

WEST VIRGINIA CODE: §5F-2-1

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

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

- (1) Public Employees Insurance Agency provided in §5-16-1 et seq. of this code;
- (2) Governor's Mansion Advisory Committee provided in §5A-5-1 et seq. of this code;
- (3) Commission on Uniform State Laws provided in §29-1A-1 et seq. of this code;
- (4) West Virginia Public Employees Grievance Board provided in §6C-3-1 et seq. of this code;
- (5) Board of Risk and Insurance Management provided in §29-12-1 et seq. of this code;
- (6) Boundary Commission provided in §29-23-1 et seq. of this code;
- (7) Public Defender Services provided in §29-21-1 et seq. of this code;
- (8) Division of Personnel provided in §29-6-1 et seq. of this code;
- (9) The West Virginia Ethics Commission provided in §6B-2-1 et seq. of this code;
- (10) Consolidated Public Retirement Board provided in §5-10D-1 et seq. of this code; and
- (11) Real Estate Division provided in §5A-10-1 et seq. of this code.

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

- (1) Division of Labor provided in §21-1-1 et seq. of this code, which includes:
 - (A) Occupational Safety and Health Review Commission provided in §21-3A-1 et seq. of this code; and
 - (B) Board of Manufactured Housing Construction and Safety provided in §21-9-1 et seq. of this code.
- (2) Office of Miners' Health, Safety and Training provided in §22A-1-1 et seq. of this code. The following boards are transferred to the Office of Miners' Health, Safety and Training for purposes of administrative support and liaison with the Office of the Governor:

- (A) Board of Coal Mine Health and Safety and Coal Mine Safety and Technical Review Committee provided in §22A-6-1 et seq. of this code;
- (B) Board of Miner Training, Education and Certification provided in §22A-7-1 et seq. of this code; and
- (C) Mine Inspectors' Examining Board provided in §22A-9-1 et seq. of this code.
- (3) The West Virginia Development Office provided in §5B-2-1 et seq. of this code;
- (4) Division of Natural Resources and Natural Resources Commission provided in §20-1-1 et seq. of this code;
- (5) Division of Forestry provided in §19-1A-1 et seq. of this code;
- (6) Geological and Economic Survey provided in §29-2-1 et seq. of this code; and
- (7) Workforce West Virginia provided in chapter 21A of this code, which includes:
- (A) Division of Unemployment Compensation;
- (B) Division of Employment Service;
- (C) Division of Workforce Development; and
- (D) Division of Research, Information and Analysis.
- (8) Office of Energy, within the Development Office, provided in §5B-2F-1 et seq. of this code.
- (9) West Virginia Tourism Office and Tourism Commission provided in §5B-2I-1 et seq. of this code; and
- (10) Division of Rehabilitation Services provided in §18-10A-1 et seq. of this code.
- (c) The Economic Development Authority provided in §31-15-1 et seq. of this code is continued as an independent agency within the executive branch.
- (d) The Water Development Authority and the Water Development Authority Board provided in §22C-1-1 et seq. of this code is continued as an independent agency within the executive branch.
- (e) The West Virginia Educational Broadcasting Authority provided in §10-5-1 et seq. of this code and the State Library Commission provided in §10-1-1 et seq. of this code are each continued as separate independent agencies within the Department of Arts, Culture and History, which shall provide administrative support for both entities.

(f) The Division of Culture and History as established in §29-1-1 et seq. of this code is continued as a separate independent agency within the Executive Branch as the Department of Arts, Culture and History. All references throughout this code to the “Division of Culture and History” means the “Department of Arts, Culture and History”.

(g) The following agencies and boards, including all of the allied, advisory, and affiliated entities, are transferred to the Department of Environmental Protection for purposes of administrative support and liaison with the Office of the Governor:

- (1) Air Quality Board provided in §22B-2-1 et seq. of this code;
- (2) Solid Waste Management Board provided in §22C-3-1 et seq. of this code;
- (3) Environmental Quality Board, or its successor board, provided in §22B-3-1 et seq. of this code;
- (4) Surface Mine Board provided in §22B-4-1 et seq. of this code;
- (5) Oil and Gas Inspectors’ Examining Board provided in §22C-7-1 et seq. of this code;
- (6) Shallow Gas Well Review Board provided in §22C-8-1 et seq. of this code; and
- (7) Oil and Gas Conservation Commission provided in §22C-9-1 et seq. of this code.

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

- (1) Human Rights Commission provided in §5-11-1 et seq. of this code;
- (2) Bureau for Public Health provided in §16-1-1 et seq. of this code;
- (3) Office of Emergency Medical Services and the Emergency Medical Service Advisory Council provided in §16-4C-1 et seq. of this code;
- (4) Health Care Authority provided in §16-29B et seq. of this code;
- (5) State Commission on Intellectual Disability provided in §29-15-1 et seq. of this code;
- (6) Women’s Commission provided in §29-20-1 et seq. of this code; and
- (7) Bureau for Child Support Enforcement provided in chapter 48 of this code.

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

- (1) Adjutant General's Department provided in §15-1A-1 et seq. of this code;
 - (2) State Armory Board provided in §15-6-1 et seq. of this code;
 - (3) Military Awards Board provided in §15-1G-1 et seq. of this code;
 - (4) West Virginia State Police provided in §15-2-1 et seq. of this code;
 - (5) Division of Homeland Security and Emergency Management and Disaster Recovery Board provided in §15-5-1 et seq. of this code and Emergency Response Commission provided in §15-5A-1 et seq. of this code;
 - (6) Sheriffs' Bureau provided in §15-8-1 et seq. of this code;
 - (7) Division of Justice and Community Services provided in §15-9A-1 et seq. of this code;
 - (8) Division of Corrections provided in chapter 25 of this code;
 - (9) Fire Commission provided in §29-3-1 et seq. of this code;
 - (10) Regional Jail and Correctional Facility Authority provided in §31-20-1 et seq. of this code; and
 - (11) Board of Probation and Parole provided in §62-12-1 et seq. of this code.
- (j) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Revenue:
- (1) Tax Division provided in chapter 11 of this code;
 - (2) Racing Commission provided in §19-23-1 et seq. of this code;
 - (3) Lottery Commission and position of Lottery Director provided in §29-22-1 of this code;
 - (4) Insurance Commissioner provided in §33-2-1 et seq. of this code;
 - (5) West Virginia Alcohol Beverage Control Commissioner provided in §11-16-1 et seq. of this code and §60-2-1 et seq. of this code;
 - (6) Board of Banking and Financial Institutions provided in §31A-3-1 et seq. of this code;
 - (7) Lending and Credit Rate Board provided in chapter 47A of this code;
 - (8) Division of Financial Institutions provided in §31A-2-1 et seq. of this code;
 - (9) The State Budget Office provided in §11B-2-1 et seq. of this code;

(10) The Municipal Bond Commission provided in §13-3-1 et seq. of this code;

(11) The Office of Tax Appeals provided in §11-10A-1 of this code; and

(12) The State Athletic Commission provided in §29-5A-1 et seq. of this code.

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

(1) Division of Highways provided in §17-2A-1 et seq. of this code;

(2) Parkways Authority provided in §17-16A-1 et seq. of this code;

(3) Division of Motor Vehicles provided in §17A-2-1 et seq. of this code;

(4) Driver's Licensing Advisory Board provided in §17B-2-1 et seq. of this code;

(5) Aeronautics Commission provided in §29-2A-1 et seq. of this code;

(6) State Rail Authority provided in §29-18-1 et seq. of this code; and

(7) Public Port Authority provided in §17-16B-1 et seq. of this code.

(l) Effective July 1, 2011, the Veterans' Council provided in §9A-1-1 et seq. of this code, including all of the allied, advisory, affiliated, or related entities and funds associated with it, is incorporated in and administered as a part of the Department of Veterans' Assistance.

(m) Except for powers, authority and duties that have been delegated to the secretaries of the departments by the provisions of §5F-2-2 of this code, the position of administrator and the powers, authority, and duties of each administrator and agency are not affected by the enactment of this chapter.

(n) Except for powers, authority and duties that have been delegated to the secretaries of the departments by the provisions of §5F-2-2 of this code, the existence, powers, authority, and duties of boards and the membership, terms and qualifications of members of the boards are not affected by the enactment of this chapter. All boards that are appellate bodies or are independent decision makers shall not have their appellate or independent decision-making status affected by the enactment of this chapter.

(o) Any department previously transferred to and incorporated in a department by prior enactment of this section means a division of the appropriate department. Wherever reference is made to any department transferred to and incorporated in a department created in §5F-1-2 of this code, the reference means a division of the appropriate department and any reference to a division of a department so transferred and incorporated means a section of the appropriate division of the department.

(p) When an agency, board, or commission is transferred under a bureau or agency other than a department headed by a secretary pursuant to this section, that transfer is solely for purposes of administrative support and liaison with the Office of the Governor, a department secretary or a bureau. Nothing in this section extends the powers of department secretaries under §5F-2-2 of this code to any person other than a department secretary and nothing limits or abridges the statutory powers and duties of statutory commissioners or officers pursuant to this code.