

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4282

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AND ZATEZALO

[Introduced January 26, 2016; Referred
to the Committee on Government Organization then
the Judiciary.]

1 A BILL to amend and reenact §5A-1-2 of the Code of west Virginia, 1931, as amended; to amend
 2 and reenact §5F-2-1 of said code; to amend said code by adding thereto twelve new
 3 sections, designated §5F-2-1a, §5F-2-1b, §5F-2-1c, §5F-2-1d, §5F-2-1e, §5F-2-1f, §5F-
 4 2-1g, §5F-2-1h, §5F-2-1i, §5F-2-1j, §5F-2-1k and §5F-2-1l; to amend and reenact §21A-
 5 1-4 of said code; and to amend and reenact §29-15-1 of said code, all relating to the
 6 reorganization of certain code provisions that organize the executive branch of state
 7 government; and by amending code references reflecting new sections.

Be it enacted by the Legislature of West Virginia:

1 That §5A-1-2 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted; that §5F-2-1 of said code be amended and reenacted; that said code be amended by
 3 adding thereto twelve new sections, designated §5F-2-1a, §5F-2-1b, §5F-2-1c, §5F-2-1d, §5F-2-
 4 1e, §5F-2-1f, §5F-2-1g, §5F-2-1h, §5F-2-1i, §5F-2-1j, §5F-2-1k and §5F-2-1l; that §21A-1-4 of
 5 said code be amended and reenacted; and that §29-15-1 of said code be amended and
 6 reenacted, all to read as follows:

CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.

ARTICLE 1. DEPARTMENT OF ADMINISTRATION.

§5A-1-2. Department of Administration and Office of Secretary; secretary; divisions; directors.

1 (a) The Department of Administration and the Office of Secretary of Administration are
 2 continued in the executive branch of state government. The secretary is the Chief Executive
 3 Officer of the department and shall be appointed by the Governor, by and with the advice and
 4 consent of the Senate, for a term not exceeding the term of the Governor.

5 (b) The Department of Administration may receive federal funds.

6 (c) The secretary serves at the will and pleasure of the Governor. The annual
 7 compensation of the secretary shall be as specified in section two-a, article seven, chapter six of

8 this code.

9 (d) There shall be in the Department of Administration a Finance Division, a General
10 Services Division, an Information Services and Communications Division, Division of Personnel
11 and a Purchasing Division. Each division shall be headed by a director who may also head any
12 and all sections within that division and who shall be appointed by the secretary.

13 (e) There shall also be in the Department of Administration those agencies, boards,
14 commissions and councils specified in section ~~one-a~~ one-a, article two, chapter five-f of this code.

15 (f) The secretary may establish a Fleet Management Office within the Department of
16 Administration to:

17 (1) Manage all motor vehicles and aircraft owned or possessed by the State of West
18 Virginia or any of its departments, divisions, agencies, bureaus, boards, commissions, offices or
19 authorities: *Provided*, That, such vehicles and aircraft shall not be used for personal purposes,
20 other than for de minimis personal use;

21 (2) Administer the rules, including emergency rules, promulgated under the provisions of
22 sections forty-eight and forty-nine, article three of this chapter; and

23 (3) Perform any duties relating to motor vehicles and aircraft owned or possessed by the
24 State of West Virginia assigned by the secretary, which duties may include those set out in
25 sections fifty through fifty-three, article three of this chapter.

**CHAPTER 5F. REORGANIZATION OF THE EXECUTIVE BRANCH OF
STATE GOVERNMENT.**

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

§5F-2-1. ~~Transfer and incorporation of agencies and boards;~~ General provisions.

1 (a) ~~The following agencies and boards, including all of the allied, advisory, affiliated or~~

2 ~~related entities and funds 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 of this code;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 ~~(A) Division of Unemployment Compensation;~~

52 ~~(B) Division of Employment Service;~~

53 ~~(C) Division of Workforce Development; and~~

- 54 ~~(D) Division of Research, Information and Analysis.~~
- 55 ~~(8) Division of Energy provided in article two-f, chapter five-b of this code.~~
- 56 ~~(9) Division of Tourism Commission provided in article two-h, chapter five-b of this code.~~
- 57 ~~(c) The Economic Development Authority provided in article fifteen, chapter thirty-one of~~
58 ~~this code is continued as an independent agency within the executive branch.~~
- 59 ~~(d) The Water Development Authority and the Water Development Authority Board~~
60 ~~provided in article one, chapter twenty-two-c of this code is continued as an independent agency~~
61 ~~within the executive branch.~~
- 62 ~~(e) The following agencies and boards, including all of the allied, advisory and affiliated~~
63 ~~entities, are transferred to the Department of Environmental Protection for purposes of~~
64 ~~administrative support and liaison with the office of the Governor:~~
- 65 ~~(1) Air Quality Board provided in article two, chapter twenty-two-b of this code;~~
- 66 ~~(2) Solid Waste Management Board provided in article three, chapter twenty-two-c of this~~
67 ~~code;~~
- 68 ~~(3) Environmental Quality Board, or its successor board, provided in article three, chapter~~
69 ~~twenty-two-b of this code;~~
- 70 ~~(4) Surface Mine Board provided in article four, chapter twenty-two-b of this code;~~
- 71 ~~(5) Oil and Gas Inspectors' Examining Board provided in article seven, chapter twenty-~~
72 ~~two-c of this code;~~
- 73 ~~(6) Shallow Gas Well Review Board provided in article eight, chapter twenty-two-c of this~~
74 ~~code; and~~
- 75 ~~(7) Oil and Gas Conservation Commission provided in article nine, chapter twenty-two-c~~
76 ~~of this code.~~
- 77 ~~(f) The following agencies and boards, including all of the allied, advisory, affiliated or~~
78 ~~related entities and funds associated with any agency or board, are incorporated in and~~
79 ~~administered as a part of the Department of Education and the Arts:~~

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

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

82 and

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

85 ~~(g) The Educational Broadcasting Authority provided in article five, chapter ten of this code~~
86 ~~is part of the Department of Education and the Arts for the purposes of administrative support and~~
87 ~~liaison with the office of the Governor.~~

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

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

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

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

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

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

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

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

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

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

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

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

- 106 ~~(3) Military Awards Board provided in article one-g, chapter fifteen of this code;~~
- 107 ~~(4) West Virginia State Police provided in article two, chapter fifteen of this code;~~
- 108 ~~(5) Division of Homeland Security and Emergency Management and Disaster Recovery~~
109 ~~Board provided in article five, chapter fifteen of this code and Emergency Response Commission~~
110 ~~provided in article five-a of said chapter;~~
- 111 ~~(6) Sheriffs' Bureau provided in article eight, chapter fifteen of this code;~~
- 112 ~~(7) Division of Justice and Community Services provided in article nine-a, chapter fifteen~~
113 ~~of this code;~~
- 114 ~~(8) Division of Corrections provided in chapter twenty-five of this code;~~
- 115 ~~(9) Fire Commission provided in article three, chapter twenty-nine of this code;~~
- 116 ~~(10) Regional Jail and Correctional Facility Authority provided in article twenty, chapter~~
117 ~~thirty-one of this code; and~~
- 118 ~~(11) Board of Probation and Parole provided in article twelve, chapter sixty-two of this~~
119 ~~code.~~
- 120 ~~(j) The following agencies and boards, including all of the allied, advisory, affiliated or~~
121 ~~related entities and funds associated with any agency or board, are incorporated in and~~
122 ~~administered as a part of the Department of Revenue:~~
- 123 ~~(1) Tax Division provided in chapter eleven of this code;~~
- 124 ~~(2) Racing Commission provided in article twenty-three, chapter nineteen of this code;~~
- 125 ~~(3) Lottery Commission and position of Lottery Director provided in article twenty-two,~~
126 ~~chapter twenty-nine of this code;~~
- 127 ~~(4) Insurance Commissioner provided in article two, chapter thirty-three of this code;~~
- 128 ~~(5) West Virginia Alcohol Beverage Control Commissioner provided in article sixteen,~~
129 ~~chapter eleven of this code and article two, chapter sixty of this code;~~
- 130 ~~(6) Board of Banking and Financial Institutions provided in article three, chapter thirty-one-~~
131 ~~a of this code;~~

- 132 ~~(7) Lending and Credit Rate Board provided in chapter forty-seven-a of this code;~~
133 ~~(8) Division of Banking provided in article two, chapter thirty-one-a of this code;~~
134 ~~(9) The State Budget Office provided in article two of this chapter;~~
135 ~~(10) The Municipal Bond Commission provided in article three, chapter thirteen of this~~
136 ~~code;~~
137 ~~(11) The Office of Tax Appeals provided in article ten-a, chapter eleven of this code; and~~
138 ~~(12) The State Athletic Commission provided in article five-a, chapter twenty-nine of this~~
139 ~~code.~~
140 ~~(k) The following agencies and boards, including all of the allied, advisory, affiliated or~~
141 ~~related entities and funds associated with any agency or board, are incorporated in and~~
142 ~~administered as a part of the Department of Transportation:~~
143 ~~(1) Division of Highways provided in article two-a, chapter seventeen of this code;~~
144 ~~(2) Parkways, Economic Development and Tourism Authority provided in article sixteen-~~
145 ~~a, chapter seventeen of this code;~~
146 ~~(3) Division of Motor Vehicles provided in article two, chapter seventeen-a of this code;~~
147 ~~(4) Driver's Licensing Advisory Board provided in article two, chapter seventeen-b of this~~
148 ~~code;~~
149 ~~(5) Aeronautics Commission provided in article two-a, chapter twenty-nine of this code;~~
150 ~~(6) State Rail Authority provided in article eighteen, chapter twenty-nine of this code; and~~
151 ~~(7) Public Port Authority provided in article sixteen-b, chapter seventeen of this code.~~
152 ~~(l) Effective July 1, 2011, the Veterans' Council provided in article one, chapter nine-a of~~
153 ~~this code, including all of the allied, advisory, affiliated or related entities and funds associated~~
154 ~~with it, is incorporated in and administered as a part of the Department of Veterans' Assistance.~~
155 (a) The Legislature finds that in 1989, this chapter was enacted to provide for the
156 reorganization of the executive branch of state government pursuant to the findings set forth under
157 section one, article one of this chapter. This section was enacted as part of that legislation to

158 effect the transfer of agencies and boards and related entities into the various departments
159 created within the executive branch of government. Since its initial enactment, the Legislature
160 has amended and reenacted this section on a number of occasions, in most instances to modify
161 the initial reorganization within the executive branch of government. The Legislature further finds
162 that the structure of this section by which it provides an extensive list of executive agencies in a
163 single section of the Code of West Virginia renders this section unnecessarily lengthy and
164 complicated. The designation of a separate statute for each of the agencies and entities as they
165 are organized in subsections (a) through (l) of this section as provided pursuant to the amendment
166 and reenactment of this section in 2016 would reduce the unnecessary length and complexity of
167 the statute without altering the Legislature's intent in providing for the organization of the executive
168 branch of state government pursuant to the original findings set forth under section one, article
169 one of this chapter and the Legislature's subsequent amendments and reenactments of various
170 sections of this chapter. The Legislature therefore finds and declares that the amendment and
171 reenactment of this section and the further amendment of the Code of West Virginia by adding
172 thereto twelve new sections, designated sections one-a, one-b, one-c, one-d, one-e, one-f, one-
173 g, one-h, one-i, one-j, one-k, and one-l of this article, are solely for the purpose of designating a
174 separate statute for each of the agencies and entities as they are organized in subsections (a)
175 through (l) of this section as provided pursuant to the amendment and reenactment of this section
176 in 2016 and for the purpose of providing corrective descriptions of an agency and corrective code
177 references and deleting references to agencies, boards or commissions that have been repealed.
178 The Legislature further finds and declares that except as otherwise provided in this section, the
179 amendment and reenactment of this section and the enactment of the new sections may not be
180 construed to have altered or modified the application of any other provision of this code to the
181 agencies and entities described in those sections, and that all other provisions of this code, to the
182 extent applicable to those sections, as well as the remaining subsections of this section, shall
183 apply in like manner to the agencies and entities described in those new sections.

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

188 ~~(n)~~ (c) Except for powers, authority and duties that have been delegated to the secretaries
189 of the departments by the provisions of section two of this article, the existence, powers, authority
190 and duties of boards and the membership, terms and qualifications of members of the boards are
191 not affected by the enactment of this chapter. All boards that are appellate bodies or are
192 independent decision makers shall not have their appellate or independent decision-making
193 status affected by the enactment of this chapter.

194 ~~(o)~~ (d) Any department previously transferred to and incorporated in a department by prior
195 enactment of this section means a division of the appropriate department. Wherever reference
196 is made to any department transferred to and incorporated in a department created in section
197 two, article one of this chapter, the reference means a division of the appropriate department and
198 any reference to a division of a department so transferred and incorporated means a section of
199 the appropriate division of the department.

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

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

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

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

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

6 (3) Information Services and Communications Division and the Office of Technology
7 provided in article seven, chapter five-a of this code;

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

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

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

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

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

14 (9) Commission on Uniform State Laws provided in article one-a, chapter twenty-nine of
15 this code;

16 (10) West Virginia Public Employees Grievance Board provided in article three, chapter
17 six-c of this code;

18 (11) Board of Risk and Insurance Management provided in article twelve, chapter twenty-
19 nine of this code;

20 (12) Boundary Commission provided in article twenty-three, chapter twenty-nine of this
21 code;

22 (13) Public Defender Services provided in article twenty-one, chapter twenty-nine of this
23 code;

24 (14) Public Employees Insurance Agency provided in article sixteen, chapter five of this
25 code;

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

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

29 (17) Consolidated Public Retirement Board provided in article ten-d, chapter five of this
30 code;

31 (18) Governor’s Mansion Advisory Committee provided in article five, chapter five-a of this
32 code;

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

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

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

§5F-2-1b. Department of Commerce.

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

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

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

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

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

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

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

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

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

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

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

24 (C) West Virginia Diesel Equipment Commission provided in article two-a, chapter
25 twenty-two-a of this code; and

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

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

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

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

33 (B) Wildlife Endowment Fund Board of Trustees provided in article two-b, chapter twenty
34 of this code.

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

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

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

- 39 (A) Unemployment Compensation Board of Review;
40 (9) Division of Energy provided in article two-f, chapter five-b of this code; and
41 (10) Division of Tourism and Tourism Commission provided in article two, chapter five-b
42 of this code.

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

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

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

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

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

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

- 4 (1) Air Quality Board provided in article two, chapter twenty-two-b of this code;
5 (2) Solid Waste Management Board provided in article three, chapter twenty-two-c of this
6 code;
7 (3) Environmental Quality Board, or its successor board, provided in article three, chapter
8 twenty-two-b of this code;
9 (4) Surface Mine Board provided in article four, chapter twenty-two-b of this code;
10 (5) Office of Oil and Gas provided in article six, chapter twenty-two of this code; and
11 (6) Shallow Gas Well Review Board provided in article eight, chapter twenty-two-c of this
12 code.

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

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

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

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

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

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

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

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

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

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

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

10 (6) State Commission on Intellectual Disability provided in article fifteen, chapter twenty-
11 nine of this code;

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

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

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

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

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

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

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

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

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

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

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

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

15 (9) Division of Juvenile Services provided in article two, chapter forty-nine of this code;

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

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

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

§5F-2-1j. Department of Revenue.

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

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

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

6 (3) Lottery Commission and position of Lottery Director provided in article twenty-two,

7 chapter twenty-nine of this code;

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

9 (5) West Virginia Alcohol Beverage Control Commissioner provided in article sixteen,

10 chapter eleven of this code and article two, chapter sixty of this code;

11 (6) Board of Banking and Financial Institutions provided in article three, chapter thirty-one-

12 a of this code;

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

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

15 code;

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

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

18 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.

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

1 (a) The following agencies and boards, including all of the allied, advisory, affiliated or

2 related entities and funds associated with any agency or board, are incorporated in and

3 administered as a part 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.

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

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

CHAPTER 21A. UNEMPLOYMENT COMPENSATION.

ARTICLE 1. UNEMPLOYMENT COMPENSATION.

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

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

- 2 (1) Division of Unemployment Compensation;
- 3 (2) Division of Employment Service;
- 4 (3) Division of Workforce Development;
- 5 (4) Division of Research, Information and Analysis; and
- 6 (5) Any other divisions or units that the executive director determines are necessary.

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

12 (c) Workforce West Virginia shall be administered pursuant to ~~subsection (b), section one,~~
 13 section one-b, article two, chapter five-f of this code.

14 (d) The Executive Director of Workforce West Virginia shall establish an employer violator
 15 system to identify individuals and employers who are in default on any assessment, surcharge,
 16 tax or penalty owed to the fund. The employer violator system shall prohibit violators who own,
 17 control or have a ten percent or more ownership interest, or other ownership interest as may be
 18 defined by the executive director, in any company from obtaining or maintaining any license,
 19 certificate or permit issued by the state until the violator has paid all moneys owed to the fund or
 20 has entered into and remains in compliance with a repayment agreement. The employer violator
 21 system shall work cooperatively with all state agencies to maintain an accurate, up-to-date list of
 22 violators which shall be available in electronic format and online for agencies and the public.
 23 Before an employer is added to the violator list, he or she shall be given notice and an opportunity
 24 for an expedited administrative hearing. The executive director shall propose for promulgation
 25 emergency and legislative rules to effectuate this subsection.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 15. STATE COMMISSION ON MENTAL RETARDATION.

§29-15-1. Creation and composition.

1 There is created the state Commission on Intellectual Disability hereinafter referred to as
 2 the commission.

3 Pursuant to ~~subsection (g)~~, section ~~one~~ one-h, article two, chapter five-f of this code, the
 4 commission created by this section is now incorporated into and administered as part of the
 5 Department of Health and Human Resources. All references to the commission in this article shall
 6 be construed to mean the Department of Health and Human Resources.

NOTE: The purpose of this bill is to create new code sections which separate the executive departments, designated §5F-2-1a through §5F-2-1l. The bill additionally corrects code references updated to reflect the new sections.

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