

**H. B. 2933**

(By Delegate Morgan)  
[Introduced January 28,2011; referred to the  
Committee on Government Organization then Finance.]

A BILL to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5B-2H-1, §5B-2H-2 and §5B-2H-3, all relating to the Office of Economic Opportunity; transferring that office to the Department of Commerce; establishing qualification for a director; setting forth the office's powers and duties; and granting the office authority over the weatherization assistance program.

*Be it enacted by the Legislature of West Virginia:*

That §5F-2-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new article, designated §5B-2H-1, §5B-2H-2 and §5B-2H-3, all to read as follows:

**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

1 allied, advisory, affiliated or related entities and funds  
2 associated with any agency or board, are incorporated in and  
3 administered as a part of the Department of Administration:

4 (1) Building Commission provided in article six, chapter five  
5 of this code;

6 (2) Public Employees Insurance Agency provided in article  
7 sixteen, chapter five of this code;

8 (3) Governor's Mansion Advisory Committee provided in article  
9 five, chapter five-a of this code;

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

12 (5) West Virginia Public Employees Grievance Board provided in  
13 article three, chapter six-c of this code;

14 (6) Board of Risk and Insurance Management provided in article  
15 twelve, chapter twenty-nine of this code;

16 (7) Boundary Commission provided in article twenty-three,  
17 chapter twenty-nine of this code;

18 (8) Public Defender Services provided in article twenty-one,  
19 chapter twenty-nine of this code;

20 (9) Division of Personnel provided in article six, chapter  
21 twenty-nine of this code;

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

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

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

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

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

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

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

11 (2) Office of Miners' Health, Safety and Training provided in  
12 article one, chapter twenty-two-a of this code. The following  
13 boards are transferred to the Office of Miners' Health, Safety and  
14 Training for purposes of administrative support and liaison with  
15 the office of the Governor:

16 (A) Board of Coal Mine Health and Safety and Coal Mine Safety  
17 and Technical Review Committee provided in article six, chapter  
18 twenty-two-a of this code;

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

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

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

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

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

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

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

7 (A) Division of Unemployment Compensation;

8 (B) Division of Employment Services;

9 (C) Division of Workforce Development; and

10 (D) Division of Research, Information and Analysis; and

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

13 (9) The Office of Economic Opportunity provided in article  
14 two-h, chapter five-b of this code;

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

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

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

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

27 (2) Solid Waste Management Board provided in article three,

1 chapter twenty-two-c of this code;

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

4 (4) Surface Mine Board provided in article four, chapter  
5 twenty-two-b of this code;

6 (5) Oil and Gas Inspectors' Examining Board provided in  
7 article seven, chapter twenty-two-c of this code;

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

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

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

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

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

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

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

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

1 Resources:

2 (1) Human Rights Commission provided in article eleven,  
3 chapter five of this code;

4 (2) Division of Human Services provided in article two,  
5 chapter nine of this code;

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

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

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

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

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

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

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

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

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

27 (3) Military Awards Board provided in article one-g, chapter

1 fifteen of this code;

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

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

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

10 (7) Division of Justice and Community Services provided in  
11 article nine a, chapter fifteen of this code;

12 (8) Division of Corrections provided in chapter twenty-five of  
13 this code;

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

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

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

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

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

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

- 1           (2) Racing Commission provided in article twenty-three,  
2 chapter nineteen of this code;
- 3           (3) Lottery Commission and position of Lottery Director  
4 provided in article twenty-two, chapter twenty-nine of this code;
- 5           (4) Agency of Insurance Commissioner provided in article two,  
6 chapter thirty-three of this code;
- 7           (5) Office of Alcohol Beverage Control Commissioner provided  
8 in article sixteen, chapter eleven of this code and article two,  
9 chapter sixty of this code;
- 10          (6) Board of Banking and Financial Institutions provided in  
11 article three, chapter thirty-one-a of this code;
- 12          (7) Lending and Credit Rate Board provided in chapter forty-  
13 seven-a of this code;
- 14          (8) Division of Banking provided in article two, chapter  
15 thirty-one-a of this code;
- 16          (9) The State Budget Office provided in article two of this  
17 chapter;
- 18          (10) The Municipal Bond Commission provided in article three,  
19 chapter thirteen of this code;
- 20          (11) The Office of Tax Appeals provided in article ten-a,  
21 chapter eleven of this code; and
- 22          (12) The State Athletic Commission provided in article five-a,  
23 chapter twenty-nine of this code.
- 24          (j) The following agencies and boards, including all of the  
25 allied, advisory, affiliated or related entities and funds  
26 associated with any agency or board, are incorporated in and  
27 administered as a part of the Department of Transportation:



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

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

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

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

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

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

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

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

20 (l) Except for powers, authority and duties that have been  
21 delegated to the secretaries of the departments by the provisions  
22 of section two of this article, the existence, powers, authority  
23 and duties of boards and the membership, terms and qualifications  
24 of members of the boards are not affected by the enactment of this  
25 chapter. All boards that are appellate bodies or are independent  
26 decision makers shall not have their appellate or independent  
27 decision-making status affected by the enactment of this chapter.

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

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

18 **CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.**

19 **ARTICLE 2H. OFFICE OF ECONOMIC OPPORTUNITY.**

20 **§5B-2H-1. Transfer of the Governor's Office of Economic**  
 21 **Opportunity to the Department of Commerce.**

22 (a) The Governor's Office of Economic Opportunity created by  
 23 Executive Order, together with all of its functions, powers and  
 24 duties, is transferred to and constituted under the Office of  
 25 Economic Opportunity in the Department of Commerce.

26 (b) The office, by and through its director, shall continue to  
 27 have all of the powers and shall exercise all of the functions and

1 duties vested in, or imposed upon, it by that executive order or by  
2 any law, subject to the supervision and control of the secretary.

3 (c) The Director of the Office of Economic Opportunity shall  
4 be appointed by the Governor, by and with the advice and consent of  
5 the Senate, to serve at the will and pleasure of the Governor until  
6 his or her successors are appointed and qualified. The person in  
7 office as Director of the Governor's of Economic Opportunity shall  
8 hold the respective office of Director of the Office of Economic  
9 Opportunity in the Department of Commerce at the will and pleasure  
10 of the Governor and until his or her successor is appointed by the  
11 Governor and qualified.

12 **§5B-2H-2. Powers and duties of the Office of Economic Opportunity.**

13 The powers and duties of the Director of the Office of  
14 Economic Opportunity shall include, but not be limited to:

15 (1) Providing technical assistance and coordination to local,  
16 regional and state organizations which operate programs under the  
17 provisions of the federal Economic Opportunity Act;

18 (2) Providing technical assistance to community action  
19 agencies in the fields of housing, management, and economic  
20 development;

21 (3) Initiating incentive programs with community action  
22 agencies to provide for nutritional programs for the poor;

23 (4) Providing the secretary with information and advice with  
24 respect to the policies and programs of the federal Office of  
25 Economic Opportunity as they relate to the state;

26 (5) Receiving, administer and utilize all federal assistance  
27 in the form of grants which are or may become available to the

1 office under the federal Economic Opportunity Act and upon the  
2 direction and concurrence of the secretary;

3 (6) Administering the Community Services Block Grant Act of  
4 1981 as amended by Section 680(a)(2) of the Community  
5 Opportunities, Accountability, and Training and Educational  
6 Services Act of 1998, P.L. 105-285;

7 (7) Administering funds under the Community Development Block  
8 Grant, HOME Investment Partnerships, Emergency Shelter Grants, and  
9 Housing Opportunities for Persons with AIDS programs of the United  
10 States Department of Housing and Urban Development; and

11 (8) Exercising such other powers as may be necessary to  
12 effectuate the responsibilities of that office.

13 **§5B-2H-3. Weatherization Assistance Program for low income**  
14 **families.**

15 (a) The Office of Economic Opportunity shall administer the  
16 Weatherization Assistance Program for Low-Income Families  
17 established by 42 U.S.C. §6861, et seq., and 42 U.S.C. §7101, et  
18 seq., the Heating and Air Repair and Replacement Program and any  
19 other energy-related assistance program for the benefit of low-  
20 income persons in existing housing.

21 (b) The Office of Economic Opportunity shall exercise the  
22 following powers and duties:

23 (1) Establish standards and criteria to carry out the  
24 provisions and purposes of this section;

25 (2) Develop policy, criteria, and standards for receiving and  
26 processing applications for weatherization assistance;

27 (3) Make decisions and pursue appeals from decisions to accept

1 or deny applications for weatherization, replacement of heating and  
2 cooling systems, and other energy-related assistance programs or  
3 otherwise participate in the state plan as a subgrantee or  
4 contractor;

5       (4) Propose legislative rules, which may be required by the  
6 federal government for grants-in-aid for the Weatherization  
7 Assistance Program for low income families, the Heating and Air  
8 Repair and Replacement Program, or other energy-related assistance  
9 programs for the benefit of low-income residents for existing  
10 housing. This section shall be liberally construed in order that  
11 this state and its citizens may benefit from such grants-in-aid;

12       (5) Propose legislative rules which establish procedures for  
13 the submission of periodic reports by any community action agency  
14 or other agency or entity authorized to manage a weatherization  
15 project, replacement of heating and cooling systems, or other  
16 energy-related assistance project;

17       (6) Propose legislative rules to create criteria for periodic  
18 review of weatherization, replacement of heating and cooling  
19 systems, or other energy-related programs in existing housing for  
20 low-income households.

21       (7) Create a Policy Advisory Council within the Office of  
22 Economic Opportunity that shall advise the Office of Economic  
23 Opportunity with respect to the development and implementation of  
24 a Weatherization Program for low income families, the Heating and  
25 Air Repair and Replacement Program, and any other energy-related  
26 assistance program for the benefit of low-income persons in  
27 existing housing.

NOTE: The purpose of this bill is to transfer the Office of Economic Opportunity from the Governor's Office to the Department of Commerce. The bill establishes the qualification for its director. The bill sets forth the office's powers and duties. The bill also grants the office authority over the weatherization assistance program.

Strike-throughs indicate language that would be stricken from the present law and underscoring indicates new language that would be added.

Article 2H is new; therefore, it has been completely underscored.