House Bill 4020 History

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WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Originating

House Bill 4020

BY DELEGATES ROHRBACH, ZUKOFF, HONAKER, WALKER,

GRIFFITH, MILLER AND FORSHT

[Originating in the Committee on Health and Human

Resources; Reported on February 15, 2022]

A BILL to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended, relating to reorganizing the Department of Health and Human Resources.

Be it enacted by the Legislature of West Virginia:

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) Public Employees Insurance Agency provided in §5-16-1 *et seq*. of this code;

(2) Governor's Mansion Advisory Committee provided in §5A-5-1 *et seq*. of this code;

(3) Commission on Uniform State Laws provided in §29-1A-1 *et seq*. of this code;

(4) West Virginia Public Employees Grievance Board provided in §6C-3-1 *et seq*. of this code;

(5) Board of Risk and Insurance Management provided in §29-12-1 *et seq*. of this code;

(6) Boundary Commission provided in §29-23-1 *et seq*. of this code;

(7) Public Defender Services provided in §29-21-1 *et seq*. of this code;

(8) Division of Personnel provided in §29-6-1 *et seq*. of this code;

(9) The West Virginia Ethics Commission provided in §6B-2-1 *et seq*. of this code;

(10) Consolidated Public Retirement Board provided in §5-10D-1 *et seq*. of this code; and

(11) Real Estate Division provided in §5A-10-1 *et seq*. 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 §21-1-1 *et seq*. of this code, which includes:

(A) Occupational Safety and Health Review Commission provided in §21-3A-1 *et seq*. of this code; and

(B) Board of Manufactured Housing Construction and Safety provided in §21-9-1 *et seq*. of this code.

(2) Office of Miners' Health, Safety, and Training provided in §22A-1-1 *et seq*. 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 §22A-6-1 *et seq*. of this code;

(B) Board of Miner Training, Education, and Certification provided in §22A-7-1 *et seq*. of this code; and

(C) Mine Inspectors' Examining Board provided in §22A-9-1 *et seq*. of this code.

(3) Division of Natural Resources and Natural Resources Commission provided in §20-1-1 *et seq*. of this code;

(4) Division of Forestry provided in §19-1A-1 *et seq*. of this code;

(5) Geological and Economic Survey provided in §29-2-1 *et seq*. of this code;

(6) Workforce West Virginia provided in chapter 21A 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

(7) Division of Rehabilitation Services provided in §18-10A-1 *et seq*. of this code.

(c) The Economic Development Authority provided in §31-15-1 *et seq*. of this code is continued as an independent agency within the executive branch.

(d) The Water Development Authority and the Water Development Authority Board provided in §22C-1-1 *et seq*. of this code is continued as an independent agency within the executive branch.

(e) The West Virginia Educational Broadcasting Authority provided in §10-5-1 *et seq*. of

this code and the State Library Commission provided in §10-1-1 *et seq*. of this code are each continued as separate independent agencies within the Department of Arts, Culture, and History, which shall provide administrative support for both entities.

(f) The Division of Culture and History as established in §29-1-1 *et seq*. of this code is continued as a separate independent agency within the Executive Branch as the Department of Arts, Culture, and History. All references throughout this code to the "Division of Culture and History" means the "Department of Arts, Culture, and History".

(g) 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 §22B-2-1 *et seq*. of this code;

(2) Solid Waste Management Board provided in §22C-3-1 *et seq*. of this code;

(3) Environmental Quality Board, or its successor board, provided in §22B-3-1 *et seq*. of this code;

(4) Surface Mine Board provided in §22B-4-1 *et seq*. of this code;

(5) Oil and Gas Inspectors' Examining Board provided in §22C-7-1 *et seq*. of this code;

(6) Shallow Gas Well Review Board provided in §22C-8-1 *et seq*. of this code; and

(7) Oil and Gas Conservation Commission provided in §22C-9-1 *et seq*. of this code.

(h) Notwithstanding any other provision of code, effective July 1, 2022, 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 §5-11-1 *et seq*. of this code;~~

~~(2) Bureau for Public Health provided in §16-1-1 *et seq*. of this code;~~ Bureau of Social Services;

~~(3) Office of Emergency Medical Services and the Emergency Medical Service Advisory~~

~~Council provided in §16-4C-1 *et seq*. of this code;~~ (2) Bureau of Medical Services;

~~(4) Health Care Authority provided in §16-29B *et seq*. of this code;~~

~~(5) State Commission on Intellectual Disability provided in §29-15-1 *et seq*. of this code;~~

~~(6) Women's Commission provided in §29-20-1 *et seq*. of this code; and~~

~~(7)~~ (3) Bureau for Child Support Enforcement provided in §48-1-1 et seq. of this code;

(4) Bureau of Family Assistance; and

(5) Bureau of Behavioral Health:

(A) Office of Drug Control Policy;

(B) Office of Maternal Child & Family Health.

(i) (1) Notwithstanding any other provision of code, effective July 1, 2022, 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:

(A) Bureau for Public Health:

(i) Office of Emergency Medical Services and the Emergency Medical Service Advisory Council provided in §16-4C-1 et seq. of this code;

(ii) Office of the Chief Medical Examiner.

(B) Bureau for Health Facilities;

(C) Bureau of the Inspector General;

(D) Office of Health Facility Licensure and Certification;

(E) Health Care Authority;

(2) If a bureau, office, board, commission or other state entity is not specifically organized in this subsection or subsection (h), the secretaries shall decide where the entity shall be placed within the organizational chart and provide a copy of the organizational chart to the Legislative Commission on Health and Human Resources Accountability by August 1, 2022.

(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 Homeland Security:

(1) West Virginia State Police;

(2) Division of Emergency Management provided in §15-5-1 *et seq*. of this code and Emergency Response Commission provided in §15-5A-1 *et seq*. of this code: *Provided*, That notwithstanding any other provision of this code to the contrary, whenever in this code, or a rule promulgated thereunder, a reference is made to the Division of Homeland Security and Emergency Management, it shall be construed to mean the Division of Emergency Management;

(3) Division of Administrative Services;

(4) Division of Corrections and Rehabilitation;

(5) Fire Commission;

(6) The State Fire Marshal;

(7) Board of Probation and Parole;

(8) The West Virginia Fusion Center;

(9) The Division of Protective Services; and

(10) Any other agency or entity hereinafter established within the Department of Homeland Security by an act of the Legislature.

(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 Revenue:

(1) Tax Division provided in chapter 11 of this code;

(2) Racing Commission provided in §19-23-1 *et seq*. of this code;

(3) Lottery Commission and position of Lottery Director provided in §29-22-1 of this code;

(4) Insurance Commissioner provided in §33-2-1 *et seq*. of this code;

(5) West Virginia Alcohol Beverage Control Commissioner provided in §11-16-1 *et seq*. of this code and §60-2-1 *et seq*. of this code;

(6) Board of Banking and Financial Institutions provided in §31A-3-1 *et seq*. of this code;

(7) Lending and Credit Rate Board provided in chapter 47A of this code;

(8) Division of Financial Institutions provided in §31A-2-1 *et seq*. of this code;

(9) The State Budget Office provided in §11B-2-1 *et seq*. of this code;

(10) The Municipal Bond Commission provided in §13-3-1 *et seq*. of this code;

(11) The Office of Tax Appeals provided in §11-10A-1 of this code; and

(12) The State Athletic Commission provided in §29-5A-1 *et seq*. of this code.

(k) 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 §17-2A-1 *et seq*. of this code;

(2) Parkways Authority provided in §17-16A-1 *et seq*. of this code;

(3) Division of Motor Vehicles provided in §17A-2-1 *et seq*. of this code;

(4) Driver's Licensing Advisory Board provided in §17B-2-1 *et seq*. of this code;

(5) Aeronautics Commission provided in §29-2A-1 *et seq*. of this code;

(6) State Rail Authority provided in §29-18-1 *et seq*. of this code; and

(7) Public Port Authority provided in §17-16B-1 *et seq*. of this code.

(l) Effective July 1, 2011, the Veterans' Council provided in §9A-1-1 *et seq*. of this code, including all of the allied, advisory, affiliated, or related entities and funds associated with it, is incorporated in and administered as a part of the Department of Veterans' Assistance.

(m) Except for powers, authority, and duties that have been delegated to the secretaries of the departments by of §5F-2-2 of this code, the position of administrator and the powers, authority, and duties of each administrator and agency are not affected by the enactment of this chapter.

(n) Except for powers, authority, and duties that have been delegated to the secretaries of the departments by §5F-2-2 of this code, 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 decision makers may not have their appellate or independent decision-making status affected by the enactment of this chapter.

(o) 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 §5F-1-2 of this code, 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.

(p) 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 §5F-2-2 of this code 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.

(q) The Department of Economic Development as established in §5B-2-1 *et seq*. of this code is continued as a separate independent agency within the Executive Branch.

(r) The Department of Tourism as established in §5B-2I-1 *et seq*. of this code is continued as a separate independent agency within the Executive Branch.

NOTE: The purpose of this bill is to

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