



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

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

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

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

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

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

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

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

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

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

22 (9) Division of Personnel provided in article six, chapter

1 twenty-nine of this code;

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

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

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

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

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

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

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

18 (2) Office of Miners' Health, Safety and Training provided in  
19 article one, chapter twenty-two-a of this code. The following  
20 boards are transferred to the Office of Miners' Health, Safety and  
21 Training for purposes of administrative support and liaison with  
22 the Office of the Governor:

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

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

6 © Mine Inspectors' Examining Board provided in article nine,  
7 chapter twenty-two-a of this code.

8 (3) The West Virginia Development Office provided in article  
9 two, chapter five-b of this code;

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

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

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

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

18 (A) Division of Unemployment Compensation;

19 (B) Division of Employment Service;

20 © Division of Workforce Development; and

21 (D) Division of Research, Information and Analysis.

22 (8) Division of Energy provided in article two-f, chapter

1 five-b of this code.

2 (9) Division of Tourism Commission provided in article ~~two-h~~  
3 two, chapter five-b of this code.

4 © The Economic Development Authority provided in article  
5 fifteen, chapter thirty-one of this code is continued as an  
6 independent agency within the executive branch.

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

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

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

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

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

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

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

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

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

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

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

13 (2) Division of Culture and History provided in article one,  
14 chapter twenty-nine of this code; ~~and~~

15 (3) Division of Rehabilitation Services provided in article  
16 ten-a, chapter eighteen of this code;

17 (4) Effective July 1, 2014, the Division of Early Care and  
18 Education is transferred pursuant to section eight of this article;  
19 and

20 (5) Effective July 1, 2014, the Head Start State Collaborative  
21 is transferred pursuant to section eight of this article.

22 (g) The Educational Broadcasting Authority provided in article

1 five, chapter ten of this code is part of the Department of  
2 Education and the Arts for the purposes of administrative support  
3 and liaison with the office of the Governor.

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

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

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

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

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

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

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

22 (7) Women's Commission provided in article twenty, chapter

1 twenty-nine of this code; and

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

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

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

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

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

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

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

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



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

3           (8) Division of Corrections provided in chapter twenty-five of  
4 this code;

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

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

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

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

15           (1) Tax Division provided in chapter eleven of this code;

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

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

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

22           (5) West Virginia Alcohol Beverage Control Commissioner

1 provided in article sixteen, chapter eleven of this code and  
2 article two, chapter sixty of this code;

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

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

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

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

11 (10) The Municipal Bond Commission provided in article three,  
12 chapter thirteen of this code;

13 (11) The Office of Tax Appeals provided in article ten-a,  
14 chapter eleven of this code; and

15 (12) The State Athletic Commission provided in article five-a,  
16 chapter twenty-nine of this code.

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

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

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

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

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

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

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

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

13           (1) Effective July 1, 2011, the Veterans' Council provided in  
14 article one, chapter nine-a of this code, including all of the  
15 allied, advisory, affiliated or related entities and funds  
16 associated with it, is incorporated in and administered as a part  
17 of the Department of Veterans' Assistance.

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

1           (n) Except for powers, authority and duties that have been  
2 delegated to the secretaries of the departments by the provisions  
3 of section two of this article, the existence, powers, authority  
4 and duties of boards and the membership, terms and qualifications  
5 of members of the boards are not affected by the enactment of this  
6 chapter. All boards that are appellate bodies or are independent  
7 decision makers shall not have their appellate or independent  
8 decision-making status affected by the enactment of this chapter.

9           (o) Any department previously transferred to and incorporated  
10 in a department by prior enactment of this section means a division  
11 of the appropriate department. Wherever reference is made to any  
12 department transferred to and incorporated in a department created  
13 in section two, article one of this chapter, the reference means a  
14 division of the appropriate department and any reference to a  
15 division of a department so transferred and incorporated means a  
16 section of the appropriate division of the department.

17           (p) When an agency, board or commission is transferred under  
18 a bureau or agency other than a department headed by a secretary  
19 pursuant to this section, that transfer is solely for purposes of  
20 administrative support and liaison with the Office of the Governor,  
21 a department secretary or a bureau. Nothing in this section  
22 extends the powers of department secretaries under section two of

1 this article to any person other than a department secretary and  
2 nothing limits or abridges the statutory powers and duties of  
3 statutory commissioners or officers pursuant to this code.

4 **§5F-2-8. Transfer of Division of Early Care and Education and the**  
5 **Head Start State Collaborative.**

6 Effective July 1, 2014, the Division of Early Care and  
7 Education and the Head Start State Collaborative are hereby  
8 transferred from the Bureau of Children and Families within the  
9 Department of Health and Human Resources to the Department of  
10 Education and the Arts. This transfer includes all employees,  
11 funds, rules, records, responsibilities, obligations, assets and  
12 property, of whatever kind and character, that are associated with  
13 the division or collaborative.

NOTE: The purpose of this bill is to transfer the Division of  
Early Care and Education and the Head Start State Collaborative  
from the Bureau of Children and Families within the Department of  
Health and Human Resources to the Department of Education and the  
Arts, effective July 1, 2014. The bill also makes a technical  
correction.

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

§5F-2-8 is new; therefore, underscoring and strike-throughs  
have been omitted.