

**ENROLLED**

**H. B. 2576**

(By Delegates Howell, Hartman, Kessinger, Cadle, Arvon,  
Moffatt, McGeehan, Zatezalo, Faircloth, R. Smith and Ferro)

[Passed March 11, 2015; in effect ninety days from passage.]

AN ACT to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto twelve new sections, designated §5F-2-1a, §5F-2-1b, §5F-2-1c, §5F-2-1d, §5F-2-1e, §5F-2-1f, §5F-2-1g, §5F-2-1h, §5F-2-1i, §5F-2-1j, §5F-2-1k and §5F-2-1l, all relating to the reorganization of certain code provisions that organize the executive branch of state government.

*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 twelve new sections, designated §5F-2-1a, §5F-2-1b, §5F-2-1c, §5F-2-1d, §5F-2-1e, §5F-2-1f, §5F-2-1g, §5F-2-1h, §5F-2-1i, §5F-2-1j, §5F-2-1k and §5F-2-1l, all to read as follows:

**ARTICLE 2. ORGANIZATION OF STATE AGENCIES, BOARDS AND COMMISSIONS**  
**WITHIN DEPARTMENTS OF STATE GOVERNMENT.**

**§5F-2-1. General provisions.**

(a) The Legislature finds that in 1989, this chapter was enacted to provide for the

1 reorganization of the executive branch of state government pursuant to the findings set forth under  
2 section one, article one of this chapter. This section was enacted as part of that legislation to effect  
3 the transfer of agencies and board and related entities into the various departments created within  
4 the executive branch of government. Since its initial enactment, the Legislature has amended and  
5 reenacted this section on a number of occasions, in most instances to modify the initial  
6 reorganization within the executive branch of government. The Legislature further finds that the  
7 structure of this section by which it provides an extensive list of executive agencies in a single  
8 section of the Code of West Virginia renders this section unnecessarily lengthy and complicated.  
9 The designation of a separate statute for each of the agencies and entities as they are organized in  
10 subsections (a) through (l) of this section as provided pursuant to the amendment and reenactment  
11 of this section in 2015 would reduce the unnecessary length and complexity of the statute without  
12 altering the Legislature's intent in providing for the organization of the executive branch of state  
13 government pursuant to the original findings set forth under section one, article one of this chapter  
14 and the Legislature's subsequent amendments and reenactments of various sections of this chapter.  
15 The Legislature therefore finds and declares that the amendment and reenactment of this section and  
16 the further amendment of the Code of West Virginia by adding thereto twelve new sections,  
17 designated sections one-a, one-b, one-c, one-d, one-e, one-f, one-g, one-h, one-i, one-j, one-k, and  
18 one-l of this article, are solely for the purpose of designating a separate statute for each of the  
19 agencies and entities as they are organized in subsections (a) through (l) of this section as provided  
20 pursuant to the amendment and reenactment of this section in 2015 and for the purpose of providing  
21 corrective descriptions of an agency and corrective code references and deleting references to  
22 agencies, boards or commissions that have been repealed. The Legislature further finds and declares

1 that except as otherwise provided in this section, the amendment and reenactment of this section and  
2 the enactment of the new sections may not be construed to have altered or modified the application  
3 of any other provision of this code to the agencies and entities described in those sections, and that  
4 all other provisions of this code, to the extent applicable to those sections, as well as the remaining  
5 subsections of this section, shall apply in like manner to the agencies and entities described in those  
6 new sections.

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

11 (c) Except for powers, authority and duties that have been delegated to the secretaries of the  
12 departments by the provisions of section two of this article, the existence, powers, authority and  
13 duties of boards and the membership, terms and qualifications of members of the boards are not  
14 affected by the enactment of this chapter. All boards that are appellate bodies or are independent  
15 decision makers shall not have their appellate or independent decision-making status affected by the  
16 enactment of this chapter.

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

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

7 **§5F-2-1a. Department of Administration.**

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

11 (1) Finance Division provided in article two, chapter five-a of this code;

12 (2) General Services Division provided in article four, chapter five-a of this code;

13 (3) Information Services and Communications Division and the Office of Technology  
14 provided in chapter five-a of this code;

15 (4) Purchasing Division, Surplus Property and Travel Management provided in article three,  
16 chapter five-a of this code;

17 (5) Division of Personnel provided in article six, chapter twenty-nine of this code;

18 (6) Real Estate Division provided in article ten, chapter five-a of this code;

19 (7) Public Land Corporation provided in article eleven, chapter five-a of this code;

20 (8) Fleet Management Office provided in article one, chapter five-a of this code;

21 (9) Building Commission provided in article six, chapter five of this code

22 (10) Commission on Uniform State Laws provided in article one-a, chapter twenty-nine of

1 this code;

2 (11) West Virginia Public Employees Grievance Board provided in article three, chapter six-c  
3 of this code;

4 (12) Board of Risk and Insurance Management provided in article twelve, chapter  
5 twenty-nine of this code;

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

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

10 (15) Public Employees Insurance Agency provided in article sixteen, chapter five of this  
11 code;

12 (16) Prosecuting Attorneys Institute provided in article four, chapter seven of this code;

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

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

17 (19) Governor's Mansion Advisory Committee provided in article five, chapter five-a of this  
18 code; and

19 (20) Committee for the Purchase of Commodities and Services from the Handicapped  
20 provided in article three-a, chapter five-a of this code; and

21 (21) Records Management and Preservation Advisory Committee provided in article eight,  
22 chapter five-a of this code; and

1 (22) Design-Build Board provided in article twenty-two-a, chapter five of this code.

2 **§5F-2-1b. Department of Commerce.**

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

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

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

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

12 (C) Board of West Virginia Contractor Licensing provided in article eleven, chapter twenty-  
13 one of this code.

14 (2) Office of Miners' Health, Safety and Training provided in article one, chapter twenty-two  
15 -a of this code, which includes:

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

18 (B) Coal Mine Safety Board of Appeals provided in article five, chapter twenty-two-a of this  
19 code.

20 (3) Board of Coal Mine Health and Safety provided in article six, chapter twenty-two-a of  
21 this code, which includes:

22 (A) Board of Miner Training, Education and Certification provided in article seven, chapter

1 twenty-two-a of this code

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

4 (C) West Virginia Diesel Equipment Commission provided in article two-a, chapter twenty-  
5 two-a of this Code; and

6 (D) Coal Mine Safety and Technology Task Force provided in article eleven, chapter twenty-  
7 two-a of this code.

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

10 (5) Division of Natural Resources and Natural Resources Commission provided in article  
11 one, chapter twenty of this code, which includes:

12 (A) Whitewater Commission provided in article two, chapter twenty of this code; and

13 (B) Wildlife Endowment Fund Board of Trustees provided in article twenty-six, chapter  
14 twenty of this code.

15 (6) Division of Forestry provided in article one, chapter nineteen of this code;

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

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

19 (A) Unemployment Compensation Board of Review;

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

21 (9) Division of Tourism and Tourism Commission provided in article two, chapter five-b of

1 this code.

2 **§5F-2-1c. Economic Development Authority.**

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

5 **§5F-2-1d. Water Development Authority.**

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

9 **§5F-2-1e. Department of Environmental Protection.**

10 The following agencies and boards, including all of the allied, advisory and affiliated entities,  
11 are transferred to the Department of Environmental Protection for purposes of administrative support  
12 and liaison with the Office of the Governor:

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

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

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

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

19 (5) Office of Oil and Gas provided in article six, chapter twenty-two of this code; and

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

22 **§5F-2-1f. Department of Education and the Arts.**



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

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

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

6 and

7           (3) Division of Rehabilitation Services provided in article ten-a, chapter eighteen of this code.

8 **§5F-2-1g. Educational Broadcasting Authority.**

9           The Educational Broadcasting Authority provided in article five, chapter ten of this code is  
10 part of the Department of Education and the Arts for the purposes of administrative support and  
11 liaison with the Office of the Governor.

12 **§5F-2-1h. Department of Health and Human Resources.**

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

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

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

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

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

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

22           (6) State Commission on Intellectual Disability provided in article fifteen, chapter

1 twenty-nine of this code;

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

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

4 **§5F-2-1i. Department of Military Affairs and Public Safety.**

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

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

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

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

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

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

15 (6) Division of Justice and Community Services provided in article nine-a, chapter fifteen  
16 of this code;

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

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

19 (9) Division of Juvenile Services provided in article five-e, chapter forty-nine of this code;

20 (10) Division of Protective Services provided in article two-d, chapter fifteen of this code;

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

1 (12) Board of Probation and Parole provided in article twelve, chapter sixty-two of this code.

2 **§5F-2-1j. Department of Revenue.**

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

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

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

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

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

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

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

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

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

17 (9) The State Budget Office provided in article two, chapter eleven-b of this code;

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

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

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

22 **§5F-2-1k. Department of Transportation.**

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

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

5           (2) Parkways Authority provided in article sixteen-a, chapter seventeen of this code;

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

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

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

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

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

12          (8) Division of Public Transit provided in article sixteen-c, chapter seventeen of this code.

13 **§5F-2-11. Department of Veterans' Assistance.**

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