

SB 588

FILED

2009 APR 20 PM 4: 07

OFFICE WEST VIRGINIA
WEST VIRGINIA LEGISLATURE OF STATE

SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2009



ENROLLED

Senate Bill No. 588

(BY SENATOR BOWMAN)

[Passed April 6, 2009; in effect ninety days from passage.]

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SECRETARY OF STATE

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Senate Bill No. 588

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[Passed April 6, 2009; in effect ninety days from passage.]

AN ACT to repeal §5-16-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5F-2-1 of said code, relating to abolishing the Public Insurance Agency Advisory Board.

Be it enacted by the Legislature of West Virginia:

That §5-16-6 of the Code of West Virginia, 1931, as amended, be repealed; and that §5F-2-1 of said code be amended and reenacted to read as follows:

ARTICLE 2. TRANSFER OF AGENCIES AND BOARDS.

§5F-2-1. Transfer and incorporation of agencies and boards; funds.

1 (a) The following agencies and boards, including all of
2 the allied, advisory, affiliated or related entities and funds
3 associated with any agency or board, are incorporated in
4 and administered as a part of the Department of Adminis-
5 tration:

6 (1) Building Commission provided in article six, chapter
7 five of this code;

- 8 (2) Public Employees Insurance Agency provided in
9 article sixteen, chapter five of this code;
- 10 (3) Governor's Mansion Advisory Committee provided
11 in article five, chapter five-a of this code;
- 12 (4) Commission on Uniform State Laws provided in
13 article one-a, chapter twenty-nine of this code;
- 14 (5) West Virginia Public Employees Grievance Board
15 provided in article three, chapter six-c of this code;
- 16 (6) Board of Risk and Insurance Management provided
17 in article twelve, chapter twenty-nine of this code;
- 18 (7) Boundary Commission provided in article twenty-
19 three, chapter twenty-nine of this code;
- 20 (8) Public Defender Services provided in article twenty-
21 one, chapter twenty-nine of this code;
- 22 (9) Division of Personnel provided in article six, chapter
23 twenty-nine of this code;
- 24 (10) The West Virginia Ethics Commission provided in
25 article two, chapter six-b of this code;
- 26 (11) Consolidated Public Retirement Board provided in
27 article ten-d, chapter five of this code; and
- 28 (12) Real Estate Division provided in article ten,
29 chapter five-a of this code.
- 30 (b) The following agencies and boards, including all of
31 the allied, advisory, affiliated or related entities and funds
32 associated with any agency or board, are incorporated in
33 and administered as a part of the Department of Com-
34 merce:
- 35 (1) Division of Labor provided in article one, chapter
36 twenty-one of this code, which includes:

37 (A) Occupational Safety and Health Review Commis-
38 sion provided in article three-a, chapter twenty-one of this
39 code; and

40 (B) Board of Manufactured Housing Construction and
41 Safety provided in article nine, chapter twenty-one of this
42 code;

43 (2) Office of Miners' Health, Safety and Training
44 provided in article one, chapter twenty-two-a of this code.
45 The following boards are transferred to the Office of
46 Miners' Health, Safety and Training for purposes of
47 administrative support and liaison with the office of the
48 Governor:

49 (A) Board of Coal Mine Health and Safety and Coal
50 Mine Safety and Technical Review Committee provided in
51 article six, chapter twenty-two-a of this code;

52 (B) Board of Miner Training, Education and Certifica-
53 tion provided in article seven, chapter twenty-two-a of
54 this code; and

55 (C) Mine Inspectors' Examining Board provided in
56 article nine, chapter twenty-two-a of this code;

57 (3) The West Virginia Development Office, which
58 includes the Division of Tourism and the Tourism Com-
59 mission provided in article two, chapter five-b of this
60 code;

61 (4) Division of Natural Resources and Natural Re-
62 sources Commission provided in article one, chapter
63 twenty of this code;

64 (5) Division of Forestry provided in article one-a,
65 chapter nineteen of this code;

66 (6) Geological and Economic Survey provided in article
67 two, chapter twenty-nine of this code; and

68 (7) Workforce West Virginia provided in chapter
69 twenty-one-a of this code, which includes:

70 (A) Division of Unemployment Compensation;

71 (B) Division of Employment Services;

72 (C) Division of Workforce Development; and

73 (D) Division of Research, Information and Analysis; and

74 (8) Division of Energy provided in article two-f, chapter
75 five-b of this code.

76 (c) The Economic Development Authority provided in
77 article fifteen, chapter thirty-one of this code is continued
78 as an independent agency within the executive branch.

79 (d) The Water Development Authority and Board
80 provided in article one, chapter twenty-two-c of this code
81 is continued as an independent agency within the execu-
82 tive branch.

83 (e) The following agencies and boards, including all of
84 the allied, advisory and affiliated entities, are transferred
85 to the Department of Environmental Protection for
86 purposes of administrative support and liaison with the
87 office of the Governor:

88 (1) Air Quality Board provided in article two, chapter
89 twenty-two-b of this code;

90 (2) Solid Waste Management Board provided in article
91 three, chapter twenty-two-c of this code;

92 (3) Environmental Quality Board, or its successor
93 board, provided in article three, chapter twenty-two-b of
94 this code;

95 (4) Surface Mine Board provided in article four, chapter
96 twenty-two-b of this code;

97 (5) Oil and Gas Inspectors' Examining Board provided
98 in article seven, chapter twenty-two-c of this code;

99 (6) Shallow Gas Well Review Board provided in article
100 eight, chapter twenty-two-c of this code; and

101 (7) Oil and Gas Conservation Commission provided in
102 article nine, chapter twenty-two-c of this code.

103 (f) The following agencies and boards, including all of
104 the allied, advisory, affiliated or related entities and funds
105 associated with any agency or board, are incorporated in
106 and administered as a part of the Department of Educa-
107 tion and the Arts:

108 (1) Library Commission provided in article one, chapter
109 ten of this code;

110 (2) Educational Broadcasting Authority provided in
111 article five, chapter ten of this code;

112 (3) Division of Culture and History provided in article
113 one, chapter twenty-nine of this code;

114 (4) Division of Rehabilitation Services provided in
115 section two, article ten-a, chapter eighteen of this code.

116 (g) The following agencies and boards, including all of
117 the allied, advisory, affiliated or related entities and funds
118 associated with any agency or board, are incorporated in
119 and administered as a part of the Department of Health
120 and Human Resources:

121 (1) Human Rights Commission provided in article
122 eleven, chapter five of this code;

123 (2) Division of Human Services provided in article two,
124 chapter nine of this code;

125 (3) Bureau for Public Health provided in article one,
126 chapter sixteen of this code;

127 (4) Office of Emergency Medical Services and Advisory
128 Council provided in article four-c, chapter sixteen of this
129 code;

130 (5) Health Care Authority provided in article twenty-
131 nine-b, chapter sixteen of this code;

132 (6) Commission on Mental Retardation provided in
133 article fifteen, chapter twenty-nine of this code;

134 (7) Women's Commission provided in article twenty,
135 chapter twenty-nine of this code; and

136 (8) The Child Support Enforcement Division provided
137 in chapter forty-eight of this code.

138 (h) The following agencies and boards, including all of
139 the allied, advisory, affiliated or related entities and funds
140 associated with any agency or board, are incorporated in
141 and administered as a part of the Department of Military
142 Affairs and Public Safety:

143 (1) Adjutant General's Department provided in article
144 one-a, chapter fifteen of this code;

145 (2) Armory Board provided in article six, chapter fifteen
146 of this code;

147 (3) Military Awards Board provided in article one-g,
148 chapter fifteen of this code;

149 (4) West Virginia State Police provided in article two,
150 chapter fifteen of this code;

151 (5) Division of Homeland Security and Emergency
152 Management and Disaster Recovery Board provided in
153 article five, chapter fifteen of this code and Emergency
154 Response Commission provided in article five-a of said
155 chapter;

156 (6) Sheriffs' Bureau provided in article eight, chapter
157 fifteen of this code;

158 (7) Division of Corrections provided in chapter twenty-
159 five of this code;

160 (8) Fire Commission provided in article three, chapter
161 twenty-nine of this code;

162 (9) Regional Jail and Correctional Facility Authority
163 provided in article twenty, chapter thirty-one of this code;

164 (10) Board of Probation and Parole provided in article
165 twelve, chapter sixty-two of this code; and

166 (11) Division of Veterans' Affairs and Veterans' Council
167 provided in article one, chapter nine-a of this code.

168 (i) The following agencies and boards, including all of
169 the allied, advisory, affiliated or related entities and funds
170 associated with any agency or board, are incorporated in
171 and administered as a part of the Department of Revenue:

172 (1) Tax Division provided in article one, chapter eleven
173 of this code;

174 (2) Racing Commission provided in article twenty-
175 three, chapter nineteen of this code;

176 (3) Lottery Commission and position of Lottery Direc-
177 tor provided in article twenty-two, chapter twenty-nine of
178 this code;

179 (4) Agency of Insurance Commissioner provided in
180 article two, chapter thirty-three of this code;

181 (5) Office of Alcohol Beverage Control Commissioner
182 provided in article sixteen, chapter eleven of this code and
183 article two, chapter sixty of this code;

184 (6) Board of Banking and Financial Institutions pro-
185 vided in article three, chapter thirty-one-a of this code;

186 (7) Lending and Credit Rate Board provided in chapter
187 forty-seven-a of this code;

188 (8) Division of Banking provided in article two, chapter
189 thirty-one-a of this code;

190 (9) The State Budget Office provided in article two of
191 this chapter;

192 (10) The Municipal Bond Commission provided in
193 article three, chapter thirteen of this code;

194 (11) The Office of Tax Appeals provided in article ten-a,
195 chapter eleven of this code; and

196 (12) The State Athletic Commission provided in article
197 five-a, chapter twenty-nine of this code.

198 (j) The following agencies and boards, including all of
199 the allied, advisory, affiliated or related entities and funds
200 associated with any agency or board, are incorporated in
201 and administered as a part of the Department of Transpor-
202 tation:

203 (1) Division of Highways provided in article two-a,
204 chapter seventeen of this code;

205 (2) Parkways, Economic Development and Tourism
206 Authority provided in article sixteen-a, chapter seventeen
207 of this code;

208 (3) Division of Motor Vehicles provided in article two,
209 chapter seventeen-a of this code;

210 (4) Driver's Licensing Advisory Board provided in
211 article two, chapter seventeen-b of this code;

212 (5) Aeronautics Commission provided in article two-a,
213 chapter twenty-nine of this code;

214 (6) State Rail Authority provided in article eighteen,
215 chapter twenty-nine of this code; and

216 (7) Port Authority provided in article sixteen-b, chapter
217 seventeen of this code.

218 (k) Except for powers, authority and duties that have
219 been delegated to the secretaries of the departments by the
220 provisions of section two of this article, the position of
221 administrator and the powers, authority and duties of each
222 administrator and agency are not affected by the enact-
223 ment of this chapter.


224 (l) Except for powers, authority and duties that have
225 been delegated to the secretaries of the departments by the
226 provisions of section two of this article, the existence,
227 powers, authority and duties of boards and the member-
228 ship, terms and qualifications of members of the boards
229 are not affected by the enactment of this chapter. All
230 boards that are appellate bodies or are independent
231 decision makers shall not have their appellate or inde-
232 pendent decision-making status affected by the enactment
233 of this chapter.

234 (m) Any department previously transferred to and
235 incorporated in a department by prior enactment of this
236 section means a division of the appropriate department.
237 Wherever reference is made to any department transferred
238 to and incorporated in a department created in section
239 two, article one of this chapter, the reference means a
240 division of the appropriate department and any reference
241 to a division of a department so transferred and incorpo-
242 rated means a section of the appropriate division of the
243 department.

244 (n) When an agency, board or commission is transferred
245 under a bureau or agency other than a department headed
246 by a secretary pursuant to this section, that transfer is
247 solely for purposes of administrative support and liaison
248 with the Office of the Governor, a department secretary or
249 a bureau. Nothing in this section extends the powers of
250 department secretaries under section two of this article to
251 any person other than a department secretary and nothing

252 limits or abridges the statutory powers and duties of
253 statutory commissioners or officers pursuant to this code.


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


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Chairman Senate Committee



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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within was approved this the 20th
Day of April 2009.


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Governor

PRESENTED TO THE
GOVERNOR

APR 16 2009

Time 10:10 am