WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1990

ENROLLED

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 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:

7 (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
(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 industrial foundation provided for in article sixteen, chapter thirty-one of this code;

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

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

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

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

(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:

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

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

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

(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.

(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:

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

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

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

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

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

(8) Health care cost review authority provided for in article twenty-nine-b, chapter sixteen of this code;
(9) Structural barriers compliance board provided for in article ten-f, chapter eighteen of this code;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) Department of veterans’ affairs and veterans’ council provided for in article one, chapter nine-a 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.

(g) 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;

(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 depart-
ments 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.

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

(l) The department of veterans' affairs and veterans'
council provided for in article one, chapter nine-a of
this code, including all of the allied, advisory, affiliated
or related entities and funds associated therewith is
hereby transferred to and incorporated in and shall be
administered as a part of the department of public
safety.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is applied to this the day of , 1990.

Governor