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) 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 the 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 Board of Coal Mine Health and Safety and the Coal Mine Safety and Technical Review Committee provided in §22A-6-1 *et seq*. of this code are transferred to the Office of Miners' Health, Safety, and Training for purposes of administrative support and liaison with the Office of the Governor.

(3) Division of Natural Resources and Natural Resources Commission provided in §20-1-1 *et seq*. of this code;

WV Legislature

(4) Division of Forestry provided in §19-1A-1 *et seq*. of this code;

(5) Geological and Economic Survey provided in §29-2-1 *et seq*. of this code;

(6) 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;

(D) Division of Research, Information and Analysis;

(7) Division of Rehabilitation Services provided in §18-10A-1 *et seq*. of this code; and

(8) Division of Economic Development provided in §5B-2-1 *et seq*. of this code, which includes:

(A) Office of Broadband provided for in 31G-1A-1 *et seq*.;

(B) Small Business Development Center provided for in §12-1A-1 *et seq*.; and

(C) The Office of Energy provided for in §5B-2F-2 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 Commission provided in §10-5-1 *et seq*. of this code is continued as a separate agency within the Department of Tourism, which shall provide administrative support for the authority.

(f) 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;

WV Legislature

(4) Surface Mine Board provided in §22B-4-1 *et seq*. of this code;

(5) Shallow Gas Well Review Board provided in §22C-8-1 *et seq*. of this code; and

(6) Oil and Gas Conservation Commission provided in §22C-9-1 *et seq*. of this code.

(g) Subject to the provisions of §5F-2-1a of this code, 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:

(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-1 *et seq*. of this code;

(5) The Developmental Disabilities Council established by Executive Order No. 6-88 and continued by Executive Order No. 15-99.

(h) Subject to the provisions of §5F-2-1a of this code, 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 Human Services:

(1) Women's Commission provided in §29-20-1 *et seq*. of this code; and

(2) Bureau for Child Support Enforcement provided in §48-1-1 *et seq*. 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 Homeland Security:

(1) West Virginia State Police;

(2) Division of Emergency Management provided in §15-5-1 *et seq*. of this code and Emergency Response Commission provided in §15-5A-1 *et seq*. of this code: *Provided*, That notwithstanding any other provision of this code to the contrary, whenever in this code, or a rule promulgated thereunder, a reference is made to the Division of Homeland Security and Emergency Management, it shall be construed to mean the Division of Emergency Management;

(3) Division of Administrative Services;

WV Legislature

(4) Division of Corrections and Rehabilitation;

(5) Fire Commission;

(6) State Fire Marshal;

(7) Board of Probation and Parole;

(8) The West Virginia Fusion Center;

(9) Division of Protective Services; and

(10) Any other agency or entity hereinafter established within the Department of Homeland Security by an act of the Legislature.

(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 §11-1-1 *et seq*. 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 *et seq*. 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 §47A-1-1 *et seq*. 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 *et seq*. 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

WV Legislature

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; and

(5) Division of Multimodal Transportation Facilities provided in §17-16F-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 §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 §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 may 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.

(q) The Department of Economic Development as established in §5B-2-1 *et seq*. of this code is continued as a division of the Department of Commerce.

WV Legislature

(r) The Department of Tourism as established in §5B-2I-1 *et seq*. of this code is continued as a separate independent agency within the Executive Branch, which includes the following sections and commissions listed under §29-1-1 of this code:

(1) The Arts Section;

(2) The Archives and History Section;

(3) The Museums Section;

(4) The Historic Preservation Section;

(5) The State Library Section;

(6) The National Coal Heritage Area Commission;

(7) The Administrative Section;

(8) The Educational Broadcasting Commission;

(9) A Commission on the Arts;

(10) A Commission on Archives and History;

(11) A Library Commission; and

(12) An Educational Broadcasting Council.

WV Legislature