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
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.

(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 military affairs and 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.

ARTICLE 2. TRANSFER OF AGENCIES AND BOARDS.

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

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

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

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

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

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

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

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

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

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

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

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

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

(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) Division of tourism and parks provided for in
article one, chapter five-b of this code;

(3) Office of community and industrial development or successor agency 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) Labor-management council provided for in article four, chapter five-b of this code;

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

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

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

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

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

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

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

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

(15) Occupational safety and health review commission provided for in article three-a, chapter twenty-one of this code;

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

(17) Division of environmental protection provided
for in article one, chapter twenty-two of this code;

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

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

(20) 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;

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

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

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

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

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

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

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

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

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

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

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

(32) Bureau of employment programs provided for
in article one, chapter twenty-one-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) University of West Virginia board of trustees provided for in article two and board of directors of the state college system provided for in article three, chapter eighteen-b of this code; and

(4) Division of culture and history 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) Division of human services provided for in article two, chapter nine of this code;

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

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

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

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

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

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

(10) Women's commission provided for in article twenty, chapter twenty-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 military affairs and 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) Division of public safety provided for in article two, chapter fifteen of this code;

(5) Office of emergency services and disaster recovery board provided for in article five and emergency response commission provided for in article five-a, chapter fifteen of this code;

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

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

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

(9) Regional jail and correctional facility 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) Division 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 division 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) Municipal bond commission provided for in article three, chapter thirteen of this code;

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

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

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

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

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

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

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

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

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

(h) 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 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 decisionmakers shall not have their
appellate or independent decision-making status
affected by the enactment of this chapter.

(j) Any department previously transferred to and
incorporated in a department created in section two,
article one of this chapter by prior enactment of this
section in chapter three, acts of the Legislature, first extraordinary session, one thousand nine hundred eighty-nine, and subsequent amendments thereto, shall henceforth be read, construed and understood to mean a division of the appropriate department so created. 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Robert Heath
Chairman Senate Committee

Ernest L. Moore
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Russell Tells
Clerk of the Senate

Donald A. Kepp
Clerk of the House of Delegates

Paulazer
President of the Senate

Robert C. Mallett
Speaker House of Delegates

The within .............. is the 12th

day of ........................., 1992.

Yboron Caperton
Governor