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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1992

—●—
ENROLLED
Committee Substitute for
SENATE BILL NO. 297

(By Senator Spears)

—●—
PASSED March 3, 1992
In Effect 90 days from Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 297

(BY SENATOR SPEARS, *original sponsor*)

[Passed March 3, 1992; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article one, chapter five-f of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section one, article two of said chapter, relating to the reorganization of the executive branch of state government; seven departments; changing the name of the department of public safety to department of military affairs and public safety; the office of secretary as the head of each department; transfer to such departments of numerous state agencies and boards and their allied, advisory, affiliated and related entities and funds; removing and correcting transfer references to certain agencies and boards; retaining the existence, powers, authority, duties and status of administrators, agencies and boards; providing for code references elsewhere; and removing the crime victims compensation fund from reorganization of the executive branch of state government.

Be it enacted by the Legislature of West Virginia:

That section two, article one, chapter five-f of the code of

West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section one, article two of said chapter be amended and reenacted to read as follows:

ARTICLE 1. GENERAL PROVISIONS.

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

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

4 (1) Department of administration;

5 (2) Department of commerce, labor and environ-
6 mental resources;

7 (3) Department of education and the arts;

8 (4) Department of health and human resources;

9 (5) Department of military affairs and public safety;

10 (6) Department of tax and revenue; and

11 (7) Department of transportation.

12 (b) Each department shall be headed by a secretary
13 who shall be appointed by the governor by and with
14 the advice and consent of the Senate and who shall
15 serve at the will and pleasure of the governor.

ARTICLE 2. TRANSFER OF AGENCIES AND BOARDS.

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

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) Public employees insurance agency and public

10 employees insurance agency advisory board provided
11 for in article sixteen, chapter five of this code;

12 (3) Council of finance and administration provided
13 for in article one, chapter five-a of this code;

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

16 (5) Governor's mansion advisory committee pro-
17 vided for in article four-a, chapter five-a of this code;

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

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

23 (8) Board of risk and insurance management pro-
24 vided for in article twelve, chapter twenty-nine of this
25 code;

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

28 (10) Public defender services provided for in article
29 twenty-one, chapter twenty-nine of this code;

30 (11) Division of personnel provided for in article six,
31 chapter twenty-nine of this code;

32 (12) The West Virginia ethics commission provided
33 for in article two, chapter six-b of this code; and

34 (13) Consolidated public retirement board provided
35 for in article ten-d, chapter five of this code.

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

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

44 (2) Division of tourism and parks provided for in

45 article one, chapter five-b of this code;

46 (3) Office of community and industrial development
47 or successor agency provided for in article two,
48 chapter five-b of this code;

49 (4) Enterprise zone authority provided for in article
50 two-b, chapter five-b of this code;

51 (5) Office of federal procurement assistance provided
52 for in article two-c, chapter five-b of this code;

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

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

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

59 (9) Solid waste management board provided for in
60 article twenty-six, chapter sixteen of this code;

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

64 (11) Division of natural resources and natural
65 resources commission provided for in article one,
66 chapter twenty of this code;

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

69 (13) Water development authority and board pro-
70 vided for in article five-c, chapter twenty of this code;

71 (14) Division of labor provided for in article one,
72 chapter twenty-one of this code;

73 (15) Occupational safety and health review commis-
74 sion provided for in article three-a, chapter twenty-
75 one of this code;

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

79 (17) Division of environmental protection provided

- 80 for in article one, chapter twenty-two of this code;
- 81 (18) Reclamation board of review provided for in
- 82 article four, chapter twenty-two of this code;
- 83 (19) Board of appeals provided for in article five,
- 84 chapter twenty-two of this code;
- 85 (20) Board of coal mine health and safety and coal
- 86 mine safety and technical review committee provided
- 87 for in article six, chapter twenty-two of this code;
- 88 (21) Shallow gas well review board provided for in
- 89 article seven, chapter twenty-two of this code;
- 90 (22) Oil and gas conservation commission provided
- 91 for in article eight, chapter twenty-two of this code;
- 92 (23) Board of miner training, education and certifi-
- 93 cation provided for in article nine, chapter twenty-two
- 94 of this code;
- 95 (24) Mine inspectors' examining board provided for
- 96 in article eleven, chapter twenty-two of this code;
- 97 (25) Oil and gas inspectors' examining board pro-
- 98 vided for in article thirteen, chapter twenty-two of
- 99 this code;
- 100 (26) Geological and economic survey provided for in
- 101 article two, chapter twenty-nine of this code;
- 102 (27) Blennerhassett historical state park commission
- 103 provided for in article eight, chapter twenty-nine of
- 104 this code;
- 105 (28) Economic development authority provided for in
- 106 article fifteen, chapter thirty-one of this code;
- 107 (29) Division of banking provided for in article two,
- 108 chapter thirty-one-a of this code;
- 109 (30) Board of banking and financial institutions
- 110 provided for in article three, chapter thirty-one-a of
- 111 this code;
- 112 (31) Lending and credit rate board provided for in
- 113 chapter forty-seven-a of this code; and
- 114 (32) Bureau of employment programs provided for

115 in article one, chapter twenty-one-a of this code.

116 (c) The following agencies and boards, including all
117 of the allied, advisory, affiliated or related entities and
118 funds associated with any such agency or board, are
119 hereby transferred to and incorporated in and shall be
120 administered as a part of the department of education
121 and the arts:

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

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

126 (3) University of West Virginia board of trustees
127 provided for in article two and board of directors of
128 the state college system provided for in article three,
129 chapter eighteen-b of this code; and

130 (4) Division of culture and history provided for in
131 article one, chapter twenty-nine of this code.

132 (d) The following agencies and boards, including all
133 of the allied, advisory, affiliated or related entities and
134 funds associated with any such agency or board, are
135 hereby transferred to and incorporated in and shall be
136 administered as a part of the department of health and
137 human resources:

138 (1) Human rights commission provided for in article
139 eleven, chapter five of this code;

140 (2) Division of human services provided for in article
141 two, chapter nine of this code;

142 (3) Division of health provided for in article one,
143 chapter sixteen of this code;

144 (4) Office of emergency medical services and advi-
145 sory council thereto provided for in article four-c,
146 chapter sixteen of this code;

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

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

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

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

155 (9) Commission on mental retardation provided for
156 in article fifteen, chapter twenty-nine of this code; and

157 (10) Women's commission provided for in article
158 twenty, chapter twenty-nine of this code.

159 (e) The following agencies and boards, including all
160 of the allied, advisory, affiliated or related entities and
161 funds associated with any such agency or board, are
162 hereby transferred to and incorporated in and shall be
163 administered as a part of the department of military
164 affairs and public safety:

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

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

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

171 (4) Division of public safety provided for in article
172 two, chapter fifteen of this code;

173 (5) Office of emergency services and disaster recov-
174 ery board provided for in article five and emergency
175 response commission provided for in article five-a,
176 chapter fifteen of this code;

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

179 (7) Division of corrections provided for in chapter
180 twenty-five of this code;

181 (8) Fire commission provided for in article three,
182 chapter twenty-nine of this code;

183 (9) Regional jail and correctional facility authority
184 provided for in article twenty, chapter thirty-one of
185 this code;

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

188 (11) Division of veterans' affairs and veterans'
189 council provided for in article one, chapter nine-a of
190 this code.

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

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

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

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

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

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

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

210 (7) Office of alcohol beverage control commissioner
211 provided for in article sixteen, chapter eleven and
212 article two, chapter sixty of this code; and

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

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

221 (1) Road commission provided for in article two,

222 chapter seventeen of this code;

223 (2) Division of highways provided for in article two-
224 a, chapter seventeen of this code;

225 (3) Parkways, economic development and tourism
226 authority provided for in article sixteen-a, chapter
227 seventeen of this code;

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

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

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

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

236 (8) Port authority provided for in article sixteen-b,
237 chapter seventeen of this code.

238 (h) Except for such powers, authority and duties as
239 have been delegated to the secretaries of the depart-
240 ments by the provisions of section two of this article,
241 the existence of the position of administrator and of
242 the agency and the powers, authority and duties of
243 each administrator and agency shall not be affected by
244 the enactment of this chapter.

245 (i) Except for such powers, authority and duties as
246 have been delegated to the secretaries of the depart-
247 ments by the provisions of section two of this article,
248 the existence, powers, authority and duties of boards
249 and the membership, terms and qualifications of
250 members of such boards shall not be affected by the
251 enactment of this chapter, and all boards which are
252 appellate bodies or were otherwise established to be
253 independent decisionmakers shall not have their
254 appellate or independent decision-making status
255 affected by the enactment of this chapter.

256 (j) Any department previously transferred to and
257 incorporated in a department created in section two,
258 article one of this chapter by prior enactment of this

259 section in chapter three, acts of the Legislature, first
260 extraordinary session, one thousand nine hundred
261 eighty-nine, and subsequent amendments thereto,
262 shall henceforth be read, construed and understood to
263 mean a division of the appropriate department so
264 created. Wherever elsewhere in this code, in any act,
265 in general or other law, in any rule or regulation, or
266 in any ordinance, resolution or order, reference is
267 made to any department transferred to and incorpo-
268 rated in a department created in section two, article
269 one of this chapter, such reference shall henceforth be
270 read, construed and understood to mean a division of
271 the appropriate department so created, and any such
272 reference elsewhere to a division of a department so
273 transferred and incorporated shall henceforth be read,
274 construed and understood to mean a section of the
275 appropriate division of the department so created.

The Joint Committee on Enrolled Bills hereby certifies
that the foregoing bill is correctly enrolled.

Flomer Hech
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

David E. Collins
.....
Clerk of the Senate

Donald G. Koop
.....
Clerk of the House of Delegates

Paul E. Anderson
.....
President of the Senate

Byrd
.....
Speaker House of Delegates

The within *is approved* this the *12th*
day of *March*, 1992.

Gaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/6/92

Time 9:45 am