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# **WEST VIRGINIA CODE CHAPTER 5f**

## **ARTICLE 1**

WV Legislature

**§5F-1-1. Legislative findings and declarations.**

(a) The Legislature hereby finds and declares that state government must be made more responsive to the citizens of the state; that the various agencies and boards responsible for the execution of the laws of this state must be improved; that more effective management of the executive branch of state government must be achieved; that the efficiency of the operations of the agencies and boards of state government must be increased; and that in view of the financial crisis facing the State of West Virginia, it is essential to compel a curtailment and reduction of governmental expenses and hold them within reasonable bounds consistent with the economical and efficient administration of governmental services and to ensure the strictest economy in the matter of governmental expenditures to the end that agencies and boards of government may not be compelled to abdicate their responsibilities or cease to function but that in carrying out their responsibilities they shall not place upon the public any expense which is not necessary. The Legislature further hereby finds and declares that in order to achieve these purposes, it is essential to reorganize the executive branch of state government so as to:

- (1) Promote the execution of the laws, the more effective management of the executive branch and of its agencies, boards and functions, and the expeditious administration of the public business;
- (2) Reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of state government;
- (3) Increase the efficiency of the operations of state government to the fullest extent practicable;
- (4) Group, coordinate and consolidate agencies and functions of state government, as nearly as may be, according to purposes;
- (5) Consolidate or combine those agencies having similar or complementary functions under a single head, and, after observing and analyzing the operation of such consolidated or combined agencies for a period of time, abolish by legislative act, where legislative action is required, such agencies or functions thereof as are determined not to be necessary or desirable for the efficient conduct of the state government;
- (6) Eliminate duplication of effort;
- (7) Provide for appropriate Legislative Oversight as mandated in the Constitution of this state; and
- (8) Provide for a spirit of cooperation and unity between the executive and legislative branches in addressing and developing solutions to the problems facing the state.

(b) This chapter is enacted in view and because of the findings and declarations set forth in subsection (a) of this section and shall be construed in the light thereof.

**§5F-1-2. Executive departments created; offices of secretary created.**

(a) There are created, within the executive branch of the state government, the following departments:

- (1) Department of Administration;
- (2) Department of Environmental Protection;
- (3) Department of Health;
- (4) Department of Homeland Security;
- (5) Department of Revenue;
- (6) Department of Transportation;
- (7) Department of Commerce;
- (8) Department of Veterans' Assistance;
- (9) Department of Tourism;
- (10) Department of Human Services; and
- (11) Department of Health Facilities.

(b) Each department will be headed by a secretary appointed by the Governor with the advice and consent of the Senate. Each secretary serves at the will and pleasure of the Governor.

**§5F-1-3. Oath; bond; compensation.**

(a) Each person appointed to serve as a secretary shall take the oath or affirmation prescribed by section five, article four of the Constitution, and the oath shall be certified by the person who administers the same and filed in the office of the Secretary of State.

(b) Each person appointed shall give bond in the penalty of \$25,000 conditioned for the faithful performance of the duties of the office. The bond shall be approved by the Attorney General as to form and by the Governor as to sufficiency. The surety of the bond may be a bonding or surety company, in which case the premium shall be paid out of the appropriation made for the administration of the department.

**§5F-1-3a. Executive compensation commission.**

[Repealed.]

WV Legislature

**§5F-1-4. Definitions.**

(a) As used in this chapter, unless the context clearly requires a different meaning:

(1) "Administrator" means any person who fills a statutorily created position within or related to an agency or board (other than a board member) and who is designated by statute as commissioner, deputy commissioner, assistant commissioner, director, chancellor, chief, executive director, executive secretary, superintendent, deputy superintendent, or other administrative title, however designated;

(2) "Agency" means any department, division, fund, office, position, system, survey or other entity of state government, however designated, transferred to and incorporated in one of the departments created in section two of this article;

(3) "Board" means any board, commission, authority, council, or other body, however designated, consisting of two or more members, transferred to and incorporated in one of the departments created in section two of this article;

(4) "Code" means the Code of West Virginia, 1931, as heretofore and hereafter amended; and

(5) "Secretary" means the administrative head of one of the departments created in section two of this article.

(b) Although each term defined in subsection (a) of this section is in the singular, the plural of any term shall have the same meaning.

**§5F-1-5. Online state phone directory.**

(a) Each agency listed in the online state phone directory shall update the employee information in the directory, as required by this section, or provide the Office of Technology the following information, unless it is determined by the submitting agency that publishing such information could cause safety concerns to the employee, reveal sensitive information that should not be provided to the public at large, or is detrimental to the service operations of the agency:

- (1) Employee name and job title;
- (2) Office location and mailing address, including name of city and zip code;
- (3) Office telephone number, including extension;
- (4) Electronic mail address; and
- (5) Mobile telephone number, if used as referred to in §5F-1-5(e) of this code.

(b) The agency shall provide the Office of Technology written justification if the agency does not wish to provide the required information pursuant to §5F-1-5(a) of this code.

(c) Each agency listed in the online state phone directory shall update the online state phone directory information within 30 days after personnel action or event that would require the agency to add, modify, or delete information from the directory, or the agency shall provide that information to the Office of Technology.

(d) The Office of Technology shall, within 30 days of receipt of updated employee information from an agency, make the requested changes to the online state phone directory.

(e) Beginning with the effective date of this amendment, each agency listed in the online state phone directory shall update the employee information in the directory to include the information required in §5F-1-5(a) of this code for any official or employee who either has a mobile telephone furnished by his or her employer, or uses his or her private mobile telephone during his or her employment with the state and the service is paid by the employer: *Provided*, That this information shall also be listed on the website of each agency.

**§5F-1-6. House Bill 4006 amendments effective date.**

[Repealed.]

WV Legislature

**§5F-1-7. Website content and required information.**

Beginning December 31, 2020, each agency shall maintain a website that provides the following information in a searchable form by the public, if applicable:

(1) The office contact information, including office location and mailing address, telephone number, facsimile number, office hours, and a secure electronic means of contacting the office such as a contact portal or other interface;

(2) The contact information of each administrative agency official, including office location and mailing address, office telephone number, facsimile number, and an organizational electronic mail address: *Provided*, That the agency may withhold contact information of its staff members from disclosure that it deems necessary to protect their safety, the safety of their coworkers, and the integrity of law-enforcement operations;

(3) Organizational chart;

(4) A list of governing statutes and legislative and procedural rules;

(5) Meeting minutes;

(6) Annual reports;

(7) Frequently asked questions and descriptive answers;

(8) Available state grant opportunities to include, but not be limited to:

(A) Available grant information and application information;

(B) Grant eligibility requirements; and

(C) Award ranges and award deadlines; and

(9) State grants that are awarded in an amount greater than \$20,000 to include, but not be limited to:

(A) The name and address of the grantee's organization;

(B) The purpose of the award;

(C) The amount of the award;

(D) The effective date and duration of the award; and

(E) Any financial and performance reports that are required by the State of West Virginia.