

E N R O L L E D

H. B. 2576

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[Passed March 11, 2015;
in effect ninety days from passage.]

An ACT to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto twelve new sections, designated §5F-2-1a, §5F-2-1b, §5F-2-1c, §5F-2-1d, §5F-2-1e, §5F-2-1f, §5F-2-1g, §5F-2-1h, §5F-2-1i, §5F-2-1j, §5F-2-1k and §5F-2-1l, all relating to the reorganization of certain code provisions that organize the executive branch of state government.

Be it enacted by the Legislature of West Virginia:

That §5F-2-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto twelve new sections, designated §5F-2-1a, §5F-2-1b, §5F-2-1c, §5F-2-1d, §5F-2-1e, §5F-2-1f, §5F-2-1g, §5F-2-1h, §5F-2-1i, §5F-2-1j, §5F-2-1k and §5F-2-1l, all to read as follows:

ARTICLE 2. ORGANIZATION OF STATE AGENCIES, BOARDS AND COMMISSIONS WITHIN DEPARTMENTS OF STATE GOVERNMENT.

§5F-2-1. General provisions.

1 (a) The Legislature finds that in 1989, this chapter was
2 enacted to provide for the reorganization of the executive branch
3 of state government pursuant to the findings set forth under
4 section one, article one of this chapter. This section was enacted
5 as part of that legislation to effect the transfer of agencies and
6 board and related entities into the various departments created
7 within the executive branch of government. Since its initial
8 enactment, the Legislature has amended and reenacted this
9 section on a number of occasions, in most instances to modify
10 the initial reorganization within the executive branch of
11 government. The Legislature further finds that the structure of
12 this section by which it provides an extensive list of executive
13 agencies in a single section of the Code of West Virginia renders
14 this section unnecessarily lengthy and complicated. The
15 designation of a separate statute for each of the agencies and
16 entities as they are organized in subsections (a) through (l) of
17 this section as provided pursuant to the amendment and
18 reenactment of this section in 2015 would reduce the
19 unnecessary length and complexity of the statute without altering
20 the Legislature's intent in providing for the organization of the
21 executive branch of state government pursuant to the original
22 findings set forth under section one, article one of this chapter
23 and the Legislature's subsequent amendments and reenactments
24 of various sections of this chapter. The Legislature therefore
25 finds and declares that the amendment and reenactment of this
26 section and the further amendment of the Code of West Virginia
27 by adding thereto twelve new sections, designated sections one-
28 a, one-b, one-c, one-d, one-e, one-f, one-g, one-h, one-i, one-j,
29 one-k, and one-l of this article, are solely for the purpose of
30 designating a separate statute for each of the agencies and

31 entities as they are organized in subsections (a) through (l) of
32 this section as provided pursuant to the amendment and
33 reenactment of this section in 2015 and for the purpose of
34 providing corrective descriptions of an agency and corrective
35 code references and deleting references to agencies, boards or
36 commissions that have been repealed. The Legislature further
37 finds and declares that except as otherwise provided in this
38 section, the amendment and reenactment of this section and the
39 enactment of the new sections may not be construed to have
40 altered or modified the application of any other provision of this
41 code to the agencies and entities described in those sections, and
42 that all other provisions of this code, to the extent applicable to
43 those sections, as well as the remaining subsections of this
44 section, shall apply in like manner to the agencies and entities
45 described in those new sections.

46 (b) Except for powers, authority and duties that have been
47 delegated to the secretaries of the departments by the provisions
48 of section two of this article, the position of administrator and
49 the powers, authority and duties of each administrator and
50 agency are not affected by the enactment of this chapter.

51 (c) Except for powers, authority and duties that have been
52 delegated to the secretaries of the departments by the provisions
53 of section two of this article, the existence, powers, authority and
54 duties of boards and the membership, terms and qualifications of
55 members of the boards are not affected by the enactment of this
56 chapter. All boards that are appellate bodies or are independent
57 decision makers shall not have their appellate or independent
58 decision-making status affected by the enactment of this chapter.

59 (d) Any department previously transferred to and
60 incorporated in a department by prior enactment of this section
61 means a division of the appropriate department. Wherever
62 reference is made to any department transferred to and
63 incorporated in a department created in section two, article one

64 of this chapter, the reference means a division of the appropriate
65 department and any reference to a division of a department so
66 transferred and incorporated means a section of the appropriate
67 division of the department.

68 (e) When an agency, board or commission is transferred
69 under a bureau or agency other than a department headed by a
70 secretary pursuant to this section, that transfer is solely for
71 purposes of administrative support and liaison with the Office of
72 the Governor, a department secretary or a bureau. Nothing in this
73 section extends the powers of department secretaries under
74 section two of this article to any person other than a department
75 secretary and nothing limits or abridges the statutory powers and
76 duties of statutory commissioners or officers pursuant to this
77 code.

§5F-2-1a. Department of Administration.

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

5 (1) Finance Division provided in article two, chapter five-a
6 of this code;

7 (2) General Services Division provided in article four,
8 chapter five-a of this code;

9 (3) Information Services and Communications Division and
10 the Office of Technology provided in chapter five-a of this code;

11 (4) Purchasing Division, Surplus Property and Travel
12 Management provided in article three, chapter five-a of this
13 code;

14 (5) Division of Personnel provided in article six, chapter
15 twenty-nine of this code;

16 (6) Real Estate Division provided in article ten, chapter
17 five-a of this code;

18 (7) Public Land Corporation provided in article eleven,
19 chapter five-a of this code;

20 (8) Fleet Management Office provided in article one, chapter
21 five-a of this code;

22 (9) Building Commission provided in article six, chapter five
23 of this code;

24 (10) Commission on Uniform State Laws provided in article
25 one-a, chapter twenty-nine of this code;

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

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

30 (13) Boundary Commission provided in article twenty-three,
31 chapter twenty-nine of this code;

32 (14) Public Defender Services provided in article
33 twenty-one, chapter twenty-nine of this code;

34 (15) Public Employees Insurance Agency provided in article
35 sixteen, chapter five of this code;

36 (16) Prosecuting Attorneys Institute provided in article four,
37 chapter seven of this code;

38 (17) The West Virginia Ethics Commission provided in
39 article two, chapter six-b of this code;

40 (18) Consolidated Public Retirement Board provided in
41 article ten-d, chapter five of this code; and

42 (19) Governor's Mansion Advisory Committee provided in
43 article five, chapter five-a of this code; and

44 (20) Committee for the Purchase of Commodities and
45 Services from the Handicapped provided in article three-a,
46 chapter five-a of this code; and

47 (21) Records Management and Preservation Advisory
48 Committee provided in article eight, chapter five-a of this code;
49 and

50 (22) Design-Build Board provided in article twenty-two-a,
51 chapter five of this code.

§5F-2-1b. Department of Commerce.

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

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

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

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

12 (C) Board of West Virginia Contractor Licensing provided
13 in article eleven, chapter twenty-one of this code.

14 (2) Office of Miners' Health, Safety and Training provided
15 in article one, chapter twenty-two-a of this code, which includes:

16 (A) Mine Inspectors' Examining Board provided in article
17 nine, chapter twenty-two-a of this code; and

18 (B) Coal Mine Safety Board of Appeals provided in article
19 five, chapter twenty-two-a of this code.

20 (3) Board of Coal Mine Health and Safety provided in article
21 six, chapter twenty-two-a of this code, which includes:

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

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

26 (C) West Virginia Diesel Equipment Commission provided
27 in article two-a, chapter twenty-two-a of this code; and

28 (D) Coal Mine Safety and Technology Task Force provided
29 in article eleven, chapter twenty-two-a of this code.

30 (4) The West Virginia Development Office provided in
31 article two, chapter five-b of this code;

32 (5) Division of Natural Resources and Natural Resources
33 Commission provided in article one, chapter twenty of this code,
34 which includes:

35 (A) Whitewater Commission provided in article two, chapter
36 twenty of this code; and

37 (B) Wildlife Endowment Fund Board of Trustees provided
38 in article twenty-six, chapter twenty of this code.

39 (6) Division of Forestry provided in article one, chapter
40 nineteen of this code;

41 (7) Geological and Economic Survey provided in article two,
42 chapter twenty-nine of this code; and

43 (8) Workforce West Virginia provided in chapter
44 twenty-one-a of this code, which includes:

45 (A) Unemployment Compensation Board of Review;

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

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

§5F-2-1c. Economic Development Authority.

1 The Economic Development Authority provided in article
2 fifteen, chapter thirty-one of this code is continued as an
3 independent agency within the executive branch.

§5F-2-1d. Water Development Authority.

1 The Water Development Authority and the Water
2 Development Authority Board provided in article one, chapter
3 twenty-two-c of this code is continued as an independent agency
4 within the executive branch.

§5F-2-1e. Department of Environmental Protection.

1 The following agencies and boards, including all of the
2 allied, advisory and affiliated entities, are transferred to the
3 Department of Environmental Protection for purposes of
4 administrative support and liaison with the Office of the
5 Governor:

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

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

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

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

14 (5) Office of Oil and Gas provided in article six, chapter
15 twenty-two of this code; and

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

§5F-2-1f. Department of Education and the Arts.

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

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

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

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

§5F-2-1g. Educational Broadcasting Authority.

1 The Educational Broadcasting Authority provided in article
2 five, chapter ten of this code is part of the Department of
3 Education and the Arts for the purposes of administrative
4 support and liaison with the Office of the Governor.

§5F-2-1h. Department of Health and Human Resources.

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

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

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

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

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

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

16 (6) State Commission on Intellectual Disability provided in
17 article fifteen, chapter twenty-nine of this code;

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

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

§5F-2-1i. Department of Military Affairs and Public Safety.

1 The following agencies and boards, including all of the
2 allied, advisory, affiliated or related entities and funds associated
3 with any agency or board, are incorporated in and administered
4 as a part of the Department of Military Affairs and Public Safety:

- 5 (1) Adjutant General's Department provided in article one-a,
6 chapter fifteen of this code;
- 7 (2) Armory Board provided in article six, chapter fifteen of
8 this code;
- 9 (3) Military Awards Board provided in article one-g, chapter
10 fifteen of this code;
- 11 (4) West Virginia State Police provided in article two,
12 chapter fifteen of this code;
- 13 (5) Division of Homeland Security and Emergency
14 Management and Disaster Recovery Board provided in article
15 five, chapter fifteen of this code and Emergency Response
16 Commission provided in article five-a of said chapter;
- 17 (6) Division of Justice and Community Services provided in
18 article nine-a, chapter fifteen of this code;
- 19 (7) Division of Corrections provided in chapter twenty-five
20 of this code;
- 21 (8) Fire Commission provided in article three, chapter
22 twenty-nine of this code;
- 23 (9) Division of Juvenile Services provided in article five-e,
24 chapter forty-nine of this code;
- 25 (10) Division of Protective Services provided in article two-
26 d, chapter fifteen of this code;
- 27 (11) Regional Jail and Correctional Facility Authority
28 provided in article twenty, chapter thirty-one of this code; and
- 29 (12) Board of Probation and Parole provided in article
30 twelve, chapter sixty-two of this code.

§5F-2-1j. Department of Revenue.

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

5 (1) The State Tax Division provided in article one, chapter
6 eleven of this code;

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

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

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

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

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

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

20 (8) Division of Financial Institutions provided in article two,
21 chapter thirty-one-a of this code;

22 (9) The State Budget Office provided in article two, chapter
23 eleven-b of this code;

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

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

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

§5F-2-1k. Department of Transportation.

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

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

7 (2) Parkways Authority provided in article sixteen-a, chapter
8 seventeen of this code;

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

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

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

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

17 (7) Public Port Authority provided in article sixteen-b,
18 chapter seventeen of this code; and

19 (8) Division of Public Transit provided in article sixteen-c,
20 chapter seventeen of this code.

§5F-2-11. Department of Veterans' Assistance.

1 The Veterans' Council provided in article one, chapter
2 nine-a of this code, including all of the allied, advisory, affiliated
3 or related entities and funds associated with it, is incorporated in
4 and administered as a part of the Department of Veterans'
5 Assistance.

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

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2015.

Governor

