

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4760

FISCAL
NOTE

By Delegates Hanshaw (Mr. Speaker) and

Hornbuckle

[By Request of the Executive]

[Introduced January 15, 2024; referred

to the Committee on Finance]

1 A BILL to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating to
 2 establishing salaries for the Secretaries of the Department of Health, the Department of
 3 Human Services, and the Department of Health Facilities.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. COMPENSATION AND ALLOWANCES.

§6-7-2a. Terms of certain appointive state officers; appointment; qualifications; powers and salaries of officers.

1 (a) Each of the following appointive state officers named in this subsection shall be
 2 appointed by the Governor, by and with the advice and consent of the Senate. Each of the
 3 appointive state officers serves at the will and pleasure of the Governor for the term for which the
 4 Governor was elected and until the respective state officers' successors have been appointed and
 5 qualified. Each of the appointive state officers are subject to the existing qualifications for holding
 6 each respective office and each has and is hereby granted all of the powers and authority and shall
 7 perform all of the functions and services heretofore vested in and performed by virtue of existing
 8 law respecting each office.

9 The annual salary of each named appointive state officer is as follows:

10 Commissioner, Division of Highways, \$92,500; Commissioner, Division of Corrections and
 11 Rehabilitation, \$90,000; Director, Division of Natural Resources, \$75,000; Superintendent, State
 12 Police, \$85,000; Commissioner, Division of Financial Institutions, \$75,000; Commissioner,
 13 Division of Culture and History, \$65,000; Commissioner, Alcohol Beverage Control Commission,
 14 \$75,000; Commissioner, Division of Motor Vehicles, \$75,000; Director, Human Rights
 15 Commission, \$55,000; Commissioner, Division of Labor, \$70,000; Chairperson, Board of Parole,
 16 \$55,000; members, Board of Parole, \$50,000; members, Employment Security Review Board,
 17 \$17,000; and Commissioner, Workforce West Virginia, \$75,000. Secretaries of the departments
 18 shall be paid an annual salary as follows: ~~Health and Human Resources, \$95,000; Provided, That~~
 19 ~~effective July 1, 2013, the Secretary of the Department of Health and Human Resources shall be~~

20 ~~paid an annual salary not to exceed \$175,000; Health, \$175,000; Human Services, \$175,000;~~
21 Health Facilities, \$175,000; Transportation, \$95,000: *Provided, however,* That if the same person
22 is serving as both the Secretary of Transportation and the Commissioner of Highways, he or she
23 shall be paid \$120,000; Revenue, \$95,000; Military Affairs and Public Safety, \$95,000;
24 Administration, \$95,000; Education and the Arts, \$95,000; Commerce, \$95,000; Veterans'
25 Assistance, \$95,000; and Environmental Protection, \$95,000: *Provided further,* That any officer
26 specified in this subsection whose salary is increased by more than \$5,000 as a result of the
27 amendment and reenactment of this section during the 2011 regular session of the Legislature
28 shall be paid the salary increase in increments of \$5,000 per fiscal year beginning July 1, 2011, up
29 to the maximum salary provided in this subsection.

30 (b) Each of the state officers named in this subsection shall continue to be appointed in the
31 manner prescribed in this code and shall be paid an annual salary as follows:

32 Director, Board of Risk and Insurance Management, \$80,000; Director, Division of
33 Rehabilitation Services, \$70,000; Director, Division of Personnel, \$70,000; Executive Director,
34 Educational Broadcasting Authority, \$75,000; Secretary, Library Commission, \$72,000; Director,
35 Geological and Economic Survey, \$75,000; Executive Director, Prosecuting Attorneys Institute,
36 \$80,000; Executive Director, Public Defender Services, \$70,000; Commissioner, Bureau of Senior
37 Services, \$75,000; Executive Director, Women's Commission, \$45,000; Director, Hospital
38 Finance Authority, \$35,000; member, Racing Commission, \$12,000; Chairman, Public Service
39 Commission, \$85,000; members, Public Service Commission, \$85,000; Director, Division of
40 Forestry, \$75,000; and Executive Director of the Health Care Authority, \$80,000.

41 (c) Each of the following appointive state officers named in this subsection shall be
42 appointed by the Governor, by and with the advice and consent of the Senate. Each of the
43 appointive state officers serves at the will and pleasure of the Governor for the term for which the
44 Governor was elected and until the respective state officers' successors have been appointed and
45 qualified. Each of the appointive state officers are subject to the existing qualifications for holding

46 each respective office and each has and is hereby granted all of the powers and authority and shall
47 perform all of the functions and services heretofore vested in and performed by virtue of existing
48 law respecting each office.

49 The annual salary of each named appointive state officer shall be as follows:

50 Commissioner, State Tax Division, \$92,500; Insurance Commissioner, \$92,500; Lottery
51 Director, \$110,000; Director, Division of Homeland Security and Emergency Management,
52 \$65,000; and Adjutant General, \$125,000.

53 (d) No increase in the salary of any appointive state officer pursuant to this section may be
54 paid until and unless the appointive state officer has first filed with the State Auditor and the
55 Legislative Auditor a sworn statement, on a form to be prescribed by the Attorney General,
56 certifying that his or her spending unit is in compliance with any general law providing for a salary
57 increase for his or her employees. The Attorney General shall prepare and distribute the form to
58 the affected spending units.

59 (e) The annual salary of each appointive state officer named in this section shall continue
60 in the amount as set forth in this section from the effective date of the amendments to this section
61 enacted in 2020, until the position held by the officer is vacated or until July 1, 2020, whichever
62 occurs first. After the vacancy or after July 1, 2020, whichever occurs first, unless otherwise
63 prohibited by law, the annual salary of each appointed state officer named in this section shall be
64 fixed by the Governor within the current budget allocation. In the event the annual salary fixed by
65 the Governor for an appointed state officer named in this section exceeds the amount set forth in
66 this section for the appointed state officer, the amount of the annual salary for the appointed state
67 officer shall be set forth in a line-item in the budget bill, and payment of an annual salary to the
68 appointed state officer may not exceed that amount but may be lower than the salary approved in
69 the budget bill or established in this section. The salary of a newly appointed state officer named in
70 this section shall be included in the appointment letter for the position.

71 The amendment and reenactment of this section in the third extraordinary session of the

- 72 Legislature, 2021, shall not operate to reduce the salary of any appointive state officer whose
73 salary has been increased pursuant to this subsection since July 1, 2020.

NOTE: The purpose of this bill is to establish salaries for the Secretaries of the Department of Health, the Department of Human Services, and the Department of Health Facilities.

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