

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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SENATE BILL NO. 615

*Originating in the Committee on*  
(By Senator *Government Organization*)

PASSED March 9, 1990

In Effect from Passage

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SENATE  
MARCH 10 1990

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Senate Bill No. 615

(ORIGINATING IN THE COMMITTEE ON  
GOVERNMENT ORGANIZATION)

[Passed March 9, 1990; in effect from passage.]

AN ACT to amend and reenact section one, article two, chapter five-f of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to transferring the administration of the department of veterans' affairs and veterans' council from the department of health and human resources to the department of public safety.

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

That section one, article two, chapter five-f of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

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

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

1 (a) The following agencies and boards, including all  
2 of the allied, advisory, affiliated or related entities and  
3 funds associated with any such agency or board, are  
4 hereby transferred to and incorporated in and shall be  
5 administered as a part of the department of  
6 administration:

7 (1) Building commission provided for in article six,

8 chapter five of this code;

9 (2) Records management and preservation advisory  
10 committee provided for in article eight, chapter five of  
11 this code;

12 (3) Public employees retirement system and board of  
13 trustees provided for in article ten, chapter five of this  
14 code;

15 (4) Public employees insurance agency and public  
16 employees advisory board provided for in article  
17 sixteen, chapter five of this code;

18 (5) Department of finance and administration and  
19 council of finance and administration provided for in  
20 article one, chapter five-a of this code;

21 (6) Employee suggestion award board provided for in  
22 article one-a, chapter five-a of this code;

23 (7) Governor's mansion advisory committee pro-  
24 vided for in article four-a, chapter five-a of this code;

25 (8) Advisory commission to the information system  
26 services division in the department of finance and  
27 administration provided for in article seven, chapter  
28 five-a of this code;

29 (9) Teachers retirement system and teachers' retire-  
30 ment board provided for in article seven-a, chapter  
31 eighteen of this code;

32 (10) Commission on uniform state laws provided for  
33 in article one-a, chapter twenty-nine of this code;

34 (11) Department of personnel of the civil service  
35 system and the civil service commission provided for  
36 in article six, chapter twenty-nine of this code;

37 (12) Education and state employees grievance board  
38 provided for in article twenty-nine, chapter eighteen  
39 and article six-a, chapter twenty-nine of this code;

40 (13) Board of risk and insurance management pro-  
41 vided for in article twelve, chapter twenty-nine of this  
42 code;

43 (14) Boundary commission provided for in article

44 twenty-three, chapter twenty-nine of this code;

45 (15) Public legal services council provided for in  
46 article twenty-one, chapter twenty-nine of this code;

47 (16) Division of personnel which may be hereafter  
48 created by the Legislature; and

49 (17) The West Virginia ethics commission which may  
50 be hereafter created by the Legislature.

51 (b) The following agencies and boards, including all  
52 of the allied, advisory, affiliated or related entities and  
53 funds associated with any such agency or board, are  
54 hereby transferred to and incorporated in and shall be  
55 administered as a part of the department of com-  
56 merce, labor and environmental resources:

57 (1) Forest management review commission provided  
58 for in article twenty-four, chapter five of this code;

59 (2) Department of commerce provided for in article  
60 one, chapter five-b of this code;

61 (3) Office of community and industrial development  
62 provided for in article two, chapter five-b of this code;

63 (4) Enterprise zone authority provided for in article  
64 two-b, chapter five-b of this code;

65 (5) Office of federal procurement assistance provided  
66 for in article two-c, chapter five-b of this code;

67 (6) Export development authority provided for in  
68 article three, chapter five-b of this code;

69 (7) Labor-management council provided for in  
70 article four, chapter five-b of this code;

71 (8) Industry and jobs development corporation  
72 provided for in article one, chapter five-c of this code;

73 (9) Public energy authority and board provided for  
74 in chapter five-d of this code;

75 (10) Air pollution control commission provided for in  
76 article twenty, chapter sixteen of this code;

77 (11) Resource recovery—solid waste disposal author-  
78 ity provided for in article twenty-six, chapter sixteen

79 of this code;

80 (12) Division of forestry and forestry commission  
81 provided for in article one-a, chapter nineteen of this  
82 code;

83 (13) Department of natural resources and natural  
84 resources commission provided for in article one,  
85 chapter twenty of this code;

86 (14) Water resources board provided for in article  
87 five, chapter twenty of this code;

88 (15) Water development authority and board pro-  
89 vided for in article five-c, chapter twenty of this code;

90 (16) Department of labor provided for in article one,  
91 chapter twenty-one of this code;

92 (17) Labor-management relations board provided for  
93 in article one-b, chapter twenty-one of this code;

94 (18) Public employees occupational safety and health  
95 advisory board provided for in article three-a, chapter  
96 twenty-one of this code;

97 (19) Minimum wage rate board provided for in  
98 article five-a, chapter twenty-one of this code;

99 (20) Board of manufactured housing construction  
100 and safety provided for in article nine, chapter  
101 twenty-one of this code;

102 (21) Department of energy provided for in article  
103 one, chapter twenty-two of this code;

104 (22) Reclamation board of review provided for in  
105 article four, chapter twenty-two of this code;

106 (23) Board of appeals provided for in article five,  
107 chapter twenty-two of this code;

108 (24) Board of coal mine health and safety and coal  
109 mine safety and technical review committee provided  
110 for in article six, chapter twenty-two of this code;

111 (25) Shallow gas well review board provided for in  
112 article seven, chapter twenty-two of this code;

113 (26) Oil and gas conservation commission provided

114 for in article eight, chapter twenty-two of this code;

115 (27) Board of miner training, education and certifi-  
116 cation provided for in article nine, chapter twenty-two  
117 of this code;

118 (28) Mine inspectors' examining board provided for  
119 in article eleven, chapter twenty-two of this code;

120 (29) Oil and gas inspectors' examining board pro-  
121 vided for in article thirteen, chapter twenty-two of  
122 this code;

123 (30) Geological and economic survey provided for in  
124 article two, chapter twenty-nine of this code;

125 (31) Blennerhassett historical park commission  
126 provided for in article eight, chapter twenty-nine of  
127 this code;

128 (32) Tourist train and transportation board provided  
129 for in article twenty-four, chapter twenty-nine of this  
130 code;

131 (33) Economic development authority provided for in  
132 article fifteen, chapter thirty-one of this code;

133 (34) Board of members of the forest industries  
134 industrial foundation provided for in article sixteen,  
135 chapter thirty-one of this code;

136 (35) Department of banking provided for in article  
137 two, chapter thirty-one-a of this code;

138 (36) Board of banking and financial institutions  
139 provided for in article three, chapter thirty-one-a of  
140 this code;

141 (37) Consumer affairs advisory council provided for  
142 in article seven, chapter forty-six-a of this code; and

143 (38) Lending and credit rate board provided for in  
144 chapter forty-seven-a of this code.

145 (c) The following agencies and boards, including all  
146 of the allied, advisory, affiliated or related entities and  
147 funds associated with any such agency or board, are  
148 hereby transferred to and incorporated in and shall be  
149 administered as a part of the department of education

150 and the arts:

151 (1) Library commission provided for in article one,  
152 chapter ten of this code;

153 (2) Educational broadcasting authority provided for  
154 in article five, chapter ten of this code;

155 (3) Board of regents provided for in article twenty-  
156 six, chapter eighteen of this code; and

157 (4) Department of culture and history, archives and  
158 history commission and commission on the arts pro-  
159 vided for in article one, chapter twenty-nine of this  
160 code.

161 (d) The following agencies and boards, including all  
162 of the allied, advisory, affiliated or related entities and  
163 funds associated with any such agency or board, are  
164 hereby transferred to and incorporated in and shall be  
165 administered as a part of the department of health and  
166 human resources:

167 (1) Human rights commission provided for in article  
168 eleven, chapter five of this code;

169 (2) Department of human services provided for in  
170 article two, chapter nine of this code;

171 (3) Department of health and board of health pro-  
172 vided for in article one, chapter sixteen of this code;

173 (4) Health care planning council provided for in  
174 article two-d, chapter sixteen of this code;

175 (5) Office of emergency medical services and advi-  
176 sory council thereto provided for in article four-c,  
177 chapter sixteen of this code;

178 (6) Continuum of care board for the elderly, disabled  
179 and terminally ill provided for in article five-d,  
180 chapter sixteen of this code;

181 (7) Hospital finance authority provided for in article  
182 twenty-nine-a, chapter sixteen of this code;

183 (8) Health care cost review authority provided for in  
184 article twenty-nine-b, chapter sixteen of this code;

185 (9) Structural barriers compliance board provided  
186 for in article ten-f, chapter eighteen of this code;

187 (10) Department of employment security, state  
188 advisory council thereto and board of review provided  
189 for in chapter twenty-one-a of this code;

190 (11) Office of workers' compensation commissioner,  
191 advisory board thereto and workers' compensation  
192 appeal board provided for in chapter twenty-three of  
193 this code;

194 (12) Commission on aging provided for in article  
195 fourteen, chapter twenty-nine of this code;

196 (13) Commission on mental retardation and advisory  
197 committee thereto provided for in article fifteen,  
198 chapter twenty-nine of this code;

199 (14) Women's commission provided for in article  
200 twenty, chapter twenty-nine of this code; and

201 (15) Commission on children and youth provided for  
202 in article six-c, chapter forty-nine of this code.

203 (e) The following agencies and boards, including all  
204 of the allied, advisory, affiliated or related entities and  
205 funds associated with any such agency or board, are  
206 hereby transferred to and incorporated in and shall be  
207 administered as a part of the department of public  
208 safety:

209 (1) Adjutant general's department provided for in  
210 article one-a, chapter fifteen of this code;

211 (2) Armory board provided for in article six, chapter  
212 fifteen of this code;

213 (3) Military awards board provided for in article one-  
214 g, chapter fifteen of this code;

215 (4) Department of public safety and commission on  
216 drunk driving prevention provided for in article two,  
217 chapter fifteen of this code;

218 (5) Office of emergency services and emergency  
219 services advisory council provided for in article five,  
220 chapter fifteen of this code;

221 (6) Sheriffs' bureau provided for in article eight,  
222 chapter fifteen of this code;

223 (7) Department of corrections provided for in chap-  
224 ter twenty-five of this code;

225 (8) Fire commission and state fire administrator  
226 provided for in article three, chapter twenty-nine of  
227 this code;

228 (9) Regional jail and prison authority provided for in  
229 article twenty, chapter thirty-one of this code;

230 (10) Board of probation and parole provided for in  
231 article twelve, chapter sixty-two of this code; and

232 (11) Department of veterans' affairs and veterans'  
233 council provided for in article one, chapter nine-a of  
234 this code.

235 (f) The following agencies and boards, including all  
236 of the allied, advisory, affiliated or related entities and  
237 funds associated with any such agency or board, are  
238 hereby transferred to and incorporated in and shall be  
239 administered as a part of the department of tax and  
240 revenue:

241 (1) Tax department provided for in article one,  
242 chapter eleven of this code;

243 (2) Appraisal control and review commission pro-  
244 vided for in article one-a, chapter eleven of this code;

245 (3) Office of nonintoxicating beer commissioner  
246 provided for in article sixteen, chapter eleven of this  
247 code;

248 (4) Board of investments provided for in article six,  
249 chapter twelve of this code;

250 (5) Municipal bond commission provided for in  
251 article three, chapter thirteen of this code;

252 (6) Racing commission provided for in article  
253 twenty-three, chapter nineteen of this code;

254 (7) Lottery commission and position of lottery  
255 director provided for in article twenty-two, chapter  
256 twenty-nine of this code;

257 (8) Agency of insurance commissioner provided for  
258 in article two, chapter thirty-three of this code;

259 (9) Office of alcohol beverage control commissioner  
260 provided for in article two, chapter sixty of this code;  
261 and

262 (10) Division of professional and occupational  
263 licenses which may be hereafter created by the  
264 Legislature.

265 (g) The following agencies and boards, including all  
266 of the allied, advisory, affiliated or related entities and  
267 funds associated with any such agency or board, are  
268 hereby transferred to and incorporated in and shall be  
269 administered as a part of the department of  
270 transportation:

271 (1) Road commission provided for in article two,  
272 chapter seventeen of this code;

273 (2) Department of highways provided for in article  
274 two-a, chapter seventeen of this code;

275 (3) Turnpike commission provided for in article  
276 sixteen-a, chapter seventeen of this code;

277 (4) Department of motor vehicles provided for in  
278 article two, chapter seventeen-a of this code;

279 (5) Driver's licensing advisory board provided for in  
280 article two, chapter seventeen-b of this code;

281 (6) Motorcycle safety standards and specifications  
282 board provided for in article fifteen, chapter  
283 seventeen-c of this code;

284 (7) Aeronautics commission provided for in article  
285 two-a, chapter twenty-nine of this code;

286 (8) Railroad maintenance authority provided for in  
287 article eighteen, chapter twenty-nine of this code; and

288 (9) Port authority which may be hereafter created  
289 by the Legislature.

290 (h) Except for such powers, authority and duties as  
291 have been delegated to the secretaries of the depart-  
292 ments by the provisions of section two of this article,

293 the existence of the position of administrator and of  
294 the agency and the powers, authority and duties of  
295 each administrator and agency shall not be affected by  
296 the enactment of this chapter.

297 (i) Except for such powers, authority and duties as  
298 have been delegated to the secretaries of the depart-  
299 ments by the provisions of section two of this article,  
300 the existence, powers, authority and duties of boards  
301 and the membership, terms and qualifications of  
302 members of such boards shall not be affected by the  
303 enactment of this chapter, and all boards which are  
304 appellate bodies or were otherwise established to be  
305 independent decision-makers shall not have their  
306 appellate or independent decision-making status  
307 affected by the enactment of this chapter.

308 (j) Wherever elsewhere in this code, in any act, in  
309 general or other law, in any rule or regulation, or in  
310 any ordinance, resolution or order, reference is made  
311 to any department transferred to and incorporated in  
312 a department created in section two, article one of this  
313 chapter, such reference shall henceforth be read,  
314 construed and understood to mean a division of the  
315 appropriate department so created, and any such  
316 reference elsewhere to a division of a department so  
317 transferred and incorporated shall henceforth be read,  
318 construed and understood to mean a section of the  
319 appropriate division of the department so created.

320 (k) The crime victims compensation fund provided  
321 for in article two-a, chapter fourteen of this code,  
322 including all of the allied, advisory, affiliated or  
323 related entities and funds associated therewith is  
324 hereby transferred to and incorporated in and shall be  
325 administered as a part of the court of claims.

326 (l) The department of veterans' affairs and veterans'  
327 council provided for in article one, chapter nine-a of  
328 this code, including all of the allied, advisory, affiliated  
329 or related entities and funds associated therewith is  
330 hereby transferred to and incorporated in and shall be  
331 administered as a part of the department of public  
332 safety.

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

*Frederick L. Hake*  
.....  
Chairman Senate Committee

*Bernard V. Kelly*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Harold E. Adams*  
.....  
Clerk of the Senate

*Donald L. Hogg*  
.....  
Clerk of the House of Delegates

*Willard Smith*  
.....  
President of the Senate

*Paul W. Anderson*  
.....  
Speaker House of Delegates

The within *is approved* this the *5th* day of *March* ..... 1990.

*Yashon Caputo*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/14/90

Time 2:44 PM