

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 241**

(BY SENATORS KESSLER (ACTING PRESIDENT) AND HALL,  
BY REQUEST OF THE EXECUTIVE)

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[Passed March 12, 2011; in effect ninety days from passage.]

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AN ACT to amend and reenact §5B-1-1a and §5B-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5B-2-8 and §5B-2-9 of said code; to amend said code by adding thereto a new section designated §5B-2-8a; and to amend and reenact §5F-2-1 of said code, all relating to the organization and authority of state agencies generally; continuing the Marketing and Communications Office of the Department of Commerce; authorizing the Marketing and Communications Office to sell partnerships, sponsorships or advertising in certain circumstances; providing that Division of Tourism and the Tourism Commission are separate entities within Department of Commerce; continuing the Division of Tourism and the Tourism Commission; providing qualifications for the commissioner; providing powers of the commissioner; modifying the composition of the Tourism Commission; modifying the Tourism Commission's annual reporting requirement; providing that the Educational Broadcasting Authority is part of the Department of Education and the Arts for administrative support and liaison with the office of the Governor; and

providing that the Veterans' Council and its allied, advisory, affiliated or related entities and funds are part of the Department of Veteran's Assistance.

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

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

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

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

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

1 (a) There is continued in the Department of Commerce the  
2 Marketing and Communications Office. The office is created  
3 to provide marketing and communications goods and  
4 services to other state agencies, departments, units of state  
5 or local government or other entity or person.

6 (b) The office is authorized to charge for goods and services  
7 it provides to other state agencies. The Secretary of the  
8 Department of Commerce shall approve a fee schedule  
9 determining the amounts that may be charged for goods and  
10 services provided by the office to other state agencies. At the  
11 discretion of and with the approval of the Secretary of the  
12 Department of Commerce, the office may also sell partner-  
13 ships, sponsorships or advertising in its publications, events  
14 or promotions to help offset the cost of producing and  
15 distributing its products and services.

16 (c) All moneys collected shall be deposited in a special  
17 account in the State Treasury to be known as the Depart-  
18 ment of Commerce Marketing and Communications Operat-  
19 ing Fund. Expenditures from the fund shall be for the  
20 operation of the office and are not authorized from collec-  
21 tions but are to be made only in accordance with appropria-

22 tion by the Legislature and in accordance with the provisions  
23 of article two, chapter eleven-b of this code.

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

28 (e) The Department of Commerce shall develop and  
29 maintain a system of annual or more frequent performance  
30 measures useful in gauging the efficiency and effectiveness  
31 of the office's marketing and communications activities. The  
32 measures shall also reflect the office's efficiency and effec-  
33 tiveness with respect to commercially available marketing  
34 and communications services and any private sector  
35 benchmarks which might be identified or created. For the  
36 purposes of this section, "performance measures" means  
37 income, output, quality, self-sufficiency and outcome  
38 metrics.

39 (f) On January 1 of each year the Secretary of the Depart-  
40 ment of Commerce shall report to the Joint Committee on  
41 Government and Finance, the Joint Standing Committee on  
42 Finance and the Joint Commission on Economic Develop-  
43 ment on the performance of the office. This report is to  
44 include a statement of the performance measurements for the  
45 office developed by the Secretary of the Department of  
46 Commerce and an analysis of the office's performance.

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

1 The Department of Commerce consists of the following  
2 agencies, boards, commissions, divisions and offices, includ-  
3 ing all of the allied, advisory, affiliated or related entities,  
4 which are incorporated in and administered as part of the  
5 Department of Commerce:

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

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

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

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

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

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

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

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

29 (4) Division of Natural Resources and Natural Resources  
30 Commission provided in article one, chapter twenty of this  
31 code;

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

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

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

38 (A) Division of Unemployment Compensation;

- 39 (B) Division of Employment Service;
- 40 (C) Division of Workforce Development; and
- 41 (D) Division of Research, Information and Analysis;
- 42 (8) Division of Energy provided in article two-f, chapter  
43 five-b of this code; and
- 44 (9) Division of Tourism and the Tourism Commission  
45 provided in article two, chapter five-b of this code.

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

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

- 1 (a) There is hereby continued within the Department of  
2 Commerce the Division of Tourism and an independent  
3 Tourism Commission, which is a body corporate and politic,  
4 constituting a public corporation and government instru-  
5 mentality.
- 6 (b) Prior to July 1, 2011, the Governor, by and with the  
7 advice and consent of the Senate, shall appoint to the  
8 Tourism Commission three members from the private sector  
9 to represent participants in the state's tourism industry, one  
10 for a term of four years, one for a term of three years and one  
11 for a term of two years.
- 12 (c) Commencing July 1, 2011, the Tourism Commission  
13 shall consist of the following fifteen members with staggered  
14 terms:
- 15 (1) Twelve members appointed by the Governor, with the  
16 advice and consent of the Senate, representing participants  
17 in the state's tourism industry. Ten of the members shall be  
18 from the private sector, one shall be a director employed by  
19 a convention and visitors bureau and one shall be a member  
20 of a convention and visitors bureau. In making the appoint-  
21 ments the Governor may select from a list provided by the  
22 West Virginia Hospitality and Travel Association of qualified

23 applicants. Of the twelve members so appointed, no less than  
24 three shall be from each congressional district within the  
25 state and shall be appointed to provide the broadest geo-  
26 graphic distribution which is feasible;

27 (2) One member to be appointed by the Governor to  
28 represent public sector nonstate participants in the tourism  
29 industry within the state;

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

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

34 (d) Each member appointed by the Governor shall serve  
35 staggered terms of four years. Any member whose term has  
36 expired shall serve until his or her successor has been  
37 appointed. Any person appointed to fill a vacancy shall serve  
38 only for the unexpired term. Any member shall be eligible  
39 for reappointment. In cases of vacancy in the office of  
40 member, such vacancy shall be filled by the Governor in the  
41 same manner as the original appointment.

42 (e) Members of the commission shall not be entitled to  
43 compensation for services performed as members. A majority  
44 of these members shall constitute a quorum for the purpose  
45 of conducting business. The Governor shall appoint a chair  
46 of the commission for a term to run concurrent with the term  
47 of the office of the member appointed to be the chair. The  
48 chair is eligible for successive terms in that position.

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

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

3 (b) The commissioner shall be appointed by the Governor:  
4 *Provided*, That the person serving as commissioner at the  
5 time of the enactment of this section in 2011, shall continue  
6 to serve in that capacity at the will and pleasure of the  
7 Governor. The commissioner's salary shall be set the Gover-

8 nor. The commissioner shall be a competent person, having  
9 executive ability and knowledge of publicity, advertising and  
10 tourist promotion.

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

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

15 (2) Provide comprehensive strategic planning services to  
16 existing tourism enterprises;

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

19 (4) Distribute West Virginia informational publications  
20 and manage the West Virginia Welcome Centers.

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

1 (a) The commission shall develop a comprehensive tourism  
2 promotion and development strategy for West Virginia.  
3 “Comprehensive tourism promotion and development  
4 strategy” means a plan that outlines strategies and activities  
5 designed to continue, diversify or expand the tourism base of  
6 the state as a whole; create tourism jobs; develop a highly  
7 skilled tourism work force; facilitate business access to  
8 capital for tourism; advertise and market the resources  
9 offered by the state with respect to tourism promotion and  
10 development; facilitate cooperation among local, regional  
11 and private tourism enterprises; improve infrastructure on a  
12 state, regional and community level in order to facilitate  
13 tourism development; improve the tourism business climate  
14 generally; and leverage funding from sources other than the  
15 state, including local, federal and private sources.

16 (b) In developing its strategies, the commission shall  
17 consider the following:

18 (1) Improvement and expansion of existing tourism  
19 marketing and promotion activities;

20 (2) Promotion of cooperation among municipalities,  
21 counties, and the West Virginia infrastructure and jobs  
22 development council in funding physical infrastructure to  
23 enhance the potential for tourism development.

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

25 (1) To acquire for the state in the name of the commission  
26 by purchase, lease or agreement, or accept or reject for the  
27 state, in the name of the commission, gifts, donations,  
28 contributions, bequests or devises of money, security or  
29 property, both real and personal, and any interest in such  
30 property, to effectuate or support the purposes of this article;

31 (2) To make recommendations to the Governor and the  
32 Legislature of any legislation deemed necessary to facilitate  
33 the carrying out of any of the foregoing powers and duties  
34 and to exercise any other power that may be necessary or  
35 proper for the orderly conduct of the business of the commis-  
36 sion and the effective discharge of the duties of the commis-  
37 sion;

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

40 (4) To purchase advertising time or space in or upon any  
41 medium generally engaged or employed for said purpose to  
42 advertise and market the resources of the state or to inform  
43 the public at large or any specifically targeted group or  
44 industry about the benefits of living in, investing in, produc-  
45 ing in, buying from, contracting with, or in any other way  
46 related to, the state of West Virginia or any business,  
47 industry, agency, institution or other entity therein: *Pro-*  
48 *vided*, That of any funds appropriated and allocated for  
49 purposes of advertising and marketing expenses for the  
50 promotion and development of tourism, not less than twenty  
51 percent of the funds shall be expended with the approval of  
52 the Director of the Division of Natural Resources to adver-  
53 tise, promote and market state parks, state forests, state  
54 recreation areas and wildlife recreational resources;



55 (5) To promote and disseminate information related to the  
56 attractions of the state through the operation of the state's  
57 telemarketing initiative, which telemarketing initiative shall  
58 include a centralized reservation and information system for  
59 state parks and recreational facilities; and

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

62 (d) The commission shall submit a report annually to the  
63 Secretary of Commerce, the Governor and the Legislature  
64 about the development of the tourism industry in the state  
65 and the necessary funding required by the state to continue  
66 the development of the tourism industry.

67 (e) The Commissioner of the Division of Tourism shall  
68 assist the commission in the performance of its powers and  
69 duties and the commissioner is hereby authorized in provid-  
70 ing this assistance to employ necessary personnel, contract  
71 with professional or technical experts or consultants and to  
72 purchase or contract for the necessary equipment or sup-  
73 plies.

74 (f) The commission shall promulgate legislative rules  
75 pursuant to the provisions of chapter twenty-nine-a of this  
76 code to carry out its purposes and programs, to include  
77 generally the programs available, the procedure and eligibil-  
78 ity of applications relating to assistance under such pro-  
79 grams and the staff structure necessary to support such  
80 programs, which structure shall include the qualifications  
81 for a professional staff person qualified by reason of excep-  
82 tional training and experience in the field of advertising to  
83 supervise the advertising and promotion functions of the  
84 commission, and shall further include provision for the  
85 management of West Virginia welcome centers. The commis-  
86 sion is further authorized to promulgate procedural rules  
87 pursuant to said chapter to include instructions and forms  
88 for applications relating to assistance.

**CHAPTER 5F. REORGANIZATION OF  
THE EXECUTIVE  
BRANCH OF STATE GOVERNMENT.**

**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 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 Administration:

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

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

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

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

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

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

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

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

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

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

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

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

29 (b) The following agencies and boards, including all of the  
30 allied, advisory, affiliated or related entities and funds  
31 associated with any agency or board, are incorporated in and  
32 administered as a part of the Department of Commerce:

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

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

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

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

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

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

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

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

56 (4) Division of Natural Resources and Natural Resources  
57 Commission provided in article one, chapter twenty of this  
58 code;

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

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

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

65 (A) Division of Unemployment Compensation;

66 (B) Division of Employment Service;

67 (C) Division of Workforce Development; and

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

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

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

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

76 (d) The Water Development Authority and the Water  
77 Development Authority Board provided in article one,  
78 chapter twenty-two-c of this code is continued as an inde-  
79 pendent agency within the executive branch.

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

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

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

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

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

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

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

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

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

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

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

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

110 (g) The Educational Broadcasting Authority provided in  
111 article five, chapter ten of this code, is part of the Depart-  
112 ment of Education and the Arts for purposes of administra-  
113 tive support and liaison with the office of the Governor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

149 (5) Division of Homeland Security and Emergency Man-  
150 agement and Disaster Recovery Board provided in article

151 five, chapter fifteen of this code and Emergency Response  
152 Commission provided in article five-a of said chapter;

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

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

157 (8) Division of Corrections provided in chapter twenty-five  
158 of this code;

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

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

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

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

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

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

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

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

177 (5) West Virginia Alcohol Beverage Control Commissioner  
178 provided in article sixteen, chapter eleven of this code and  
179 article two, chapter sixty of this code;

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

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

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

186 (9) The State Budget Office provided in article two of this  
187 chapter;

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

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

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

194 (j) The following agencies and boards, including all of the  
195 allied, advisory, affiliated or related entities and funds  
196 associated with any agency or board, are incorporated in and  
197 administered as a part of the Department of Transportation:

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

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

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

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

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

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

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



213 (k) The Veterans' Council provided in article one, chapter  
214 nine-a of this code, including all of the allied, advisory,  
215 affiliated or related entities and funds associated with it is,  
216 incorporated in and administered as part of the Department  
217 of Veteran's Assistance.

218 (l) Except for powers, authority and duties that have been  
219 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 enactment  
223 of this chapter.

224 (m) Except for powers, authority and duties that have been  
225 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 membership,  
228 terms and qualifications of members of the boards are not  
229 affected by the enactment of this chapter. All boards that are  
230 appellate bodies or are independent decision makers shall  
231 not have their appellate or independent decision-making  
232 status affected by the enactment of this chapter.

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

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

250 abridges the statutory powers and duties of statutory  
251 commissioners or officers pursuant to this code.

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

.....  
*Chairman Senate Committee*

.....  
*Chairman House Committee*

Originated in the Senate.

In effect ninety days from passage.

.....  
*Clerk of the Senate*

.....  
*Clerk of the House of Delegates*

.....  
*Acting President of the Senate*

.....  
*Speaker of the House of Delegates*

\_\_\_\_\_

The within ..... this the .....  
Day of ....., 2011.

.....  
*Governor*