WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

ENROLLED

Senate Bill No. 454

(By Senators Bowman and Kessler)

[Passed March 10, 2007; in effect from passage.]
AN ACT to amend and reenact §5B-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5B-2B-6 and §5B-2B-9 of said code; to amend and reenact §5F-2-1 of said code; and to amend and reenact §21A-1-4 of said code, all relating to the Bureau of Employment Programs; changing the agency name from the Bureau of Employment Programs to Workforce West Virginia; revising the divisional structure within the agency; and providing that Workforce West Virginia shall provide administrative and other services to the West Virginia Workforce Investment Council.

Be it enacted by the Legislature of West Virginia:
That §5B-1-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §5B-2B-6 and §5B-2B-9 of said code be amended and reenacted; that §5F-2-1 of said code be amended and reenacted; and that §21A-1-4 of said code be amended and reenacted, all to read as follows:

CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.

ARTICLE 1. DEPARTMENT OF COMMERCE.

§5B-1-2. Agencies, boards, commissions, divisions and offices comprising the Department of Commerce.

The Department of Commerce consists of the following agencies, boards, commissions, divisions and offices, including all of the allied, advisory, affiliated or related entities, which are incorporated in and administered as part of the Department of Commerce:

(1) Division of Labor provided in article one, chapter twenty-one of this code, which includes:

(A) Occupational Safety and Health Review Commission provided in article three-a, chapter twenty-one of this code; and

(B) Board of Manufactured Housing Construction and Safety provided in article nine, chapter twenty-one of this code;

(2) Office of Miners' Health, Safety and Training provided in article one, chapter twenty-two-a of this code. The following boards are transferred to the Office of Miners' Health, Safety and Training for purposes of administrative support and liaison with the Office of the Governor:
(A) Board of Coal Mine Health and Safety and Coal
Mine Safety and Technical Review Committee provided
in article six, chapter twenty-two-a of this code;

(B) Board of Miner Training, Education and
Certification provided in article seven, chapter twenty-
two-a of this code; and

(C) Mine Inspectors' Examining Board provided in
article nine, chapter twenty-two-a of this code;

(3) The West Virginia Development Office, which
includes the Division of Tourism and the Tourism
Commission, provided in article two, chapter five-b of
this code;

(4) Division of Natural Resources and Natural
Resources Commission provided in article one, chapter
twenty of this code;

(5) Division of Forestry provided in article one-a,
chapter nineteen of this code;

(6) Geological and Economic Survey provided in
article two, chapter twenty-nine of this code;

(7) Workforce West Virginia provided in chapter
twenty-one-a of this code, which includes:

(A) Division of Unemployment Compensation;

(B) Division of Employment Service;

(C) Division of Workforce Development; and
(D) Division of Research, Information and Analysis; and

(8) Division of Energy provided in article one, chapter five-h of this code.

ARTICLE 2B. WEST VIRGINIA WORKFORCE INVESTMENT ACT.

§5B-2B-6. Administration of council.

(a) Workforce West Virginia shall provide administrative and other services to the council as the council requires.

(b) Workforce West Virginia shall facilitate the coordination of council activities and local workforce investment activities, including holding meetings with the executive directors of each local workforce investment board at least monthly. Any executive director of a local workforce investment board who participates in a meeting held pursuant to this subsection shall report to his or her board and the county commission of each county represented by the board regarding the meeting.

§5B-2B-9. Coordination between agencies providing workforce investment programs, local workforce investment boards and the Executive Director of Workforce West Virginia.

(a) To provide ongoing attention to addressing issues that will build and continually improve the overall workforce investment system, the Workforce Investment Interagency Collaborative Team is hereby created. The team shall be the single state interagency source for
addressing issues or concerns related to building and
maintaining the most effective and efficient
implementation of the federal Workforce Investment
Act and the overall workforce development system in
West Virginia. The team shall focus on how best to
collaborate between and among the state agencies
directly involved in workforce investment activities and
shall develop a strategic plan to that end. The team
shall serve as a forum for the council to seek
information or recommendations in furtherance of its
responsibilities under this article. Workforce West
Virginia is the entity which shall convene the team at
least monthly and shall provide administrative and
other services to the team as the team requires.

(b) The team shall consist of members from each
agency subject to the reporting provisions of section five
of this article. Each agency shall appoint two
representatives to the team consisting of the chief
official of the department or division and the official
within that department or division who is directly
responsible for overseeing the workforce investment
program or activities at the state level. A designee may
be selected to represent a member appointed to the
team: Provided, That the designee has policy-making
decision authority regarding workforce investment
activities including program and fiscal issues. The team
members have authority to make decisions on behalf of
the agency at the level required for the team to address
issues and advance system improvements.

(c) The team shall coordinate the development of a
self-sufficiency standard study for the State of West
Virginia. The self-sufficiency standard is to measure
how much income is needed for a household of a given
composition in a given place to adequately meet its basic needs without public or private assistance. Beginning on the first day of November, two thousand four, and every two years thereafter, this study is to be reported to the Speaker of the House of Delegates, the President of the Senate, the Workforce Investment Council and the Legislative Oversight Commission on Workforce Investment for Economic Development.

(d) Beginning the first day of January, two thousand three, in order to lawfully continue any workforce investment activities, any agency subject to the reporting provisions of section five of this article shall enter into a memorandum of understanding with the Executive Director of Workforce West Virginia and any local workforce investment board representing an area of this state in which the agency is engaged in workforce investment activities. To the extent permitted by federal law, the agreements are to maximize coordination of workforce investment activities and eliminate duplication of services on both state and local levels.

(e) No memorandum of understanding may be effective for more than one year without annual reaffirmation by the parties.

(f) Any state agency entering a memorandum of understanding shall deliver a copy thereof to both the West Virginia Workforce Investment Council and the legislative oversight commission.

CHAPTER 5F. REORGANIZATION OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.
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 agency or board, are incorporated in and administered as a part of the Department of Administration:

1. Building Commission provided in article six, chapter five of this code;

2. Public Employees Insurance Agency and Public Employees Insurance Agency Advisory Board provided in article sixteen, chapter five of this code;

3. Governor's Mansion Advisory Committee provided for in article five, chapter five-a of this code;

4. Commission on Uniform State Laws provided in article one-a, chapter twenty-nine of this code;

5. West Virginia Public Employees Grievance Board provided for in article three, chapter six-c of this code;

6. Board of Risk and Insurance Management provided for in article twelve, chapter twenty-nine of this code;

7. Boundary Commission provided in article twenty-three, chapter twenty-nine of this code;

8. Public Defender Services provided in article twenty-one, chapter twenty-nine of this code;
(9) Division of Personnel provided in article six, chapter twenty-nine of this code;

(10) The West Virginia Ethics Commission provided in article two, chapter six-b of this code;

(11) Consolidated Public Retirement Board provided in article ten-d, chapter five of this code; and

(12) Real Estate Division provided in article ten, chapter five-a of this code.

(b) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Commerce:

(1) Division of Labor provided in article one, chapter twenty-one of this code, which includes:

(A) Occupational Safety and Health Review Commission provided in article three-a, chapter twenty-one of this code; and

(B) Board of Manufactured Housing Construction and Safety provided in article nine, chapter twenty-one of this code;

(2) Office of Miners' Health, Safety and Training provided in article one, chapter twenty-two-a of this code. The following boards are transferred to the Office of Miners' Health, Safety and Training for purposes of administrative support and liaison with the office of the Governor:
(A) Board of Coal Mine Health and Safety and Coal
Mine Safety and Technical Review Committee provided
in article six, chapter twenty-two-a of this code;

(B) Board of Miner Training, Education and
Certification provided in article seven, chapter twenty-
two-a of this code; and

(C) Mine Inspectors' Examining Board provided in
article nine, chapter twenty-two-a of this code;

(3) The West Virginia Development Office, which
includes the Division of Tourism and the Tourism
Commission provided in article two, chapter five-b of
this code;

(4) Division of Natural Resources and Natural
Resources Commission provided in article one, chapter
twenty of this code;

(5) Division of Forestry provided in article one-a,
chapter nineteen of this code;

(6) Geological and Economic Survey provided in
article two, chapter twenty-nine of this code; and

(7) Workforce West Virginia provided in chapter
twenty-one-a of this code, which includes:

(A) Division of Unemployment Compensation;

(B) Division of Employment Service;

(C) Division of Workforce Development; and
(D) Division of Research, Information and Analysis;
and

(8) Division of Energy provided in article two-f, chapter five-b of this code.

(c) The Economic Development Authority provided in article fifteen, chapter thirty-one of this code is continued as an independent agency within the executive branch.

(d) The Water Development Authority and Board provided in article one, chapter twenty-two-c of this code is continued as an independent agency within the executive branch.

(e) The following agencies and boards, including all of the allied, advisory and affiliated entities, are transferred to the Department of Environmental Protection for purposes of administrative support and liaison with the office of the Governor:

(1) Air Quality Board provided in article two, chapter twenty-two-b of this code;

(2) Solid Waste Management Board provided in article three, chapter twenty-two-c of this code;

(3) Environmental Quality Board, or its successor board, provided in article three, chapter twenty-two-b of this code;

(4) Surface Mine Board provided in article four, chapter twenty-two-b of this code;
(5) Oil and Gas Inspectors' Examining Board provided in article seven, chapter twenty-two-c of this code;

(6) Shallow Gas Well Review Board provided in article eight, chapter twenty-two-c of this code; and

(7) Oil and Gas Conservation Commission provided in article nine, chapter twenty-two-c of this code.

(f) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Education and the Arts:

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

(2) Educational Broadcasting Authority provided in article five, chapter ten of this code;

(3) Division of Culture and History provided in article one, chapter twenty-nine of this code;

(4) Division of Rehabilitation Services provided in section two, article ten-a, chapter eighteen of this code.

(g) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Health and Human Resources:

(1) Human Rights Commission provided in article eleven, chapter five of this code;
(2) Division of Human Services provided in article two, chapter nine of this code;

(3) Bureau for Public Health provided in article one, chapter sixteen of this code;

(4) Office of Emergency Medical Services and Advisory Council provided in article four-c, chapter sixteen of this code;

(5) Health Care Authority provided in article twenty-nine-b, chapter sixteen of this code;

(6) Commission on Mental Retardation provided in article fifteen, chapter twenty-nine of this code;

(7) Women's Commission provided in article twenty, chapter twenty-nine of this code; and

(8) The Child Support Enforcement Division provided in chapter forty-eight of this code.

(h) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Military Affairs and Public Safety:

(1) Adjutant General's Department provided in article one-a, chapter fifteen of this code;

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

(3) Military Awards Board provided in article one-g,
chapter fifteen of this code;

(4) West Virginia State Police provided in article two, chapter fifteen of this code;

(5) Division of Homeland Security and Emergency Management and Disaster Recovery Board provided in article five, chapter fifteen of this code and Emergency Response Commission provided in article five-a of said chapter;

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

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

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

(9) Regional Jail and Correctional Facility Authority provided in article twenty, chapter thirty-one of this code;

(10) Board of Probation and Parole provided in article twelve, chapter sixty-two of this code; and

(11) Division of Veterans' Affairs and Veterans' Council provided in article one, chapter nine-a of this code.

(i) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the
Department of Revenue:

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

(2) Racing Commission provided in article twenty-three, chapter nineteen of this code;

(3) Lottery Commission and position of Lottery Director provided in article twenty-two, chapter twenty-nine of this code;

(4) Agency of Insurance Commissioner provided in article two, chapter thirty-three of this code;

(5) Office of Alcohol Beverage Control Commissioner provided in article sixteen, chapter eleven of this code and article two, chapter sixty of this code;

(6) Board of Banking and Financial Institutions provided in article three, chapter thirty-one-a of this code;

(7) Lending and Credit Rate Board provided in chapter forty-seven-a of this code;

(8) Division of Banking provided in article two, chapter thirty-one-a of this code;

(9) The State Budget Office provided in article two of this chapter;

(10) The Municipal Bond Commission provided in article three, chapter thirteen of this code;
The Office of Tax Appeals provided in article ten-a, chapter eleven of this code; and

The State Athletic Commission provided in article five-a, chapter twenty-nine of this code.

(j) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Transportation:

(1) Division of Highways provided in article two-a, chapter seventeen of this code;

(2) Parkways, Economic Development and Tourism Authority provided in article sixteen-a, chapter seventeen of this code;

(3) Division of Motor Vehicles provided in article two, chapter seventeen-a of this code;

(4) Driver's Licensing Advisory Board provided in article two, chapter seventeen-b of this code;

(5) Aeronautics Commission provided in article two-a, chapter twenty-nine of this code;

(6) State Rail Authority provided in article eighteen, chapter twenty-nine of this code; and

(7) Port Authority provided in article sixteen-b, chapter seventeen of this code.

(k) Except for powers, authority and duties that have
been delegated to the secretaries of the departments by
the provisions of section two of this article, the position
of administrator and the powers, authority and duties
of each administrator and agency are not affected by
the enactment of this chapter.

(l) Except for powers, authority and duties that 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 the boards are not affected by the enactment of this
chapter. All boards that are appellate bodies or are
independent decisionmakers shall not have their
appellate or independent decision-making status
affected by the enactment of this chapter.

(m) Any department previously transferred to and
incorporated in a department by prior enactment of this
section means a division of the appropriate department.
Wherever reference is made to any department
transferred to and incorporated in a department created
in section two, article one of this chapter, the reference
means a division of the appropriate department and any
reference to a division of a department so transferred
and incorporated means a section of the appropriate
division of the department.

(n) When an agency, board or commission is
transferred under a bureau or agency other than a
department headed by a secretary pursuant to this
section, that transfer is solely for purposes of
administrative support and liaison with the office of the
Governor, a department secretary or a bureau. Nothing
in this section extends the powers of department
secretaries under section two of this article to any person other than a department secretary and nothing limits or abridges the statutory powers and duties of statutory commissioners or officers pursuant to this code.

CHAPTER 21A. UNEMPLOYMENT COMPENSATION.

ARTICLE 1. UNEMPLOYMENT COMPENSATION.

§21A-1-4. Workforce West Virginia created; divisions within Workforce West Virginia created; certain terms defined.

(a) There is continued an agency designated Workforce West Virginia, composed of:

(1) Division of Unemployment Compensation;

(2) Division of Employment Service;

(3) Division of Workforce Development;

(4) Division of Research, Information and Analysis;

and

(5) Any other divisions or units that the executive director determines are necessary.

(b) Wherever within this chapter the term "department", "bureau" or "fund" is used, it shall be taken to mean Workforce West Virginia unless otherwise indicated. Any reference in this code to the Bureau of Employment Programs means Workforce West Virginia. Any reference in this code to the Commissioner of the Bureau of Employment Programs
or Employment Security means the Executive Director
of Workforce West Virginia.

(c) Workforce West Virginia shall be administered
pursuant to subsection (b), section one, article two,
chapter five-f of this code.
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 approved this the Day of , 2007.

Governor