WEST VIRGINIA LEGISLATURE

FIRST EXTRAORDINARY SESSION, 1989

ENROLLED

Committee Substitute for

SENATE BILL NO. 2

(By Senator Tucker, Mr. President, et al)

PASSED February 1, 1989

In Effect from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 2
(BY SENATORS TUCKER (Mr. PRESIDENT) AND HARMAN,
BY REQUEST OF THE EXECUTIVE)

[Passed February 27, 1989; in effect from passage]

AN ACT to amend the code of West Virginia, one thousand
nine hundred thirty-one, as amended, by adding thereto
a new chapter, designated chapter five-f, relating to the
reorganization of the executive branch of state
government; setting forth certain legislative findings and
declarations; providing a rule of construction; creating
seven new departments in the executive branch of state
government; creating the office of secretary as the
administrative head of each such department; specifying
the appointment, term, oath, bond and compensation of
each such secretary and funding for expenditures for
personal services of the secretary's office; defining terms;
providing for the transfer to and incorporation in such
departments of numerous state agencies and boards and
their allied, advisory, affiliated and related entities and
funds; retaining the existence, powers, authority, duties
and status of administrators, agencies and boards;
providing for code references elsewhere; relating to the
powers and authority of the secretary of each such
department; providing rule-making authority; making
special provisions for federal law or regulation,
federal-state programs or federally delegated programs; specifying the appointment, term, qualifications, oath, bond and compensation of administrators of all transferred and incorporated agencies and boards; authorizing dual office-holding; providing for the transfer of records, property and personnel; providing for a report to the Legislature concerning further reorganization of the executive branch of state government; providing operative date for implementation; and providing a severability clause.

Be it enacted by the Legislature of West Virginia:

That the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new chapter, designated chapter five-f, to read as follows:

CHAPTER 5F. REORGANIZATION OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

ARTICLE 1. GENERAL PROVISIONS.

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

1 (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; funds.

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

(1) Department of administration;
(2) Department of commerce, labor and environmental resources;
(3) Department of education and the arts;
(4) Department of health and human resources;
(5) Department of public safety;
(6) Department of tax and revenue; and
(7) Department of transportation.

(b) Each department shall be headed by a secretary who shall be appointed by the governor by and with the advice and consent of the Senate and who shall serve 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 such oath shall be certified by the person who administers the same and filed in the office of the secretary of state.

(b) Each person so appointed shall give bond in the penalty of twenty-five thousand dollars conditioned for the faithful performance of the duties of the office, which bond shall be approved by the attorney general as to form and by the governor as to sufficiency. The surety of such 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.

(c) Each secretary shall receive an annual salary as shall be fixed from time to time by the governor within the limit of funds appropriated to the department and available for such purpose.
(d) The salary and expenses necessary for each secretary and all expenditures for personal services for the office of secretary shall be paid from and within existing appropriations made to the agencies and boards transferred to the department headed by that secretary, and revised expenditure schedules shall be submitted to the commissioner of finance and administration and the legislative auditor stating the amount and source of funds to be expended: Provided, That for fiscal years beginning the first day of July, one thousand nine hundred eighty-nine, such amounts shall follow the procedures described in chapter five-a of this code.

§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, one thousand nine hundred thirty-one, as heretofore and hereafter amended; and

(5) “Secretary” means the administrative head of
(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.

ARTICLE 2. TRANSFER OF AGENCIES AND BOARDS.

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

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

(1) Building commission provided for in article six, chapter five of this code;

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

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

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

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

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

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

(8) Advisory commission to the information system services division in the department of finance and administration provided for in article seven, chapter five-a of this code;
(9) Teachers retirement system and teachers' retirement board provided for in article seven-a, chapter eighteen of this code;

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

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

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

(13) Board of risk and insurance management provided for in article twelve, chapter twenty-nine of this code;

(14) Boundary commission provided for in article twenty-three, chapter twenty-nine of this code;

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

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

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

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

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

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

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

(4) Enterprise zone authority provided for in article two-b, chapter five-b of this code;
(5) Office of federal procurement assistance provided for in article two-c, chapter five-b of this code;

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

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

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

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

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

(11) Resource recovery—solid waste disposal authority provided for in article twenty-six, chapter sixteen of this code;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(26) Oil and gas conservation commission provided for in article eight, chapter twenty-two of this code;

(27) Board of miner training, education and certification provided for in article nine, chapter twenty-two of this code;

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

(29) Oil and gas inspectors' examining board provided for in article thirteen, chapter twenty-two of this code;

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

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

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

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

(34) Board of members of the forest industries
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134 industrial foundation provided for in article sixteen, chapter thirty-one of this code;
135 (35) Department of banking provided for in article two, chapter thirty-one-a of this code;
136 (36) Board of banking and financial institutions provided for in article three, chapter thirty-one-a of this code;
137 (37) Consumer affairs advisory council provided for in article seven, chapter forty-six-a of this code; and
138 (38) Lending and credit rate board provided for in chapter forty-seven-a of this code.
139 (c) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any such agency or board, are hereby transferred to and incorporated in and shall be administered as a part of the department of education and the arts:
140 (1) Library commission provided for in article one, chapter ten of this code;
141 (2) Educational broadcasting authority provided for in article five, chapter ten of this code;
142 (3) Board of regents provided for in article twenty-six, chapter eighteen of this code; and
143 (4) Department of culture and history, archives and history commission and commission on the arts provided for in article one, chapter twenty-nine of this code.
144 (d) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any such agency or board, are hereby transferred to and incorporated in and shall be administered as a part of the department of health and human resources:
145 (1) Human rights commission provided for in article eleven, chapter five of this code;
(2) Department of human services provided for in article two, chapter nine of this code;

(3) Department of veterans' affairs and veterans' council provided for in article one, chapter nine-a of this code;

(4) Department of health and board of health provided for in article one, chapter sixteen of this code;

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

(6) Office of emergency medical services and advisory council thereto provided for in article four-c, chapter sixteen of this code;

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

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

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

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

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

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

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

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

(15) Women's commission provided for in article twenty, chapter twenty-nine of this code; and
(e) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any such agency or board, are hereby transferred to and incorporated in and shall be administered as a part of the department of public safety:

(1) Crime victims compensation fund provided for in article two-a, chapter fourteen of this code;

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

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

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

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

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

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

(8) Department of corrections provided for in chapter twenty-five of this code;

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

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

(11) Board of probation and parole provided for in article twelve, chapter sixty-two of this code.

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

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

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

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

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

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

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

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

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

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

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

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

(1) Road commission provided for in article two, chapter seventeen of this code;
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(2) Department of highways provided for in article two-a, chapter seventeen of this code;

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

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

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

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

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

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

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

(h) Except for such powers, authority and duties as have been delegated to the secretaries of the departments by the provisions of section two of this article, the existence of the position of administrator and of the agency and the powers, authority and duties of each administrator and agency shall not be affected by the enactment of this chapter.

(i) Except for such powers, authority and duties as have been delegated to the secretaries of the departments by the provisions of section two of this article, the existence, powers, authority and duties of boards and the membership, terms and qualifications of members of such boards shall not be affected by the enactment of this chapter, and all boards which are appellate bodies or were otherwise established to be independent decision-makers shall not have their appellate or independent decision-making status affected by the enactment of this chapter.

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

§5F-2-2. Power and authority of secretary of each department.

(a) Notwithstanding any other provision of this code to the contrary, the secretary of each department shall have plenary power and authority within and for the department to:

1. Employ and discharge within the office of the secretary such employees as may be necessary to carry out the functions of the secretary, which employees shall serve at the will and pleasure of the secretary.

2. Cause the various agencies and boards to be operated effectively, efficiently and economically, and develop goals, objectives, policies and plans that are necessary or desirable for the effective, efficient and economical operation of the department;

3. Eliminate or consolidate positions, other than positions of administrators or positions of board members, and name a person to fill more than one position;

4. Delegate, assign, transfer or combine responsibilities or duties to or among employees, other than administrators or board members.

5. Reorganize internal functions or operations;

6. Formulate comprehensive budgets for consideration by the governor, and transfer within the department funds appropriated to the various agencies of the department which are not expended due to cost savings resulting from the implementation of the
provisions of this chapter: Provided, That no more
than twenty-five percent of the funds appropriated to
any one agency or board may be transferred to other
agencies or boards within the department: Provided,
however, That no funds may be transferred from a
special revenue account, dedicated account, capital
expenditure account or any other account or funds
specifically exempted by the Legislature from transfer,
except that the use of appropriations from the state
road fund transferred to the office of the secretary of
the department of transportation is not a use other
than the purpose for which such funds were dedicated
and is permitted: Provided further, That if the Legis-
lature by subsequent enactment consolidates agencies,
boards or functions, the secretary may transfer the
funds formerly appropriated to such agency, board or
function in order to implement such consolidation.
The authority to transfer funds under this section
shall expire on the thirtieth day of June, one thousand
nine hundred eighty-nine.

(7) Enter into contracts or agreements requiring the
expenditure of public funds, and authorize the expend-
diture or obligating of public funds as authorized by
law: Provided, That the powers granted to the secre-
tary to enter into contracts or agreements and to make
expenditures or obligations of public funds under this
provision shall not exceed or be interpreted as author-
ity to exceed the powers heretofore granted by the
Legislature to the various commissioners, directors or
board members of the various departments, agencies
or boards that comprise and are incorporated into each
secretary’s department under this chapter;

(8) Acquire by lease or purchase property of what-
ever kind or character, and convey or dispose of any
property of whatever kind or character as authorized
by law: Provided, That the powers granted to the
secretary to lease, purchase, convey or dispose of such
property shall not exceed or be interpreted as author-
ity to exceed the powers heretofore granted by the
Legislature to the various commissioners, directors or
board members of the various departments, agencies
or boards that comprise and are incorporated into each secretary's department under this chapter.

(9) Conduct internal audits;

(10) Supervise internal management;

(11) Promulgate rules, as defined in section two, article one, chapter twenty-nine-a of this code, to implement and make effective the powers, authority and duties granted and imposed by the provisions of this chapter, such promulgation to be in accordance with the provisions of chapter twenty-nine-a of this code;

(12) Grant or withhold written consent to the proposal of any rule, as defined in section two, article one, chapter twenty-nine-a of this code, by any administrator, agency or board within the department, without which written consent no proposal of a rule shall have any force or effect;

(13) Delegate to administrators such duties of the secretary as the secretary may deem appropriate from time to time to facilitate execution of the powers, authority and duties delegated to the secretary; and

(14) Take any other action involving or relating to internal management not otherwise prohibited by law.

(b) The secretaries of the departments hereby created shall engage in a comprehensive review of the practices, policies, and operations of the agencies and boards within their departments to determine the feasibility of cost reductions and increased efficiency which may be achieved therein, including, but not limited to, the following:

(1) The elimination, reduction and restrictions in the use of the state's vehicle or other transportation fleet;

(2) The elimination, reduction and restrictions in the preparation of state government publications, including annual reports, informational materials, and promotional materials;

(3) The termination or renegotiation of terms
(4) The adoption of appropriate systems for accounting, including consideration of an accrual basis financial accounting and reporting system;

(5) The adoption of revised procurement practices to facilitate cost effective purchasing procedures, including consideration of means by which domestic businesses may be assisted to compete for state government purchases; and

(6) The computerization of the functions of the state agencies and boards.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, none of the powers granted to the secretaries herein shall be exercised by the secretary if to do so would violate or be inconsistent with the provisions of any federal law or regulation, any federal-state program or federally delegated program or jeopardize the approval, existence or funding of any such program, and the powers granted to the secretary shall be so construed.

(d) The layoff and recall rights of employees within the classified service of the state as provided in subsections five and six, section ten, article six, chapter twenty-nine of this code shall be limited to the organizational unit within the agency or board and within the promotional series of the agency or board in which the employee was employed prior to the agency or board's transfer or incorporation into the department. The duration of recall rights provided in this subsection shall be limited to two years or the length of tenure, whichever is less. Except as provided in this subsection, nothing contained in this section shall be construed to abridge the rights of employees within the classified service of the state as provided in sections ten and ten-a, article six, chapter twenty-nine of this code or the right of classified employees of the board of regents to the procedures and protections set forth in article twenty-six-b, chapter eighteen of this code.
§5F-2-3. Administrators; appointment; oath; bond; compensation.

1 (a) Notwithstanding any other provision of this code including subsections (h) and (i), section one of this article) to the contrary, each administrator required by other provisions of this code to be appointed by the governor shall:

6 (1) Continue to be appointed by the governor by and with the advice and consent of the Senate and each such administrator shall serve at the will and pleasure of the governor, and the governor may appoint a person to fill more than one such position of administrator and may appoint a secretary to fill one or more positions of such administrator, but each person appointed as such an administrator must possess whatever qualifications are elsewhere specified in this code as being required for appointment to such position;

17 (2) Take the oath of office or affirmation prescribed by section five, article four of the constitution, and such oath shall be certified by the person who administers the same and filed in the office of the secretary of state;

22 (3) Give bond in the penalty of fifteen thousand dollars conditioned for the faithful performance of the duties of the office, which bond shall be approved by the attorney general as to form and by the secretary as to sufficiency. The surety of such 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; and

30 (4) Receive an annual salary as shall be fixed from time to time by the governor and secretary within the limit of funds appropriated to the department and available for such purpose.

34 (b) Each administrator required by other provisions of this code to be appointed in any manner other than by the governor shall continue to be appointed, shall take such oath of office, give such bond and receive
§5F-2-4. Transfer of records, property and personnel.

All records, assets and property, of whatever kind or character, owned by or utilized in the administration of the agencies and boards and all of the personnel utilized in the administration of such agencies and boards, including the administrators, are hereby transferred to the respective department to and in which such agencies and boards are transferred and incorporated.

ARTICLE 3. FUTURE REORGANIZATION; SEVERABILITY.

§5F-3-1. Recommendations for further reorganization.

The governor shall submit to the Legislature on or before the first day of January, one thousand nine hundred ninety-one, a report setting forth the reorganization implemented by executive action pursuant to this chapter and resulting cost savings as determined by the governor, any recommendations for further reorganization requiring legislative action and drafts of recommended legislation to implement the reorganization requiring legislative action.

§5F-3-2. Operative dates.

The provisions of this chapter shall become operative as to any department created in section two, article one of this chapter upon the appointment of the secretary of such department.

§5F-3-3. Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect other provisions or applications of the chapter, and to this end the provisions of this chapter are declared to be severable.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick L. Peace
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originated in the Senate.

In effect from passage.

Jared G.乌克
Clerk of the Senate

Donald T. Kopp
Clerk of the House of Delegates

Sam Tucker
President of the Senate

Bob Atwood
Speaker House of Delegates

The within is approved this the 7th day of January, 1989.

Jaston Carpenter
Governor
PRESENTED TO THE
GOVERNOR
Date 2/3/89
Time 11:15 a.m.