

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 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. Harbo
.....
Chairman Senate Committee

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

Originated in the Senate.

In effect from passage.

Harriet 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

GOVERNOR

Date 3/14/90

Time 2:44 PM