

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

**Introduced**

### **House Bill 4360**

BY DELEGATES HILL, HOWELL, HAMRICK, HIGGINBOTHAM,

HANSHAW, HAMILTON, HOLLEN, HOUSEHOLDER,

HARSHBARGER AND HICKS

[Introduced January 30, 2018; Referred  
to the Committee on Government Organization then  
Finance.]

1 A BILL to amend and reenact §30-1-12 of the Code of West Virginia, 1931, as amended, relating  
 2 to boards of examination; and requiring each board to maintain a free public access online  
 3 site to view its books and registers.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF  
 EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.**

**§30-1-12. Record of proceedings; register of applicants; certified copies of records prima  
 facie evidence; report to Governor and Legislature; public access.**

1 (a) The secretary of every board shall keep a record of its proceedings and a register of  
 2 all applicants for license or registration, showing for each the date of his or her application, his or  
 3 her name, age, educational and other qualifications, place of residence, whether an examination  
 4 was required, whether the applicant was rejected or a certificate of license or registration granted,  
 5 the date of this action, the license or registration number, all renewals of the license or registration,  
 6 if required, and any suspension or revocation thereof. The books and register of the board shall  
 7 be open to public inspection at all reasonable times, and the books and register, or a copy of any  
 8 part thereof, certified by the secretary and attested by the seal of the board, shall be prima facie  
 9 evidence of all matters recorded therein.

10 (b) On or before January 1, of each year in which the Legislature meets in regular session,  
 11 the board shall submit to the Governor and to the Legislature a report of its activities for the  
 12 preceding two years, containing the following information for that period:

- 13 (1) The total receipts and disbursements for each year;
- 14 (2) A list of amounts received in each year for the following categories of receipts:
  - 15 (A) License applications, registrations and renewals;
  - 16 (B) Examination fees, if applicable;
  - 17 (C) Other fees, including late fees, copying charges and fees for printed certificates;

- 18 (D) Fines or penalties;
- 19 (E) Expense reimbursements from disciplinary actions; and
- 20 (F) Grants, special appropriations or other sources of revenue not from fees;
- 21 (3) A list of amounts spent in each year for the following categories of expenditures:
- 22 (A) Personal services;
- 23 (B) Board member per diem compensation;
- 24 (C) Travel expenses and automobile mileage;
- 25 (D) Professional contracts;
- 26 (E) Rent;
- 27 (F) Office supplies;
- 28 (G) Postage;
- 29 (H) Entertainment and hosting;
- 30 (I) Insurance; and
- 31 (J) Bank costs;
- 32 (4) A complete list of the names of all persons newly licensed or registered;
- 33 (5) A table or list showing numbers of licensees or registrants by West Virginia county of
- 34 practice or, for out-of-state licensees or registrants, by state of residence, and by specialty, if
- 35 appropriate to the particular profession;
- 36 (6) Complaints filed and investigations opened by the board, with a brief classification of
- 37 the nature of the complaint, together with the dates of compliance with the time requirements of
- 38 subsection (c), section five of this article, and the disposition, if any;
- 39 (7) In addition to complaints reported under the preceding subsection, complaints resolved
- 40 and investigations closed by the board, with a brief classification of the nature of the complaint,
- 41 together with the dates of compliance with the time requirements of subsection (c), section five of
- 42 this article, and the disposition, if any; and
- 43 (8) Copies of the agendas for, and minutes of, board and committee or subcommittee

44 meetings.

45           The report shall be certified by the president and the secretary of the board, and a copy  
46 of the report shall be filed with the Secretary of State and with the legislative librarian.

47           (c) To promote public access, the secretary of every board shall ensure that the address  
48 and telephone number of the board are included every year in the state government listings of  
49 the Charleston area telephone directory. Every board shall regularly evaluate the feasibility of  
50 adopting additional methods of providing public access, including, but not limited to, listings in  
51 additional telephone directories, toll-free telephone numbers, facsimile and computer-based  
52 communications.

53           (d) Beginning July 1, 2018, with completion no later than December 1, 2018, every board  
54 subject to this chapter shall have in place a web site to allow free public access to the books and  
55 registers containing the information referred to in subsection (a) of this section.

NOTE: The purpose of this bill is to require each board of examination to maintain a free public access online site to view its books and registers.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.