Human Resources; Department of Environmental Protec-
7 tion; State Police; Consolidated Public Retirement Board; and
8 Workers ' Compensation.

9 (2) On the first day of July, two thousand seven: Office of
10 Health Facilities Licensure and Certification within the Depart-
11 ment of Health and Human Resources; Development Office;
12 Parkways, Economic Development and Tourism Authority;
13 Division of Highways; Division of Personnel; Office of the
14 Insurance Commissioner; and Division of Culture and History.

15 (3) On the first day of July, two thousand eight: Purchasing
16 Division within the Department of Administration; Division of
17 Rehabilitation Services; Division of Corrections; Division of
18 Labor; Investment Management Board; and Division of Natural
19 Resources.

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

§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 six: Tourism
7 Commission within the Development Office.

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

10 (3) On the first day of July, two thousand eight: James
11 "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: Family
23 Protection Services Board; Medical Services Fund Advisory
24 Council; West Virginia Stream Partners Program; Ohio River
25 Valley Water Sanitation Commission; State Lottery Commis-
26 sion; Whitewater Commission within the Division of Natural
27 Resources; Unemployment Compensation; Women 's Commis-
28 sion; Personal Assistance Services Program; Contractor
29 Licensing Board; State Rail Authority; Office of Explosives and
30 Blasting; Waste Tire Fund; Care Home Advisory Board;
31 Capitol Building Commission; Records Management and
32 Preservation Board; Public Employees Insurance Agency; Soil
33 Conservation Committee; and Rural Health Advisory Panel.

34 (9) On the first day of July, two thousand seven: Human
35 Rights Commission; Office of Coalfield Community Develop-
36 ment; State Fire Commission; Children 's Health Insurance
37 Board; Board of Banking and Financial Institutions; Lending
38 and Credit Rate Board; Governor 's Cabinet on Children and
39 Families; State Geological and Economic Survey; and Public
40 Energy Authority and Board.

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

50 (11) On the first day of July, two thousand nine: Driver's
51 Licensing Advisory Board; West Virginia Commission for
52 National and Community Service; Membership in the Southern
53 Regional Education Board; Bureau of Senior Services; Oil and
54 Gas Inspector's Examining Board; Division of Protective
55 Services; Motorcycle Safety Awareness Board; Commission on
56 Holocaust Education; and Commission for the Deaf and Hard
57 of Hearing.

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

64 (13) On the first day of July, two thousand eleven: Manu-
65 factured 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.

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 six: State Board
9 of Risk and Insurance Management.

10 (3) On the first day of July, two thousand seven: Office of
11 the Environmental Advocate; Racing Commission; Educational
12 Broadcasting Authority; and Oral Health Program.

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

16 (5) On the first day of July, two thousand ten: Veterans'
17 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 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 six: Board of
14 Examiners in Counseling; Board of Osteopathy; Board of
15 Examiners of Land Surveyors; Board of Dental Examiners;
16 Board of Licensed Dietitians; Board of Examiners of Psycholo-
17 gists; and Real Estate Commission.

18 (2) On the first day of July, two thousand seven: Board of
19 Registration for Sanitarians; Board of Embalmers and Funeral
20 Directors; Board of Optometry; Board of Social Work Examin-
21 ers; Board of Respiratory Care Practitioners; Board of Veteri-
22 nary Medicine; and Board of Accountancy.

23 (3) On the first day of July, two thousand eight: Nursing
24 Home Administrators Board; Board of Hearing Aid Dealers;
25 Board of Pharmacy; Board of Medicine; Board of Barbers and
26 Cosmetologists; and Board of Acupuncture.

27 (4) On the first day of July, two thousand nine: Board of
28 Physical Therapy; Board of Chiropractic Examiners; Board of
29 Landscape Architects; and Board of Occupational Therapy.

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

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

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

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

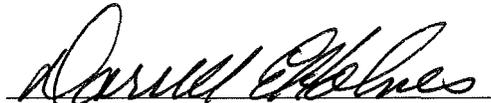
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

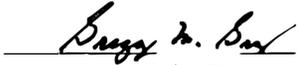

Chairman Senate Committee

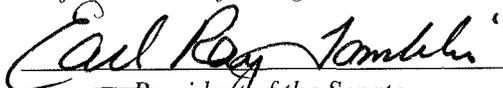

Chairman House Committee

Originating in the House.

In effect July 1, 2005.


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 29th
day of April, 2005.


Governor

PRESENTED TO THE
GOVERNOR

APR 26 2005

Time 4:35 pm