

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 241**

5 (BY SENATORS KESSLER (ACTING PRESIDENT) AND HALL,

6 BY REQUEST OF THE EXECUTIVE)

7 \_\_\_\_\_  
8 [Passed March 12, 2011; in effect ninety days from passage.]  
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11  
12 AN ACT to amend and reenact §5B-1-1a and §5B-1-2 of the Code of  
13 West Virginia, 1931, as amended; to amend and reenact §5B-2-8  
14 and §5B-2-9 of said code; to amend said code by adding thereto  
15 a new section designated §5B-2-8a; and to amend and reenact  
16 §5F-2-1 of said code, all relating to the organization and  
17 authority of state agencies generally; continuing the  
18 Marketing and Communications Office of the Department of  
19 Commerce; authorizing the Marketing and Communications Office  
20 to sell partnerships, sponsorships or advertising in certain  
21 circumstances; providing that Division of Tourism and the  
22 Tourism Commission are separate entities within Department of  
23 Commerce; continuing the Division of Tourism and the Tourism  
24 Commission; providing qualifications for the commissioner;  
25 providing powers of the commissioner; modifying the  
26 composition of the Tourism Commission; modifying the Tourism

1 Commission's annual reporting requirement; providing that the  
2 Educational Broadcasting Authority is part of the Department  
3 of Education and the Arts for administrative support and  
4 liaison with the office of the Governor; and providing that  
5 the Veterans' Council and its allied, advisory, affiliated or  
6 related entities and funds are part of the Department of  
7 Veteran's Assistance.

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

9 That §5B-1-1a and §5B-1-2 of the Code of West Virginia, 1931,  
10 as amended, be amended and reenacted; that §5B-2-8 and §5B-2-9 of  
11 said code be amended and reenacted; that said code be amended by  
12 adding thereto a new section, designated §5B-2-8a; and that §5F-2-1  
13 of said code be amended and reenacted, all to read as follows:

14 **CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.**

15 **ARTICLE 5B. DEPARTMENT OF COMMERCE.**

16 **§5B-1-1a. Marketing and Communications Office.**

17 (a) There is continued in the Department of Commerce the  
18 Marketing and Communications Office. The office is created to  
19 provide marketing and communications goods and services to other  
20 state agencies, departments, units of state or local government or  
21 other entity or person.

22 (b) The office is authorized to charge for goods and services  
23 it provides to other state agencies. The Secretary of the  
24 Department of Commerce shall approve a fee schedule determining the  
25 amounts that may be charged for goods and services provided by the  
26 office to other state agencies. At the discretion of and with the

1 approval of the Secretary of the Department of Commerce, the office  
2 may also sell partnerships, sponsorships or advertising in its  
3 publications, events or promotions to help offset the cost of  
4 producing and distributing its products and services.

5 (c) All moneys collected shall be deposited in a special  
6 account in the State Treasury to be known as the Department of  
7 Commerce Marketing and Communications Operating Fund. Expenditures  
8 from the fund shall be for the operation of the office and are not  
9 authorized from collections but are to be made only in accordance  
10 with appropriation by the Legislature and in accordance with the  
11 provisions of article two, chapter eleven-b of this code.

12 (d) Any balance remaining at the end of any fiscal year shall  
13 not revert to the General Revenue Fund, but shall remain in the  
14 fund for expenditures in accordance with the purposes set forth in  
15 this section.

16 (e) The Department of Commerce shall develop and maintain a  
17 system of annual or more frequent performance measures useful in  
18 gauging the efficiency and effectiveness of the office's marketing  
19 and communications activities. The measures shall also reflect the  
20 office's efficiency and effectiveness with respect to commercially  
21 available marketing and communications services and any private  
22 sector benchmarks which might be identified or created. For the  
23 purposes of this section, "performance measures" means income,  
24 output, quality, self-sufficiency and outcome metrics.

25 (f) On January 1 of each year the Secretary of the Department  
26 of Commerce shall report to the Joint Committee on Government and

1 Finance, the Joint Standing Committee on Finance and the Joint  
2 Commission on Economic Development on the performance of the  
3 office. This report is to include a statement of the performance  
4 measurements for the office developed by the Secretary of the  
5 Department of Commerce and an analysis of the office's performance.

6 **§5B-1-2. Agencies, boards, commissions, divisions and offices**  
7 **comprising the Department of Commerce.**

8 The Department of Commerce consists of the following agencies,  
9 boards, commissions, divisions and offices, including all of the  
10 allied, advisory, affiliated or related entities, which are  
11 incorporated in and administered as part of the Department of  
12 Commerce:

13 (1) Division of Labor provided in article one, chapter  
14 twenty-one of this code, which includes:

15 (A) Occupational Safety and Health Review Commission provided  
16 in article three-a, chapter twenty-one of this code; and

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

19 (2) Office of Miners' Health, Safety and Training provided in  
20 article one, chapter twenty-two-a of this code. The following  
21 boards are transferred to the Office of Miners' Health, Safety and  
22 Training for purposes of administrative support and liaison with  
23 the Office of the Governor:

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

1 (B) Board of Miner Training, Education and Certification  
2 provided in article seven, chapter twenty-two-a of this code; and

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

5 (3) The West Virginia Development Office provided in article  
6 two, chapter five-b of this code;

7 (4) Division of Natural Resources and Natural Resources  
8 Commission provided in article one, chapter twenty of this code;

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

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

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

15 (A) Division of Unemployment Compensation;

16 (B) Division of Employment Service;

17 (C) Division of Workforce Development; and

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

19 (8) Division of Energy provided in article two-f, chapter  
20 five-b of this code; and

21 (9) Division of Tourism and the Tourism Commission provided in  
22 article two, chapter five-b of this code.

23 **ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE AND THE DIVISION OF**  
24 **TOURISM.**

25 **§5B-2-8. Division of Tourism and Tourism Commission continued;**  
26 **members, appointment and expenses.**

1 (a) There is hereby continued within the Department of  
2 Commerce the Division of Tourism and an independent Tourism  
3 Commission, which is a body corporate and politic, constituting a  
4 public corporation and government instrumentality.

5 (b) Prior to July 1, 2011, the Governor, by and with the  
6 advice and consent of the Senate, shall appoint to the Tourism  
7 Commission three members from the private sector to represent  
8 participants in the state's tourism industry, one for a term of  
9 four years, one for a term of three years and one for a term of two  
10 years.

11 (c) Commencing July 1, 2011, the Tourism Commission shall  
12 consist of the following fifteen members with staggered terms:

13 (1) Twelve members appointed by the Governor, with the advice  
14 and consent of the Senate, representing participants in the state's  
15 tourism industry. Ten of the members shall be from the private  
16 sector, one shall be a director employed by a convention and  
17 visitors bureau and one shall be a member of a convention and  
18 visitors bureau. In making the appointments the Governor may  
19 select from a list provided by the West Virginia Hospitality and  
20 Travel Association of qualified applicants. Of the twelve members  
21 so appointed, no less than three shall be from each congressional  
22 district within the state and shall be appointed to provide the  
23 broadest geographic distribution which is feasible;

24 (2) One member to be appointed by the Governor to  
25 represent public sector nonstate participants in the tourism  
26 industry within the state;

1 (3) The Secretary of Transportation or his or her designee, ex  
2 officio; and

3 (4) The Director of the Division of Natural Resources or his  
4 or her designee, ex officio.

5 (d) Each member appointed by the Governor shall serve  
6 staggered terms of four years. Any member whose term has expired  
7 shall serve until his or her successor has been appointed. Any  
8 person appointed to fill a vacancy shall serve only for the  
9 unexpired term. Any member shall be eligible for reappointment.  
10 In cases of vacancy in the office of member, such vacancy shall be  
11 filled by the Governor in the same manner as the original  
12 appointment.

13 (e) Members of the commission shall not be entitled to  
14 compensation for services performed as members. A majority of  
15 these members shall constitute a quorum for the purpose of  
16 conducting business. The Governor shall appoint a chair of the  
17 commission for a term to run concurrent with the term of the office  
18 of the member appointed to be the chair. The chair is eligible for  
19 successive terms in that position.

20 **§5B-2-8a. Commissioner of Tourism.**

21 (a) The division of tourism is under the direction and charge  
22 of the Commissioner of Tourism.

23 (b) The commissioner shall be appointed by the Governor:  
24 *Provided*, That the person serving as commissioner at the time of  
25 the enactment of this section in 2011, shall continue to serve in  
26 that capacity at the will and pleasure of the Governor. The

1 commissioner's salary shall be set the Governor. The commissioner  
2 shall be a competent person, having executive ability and knowledge  
3 of publicity, advertising and tourist promotion.

4 (c) In addition to other duties required of the division by  
5 other provisions of this code, the division shall:

6 (1) Coordinate media events to promote a positive image of  
7 West Virginia and new investment in the tourist industry;

8 (2) Provide comprehensive strategic planning services to  
9 existing tourism enterprises;

10 (3) Promote attractions of West Virginia in other states; and

11 (4) Distribute West Virginia informational publications and  
12 manage the West Virginia Welcome Centers.

13 **§5B-2-9. Powers and duties of tourism commission.**

14 (a) The commission shall develop a comprehensive tourism  
15 promotion and development strategy for West Virginia.

16 "Comprehensive tourism promotion and development strategy" means a  
17 plan that outlines strategies and activities designed to continue,  
18 diversify or expand the tourism base of the state as a whole;  
19 create tourism jobs; develop a highly skilled tourism work force;  
20 facilitate business access to capital for tourism; advertise and  
21 market the resources offered by the state with respect to tourism  
22 promotion and development; facilitate cooperation among local,  
23 regional and private tourism enterprises; improve infrastructure on  
24 a state, regional and community level in order to facilitate  
25 tourism development; improve the tourism business climate  
26 generally; and leverage funding from sources other than the state,



1 including local, federal and private sources.

2 (b) In developing its strategies, the commission shall  
3 consider the following:

4 (1) Improvement and expansion of existing tourism marketing  
5 and promotion activities;

6 (2) Promotion of cooperation among municipalities, counties,  
7 and the West Virginia Infrastructure and Jobs Development Council  
8 in funding physical infrastructure to enhance the potential for  
9 tourism development.

10 (c) The tourism commission shall have the power and duty:

11 (1) To acquire for the state in the name of the commission by  
12 purchase, lease or agreement, or accept or reject for the state, in  
13 the name of the commission, gifts, donations, contributions,  
14 bequests or devises of money, security or property, both real and  
15 personal, and any interest in such property, to effectuate or  
16 support the purposes of this article;

17 (2) To make recommendations to the Governor and the  
18 Legislature of any legislation deemed necessary to facilitate the  
19 carrying out of any of the foregoing powers and duties and to  
20 exercise any other power that may be necessary or proper for the  
21 orderly conduct of the business of the commission and the effective  
22 discharge of the duties of the commission;

23 (3) To cooperate and assist in the production of motion  
24 pictures and television and other communications;

25 (4) To purchase advertising time or space in or upon any  
26 medium generally engaged or employed for said purpose to advertise

1 and market the resources of the state or to inform the public at  
2 large or any specifically targeted group or industry about the  
3 benefits of living in, investing in, producing in, buying from,  
4 contracting with, or in any other way related to, the state of West  
5 Virginia or any business, industry, agency, institution or other  
6 entity therein: *Provided*, That of any funds appropriated and  
7 allocated for purposes of advertising and marketing expenses for  
8 the promotion and development of tourism, not less than twenty  
9 percent of the funds shall be expended with the approval of the  
10 Director of the Division of Natural Resources to advertise, promote  
11 and market state parks, state forests, state recreation areas and  
12 wildlife recreational resources;

13       (5) To promote and disseminate information related to the  
14 attractions of the state through the operation of the state's  
15 telemarketing initiative, which telemarketing initiative shall  
16 include a centralized reservation and information system for state  
17 parks and recreational facilities; and

18       (6) To take such additional actions as may be necessary to  
19 carry out the duties and programs described in this article.

20       (d) The commission shall submit a report annually to the  
21 Secretary of Commerce, the Governor and the Legislature about the  
22 development of the tourism industry in the state and the necessary  
23 funding required by the state to continue the development of the  
24 tourism industry.

25       (e) The Commissioner of the Division of Tourism shall assist  
26 the commission in the performance of its powers and duties and the

1 commissioner is hereby authorized in providing this assistance to  
2 employ necessary personnel, contract with professional or technical  
3 experts or consultants and to purchase or contract for the  
4 necessary equipment or supplies.

5 (f) The commission shall promulgate legislative rules pursuant  
6 to the provisions of chapter twenty-nine-a of this code to carry  
7 out its purposes and programs, to include generally the programs  
8 available, the procedure and eligibility of applications relating  
9 to assistance under such programs and the staff structure necessary  
10 to support such programs, which structure shall include the  
11 qualifications for a professional staff person qualified by reason  
12 of exceptional training and experience in the field of advertising  
13 to supervise the advertising and promotion functions of the  
14 commission, and shall further include provision for the management  
15 of West Virginia welcome centers. The commission is further  
16 authorized to promulgate procedural rules pursuant to said chapter  
17 to include instructions and forms for applications relating to  
18 assistance.

19 **CHAPTER 5F. REORGANIZATION OF THE EXECUTIVE**

20 **BRANCH OF STATE GOVERNMENT.**

21 **ARTICLE 2. TRANSFER OF AGENCIES AND BOARDS.**

22 **§5F-2-1. Transfer and incorporation of agencies and boards; funds.**

23

24 (a) The following agencies and boards, including all of the  
25 allied, advisory, affiliated or related entities and funds  
26 associated with any agency or board, are incorporated in and

1 administered as a part of the Department of Administration:

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

4 (2) Public Employees Insurance Agency provided in article  
5 sixteen, chapter five of this code;

6 (3) Governor's Mansion Advisory Committee provided in article  
7 five, chapter five-a of this code;

8 (4) Commission on Uniform State Laws provided in article  
9 one-a, chapter twenty-nine of this code;

10 (5) West Virginia Public Employees Grievance Board provided in  
11 article three, chapter six-c of this code;

12 (6) Board of Risk and Insurance Management provided in article  
13 twelve, chapter twenty-nine of this code;

14 (7) Boundary Commission provided in article twenty-three,  
15 chapter twenty-nine of this code;

16 (8) Public Defender Services provided in article twenty-one,  
17 chapter twenty-nine of this code;

18 (9) Division of Personnel provided in article six, chapter  
19 twenty-nine of this code;

20 (10) The West Virginia Ethics Commission provided in article  
21 two, chapter six-b of this code;

22 (11) Consolidated Public Retirement Board provided in article  
23 ten-d, chapter five of this code; and

24 (12) Real Estate Division provided in article ten, chapter  
25 five-a of this code.

26 (b) The following agencies and boards, including all of the

1 allied, advisory, affiliated or related entities and funds  
2 associated with any agency or board, are incorporated in and  
3 administered as a part of the Department of Commerce:

4 (1) Division of Labor provided in article one, chapter  
5 twenty-one of this code, which includes:

6 (A) Occupational Safety and Health Review Commission provided  
7 in article three-a, chapter twenty-one of this code; and

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

10 (2) Office of Miners' Health, Safety and Training provided in  
11 article one, chapter twenty-two-a of this code. The following  
12 boards are transferred to the Office of Miners' Health, Safety and  
13 Training for purposes of administrative support and liaison with  
14 the office of the Governor:

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

18 (B) Board of Miner Training, Education and Certification  
19 provided in article seven, chapter twenty-two-a of this code; and

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

22 (3) The West Virginia Development Office provided in article  
23 two, chapter five-b of this code;

24 (4) Division of Natural Resources and Natural Resources  
25 Commission provided in article one, chapter twenty of this code;

26 (5) Division of Forestry provided in article one-a, chapter

1 nineteen of this code;

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

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

6 (A) Division of Unemployment Compensation;

7 (B) Division of Employment Service;

8 (C) Division of Workforce Development; and

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

10 (8) Division of Energy provided in article two-f, chapter  
11 five-b of this code; and

12 (9) Division of Tourism and the Tourism Commission provided in  
13 article two, chapter five-b of this code.

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

17 (d) The Water Development Authority and the Water Development  
18 Authority Board provided in article one, chapter twenty-two-c of  
19 this code is continued as an independent agency within the  
20 executive branch.

21 (e) The following agencies and boards, including all of the  
22 allied, advisory and affiliated entities, are transferred to the  
23 Department of Environmental Protection for purposes of  
24 administrative support and liaison with the office of the Governor:

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

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

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

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

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

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

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

13 (f) The following agencies and boards, including all of the  
14 allied, advisory, affiliated or related entities and funds  
15 associated with any agency or board, are incorporated in and  
16 administered as a part of the Department of Education and the Arts:

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

19 (2) Division of Culture and History provided in article one,  
20 chapter twenty-nine of this code; and

21 (3) Division of Rehabilitation Services provided in article  
22 ten-a, chapter eighteen of this code.

23 (g) The Educational Broadcasting Authority provided in article  
24 five, chapter ten of this code, is part of the Department of  
25 Education and the Arts for purposes of administrative support and  
26 liaison with the office of the Governor.

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

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

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

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

12 (4) Office of Emergency Medical Services and Emergency Medical  
13 Service Advisory Council provided in article four-c, chapter  
14 sixteen of this code;

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

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

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

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

23 (i) The following agencies and boards, including all of the  
24 allied, advisory, affiliated or related entities and funds  
25 associated with any agency or board, are incorporated in and  
26 administered as a part of the Department of Military Affairs and



1 Public Safety:

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

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

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

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

10 (5) Division of Homeland Security and Emergency Management and  
11 Disaster Recovery Board provided in article five, chapter fifteen  
12 of this code and Emergency Response Commission provided in article  
13 five-a of said chapter;

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

16 (7) Division of Justice and Community Services provided in  
17 article nine-a, chapter fifteen of this code;

18 (8) Division of Corrections provided in chapter twenty-five of  
19 this code;

20 (9) Fire Commission provided in article three, chapter  
21 twenty-nine of this code;

22 (10) Regional Jail and Correctional Facility Authority  
23 provided in article twenty, chapter thirty-one of this code;

24 (11) Board of Probation and Parole provided in article twelve,  
25 chapter sixty-two of this code.

26 (j) The following agencies and boards, including all of the

1 allied, advisory, affiliated or related entities and funds  
2 associated with any agency or board, are incorporated in and  
3 administered as a part of the Department of Revenue:

4 (1) Tax Division provided in chapter eleven of this code;

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

7 (3) Lottery Commission and position of Lottery Director  
8 provided in article twenty-two, chapter twenty-nine of this code;

9 (4) Insurance Commissioner provided in article two, chapter  
10 thirty-three of this code;

11 (5) West Virginia Alcohol Beverage Control Commissioner  
12 provided in article sixteen, chapter eleven of this code and  
13 article two, chapter sixty of this code;

14 (6) Board of Banking and Financial Institutions provided in  
15 article three, chapter thirty-one-a of this code;

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

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

20 (9) The State Budget Office provided in article two of this  
21 chapter;

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

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

26 (12) The State Athletic Commission provided in article five-a,

1 chapter twenty-nine of this code.

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

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

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

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

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

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

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

18 (7) Public Port Authority provided in article sixteen-b,  
19 chapter seventeen of this code.

20 (l) The Veterans' Council provided in article one, chapter  
21 nine-a of this code, including all of the allied, advisory,  
22 affiliated or related entities and funds associated with it is,  
23 incorporated in and administered as part of the Department of  
24 Veterans' Assistance.

25 (m) Except for powers, authority and duties that have been  
26 delegated to the secretaries of the departments by the provisions

1 of section two of this article, the position of administrator and  
2 the powers, authority and duties of each administrator and agency  
3 are not affected by the enactment of this chapter.

4 (n) Except for powers, authority and duties that have been  
5 delegated to the secretaries of the departments by the provisions  
6 of section two of this article, the existence, powers, authority  
7 and duties of boards and the membership, terms and qualifications  
8 of members of the boards are not affected by the enactment of this  
9 chapter. All boards that are appellate bodies or are independent  
10 decision makers shall not have their appellate or independent  
11 decision-making status affected by the enactment of this chapter.

12 (o) Any department previously transferred to and incorporated  
13 in a department by prior enactment of this section means a division  
14 of the appropriate department. Wherever reference is made to any  
15 department transferred to and incorporated in a department created  
16 in section two, article one of this chapter, the reference means a  
17 division of the appropriate department and any reference to a  
18 division of a department so transferred and incorporated means a  
19 section of the appropriate division of the department.

20 (p) When an agency, board or commission is transferred under  
21 a bureau or agency other than a department headed by a secretary  
22 pursuant to this section, that transfer is solely for purposes of  
23 administrative support and liaison with the office of the Governor,  
24 a department secretary or a bureau. Nothing in this section  
25 extends the powers of department secretaries under section two of  
26 this article to any person other than a department secretary and

1 nothing limits or abridges the statutory powers and duties of  
2 statutory commissioners or officers pursuant to this code.