

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **Senate Bill 604**

BY SENATORS PREZIOSO, BALDWIN, BEACH, IHLENFELD,

JEFFRIES, LINDSAY, PLYMALE, AND ROMANO

[Introduced January 23, 2020; referred  
to the Committee on Health and Human Resources;  
and then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §5F-1-7; and to amend and reenact §6-7-2a of said code, all relating to  
 3 creating the cabinet position of State Surgeon General; qualification; duties; and  
 4 compensation.

*Be it enacted by the Legislature of West Virginia:*

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

**ARTICLE 1. GENERAL PROVISIONS.**

**§5F-1-7. State Surgeon General; qualifications; and duties.**

1 (a) The Governor may appoint a State Surgeon General subject to confirmation by the  
 2 Senate.

3 (b) The State Surgeon General serves at the pleasure of the Governor and shall be a  
 4 member of the Governor’s cabinet.

5 (c) The State Surgeon General shall serve as the leading voice on wellness and disease  
 6 prevention efforts, including the promotion of healthful lifestyles, immunization practices, health  
 7 literacy, and the assessment and promotion of the physician and health care workforce in order  
 8 to meet the health care needs of the state. The State Surgeon General shall focus on advocating  
 9 healthy lifestyles, developing public health policy, and building collaborative partnerships with  
 10 schools, businesses, health care practitioners, community-based organizations, and public and  
 11 private institutions in order to promote health literacy and optimum quality of life for all West  
 12 Virginians.

13 (d) The State Surgeon General shall:

14 (1) Be a graduate of a school of medicine recognized by the West Virginia State Board of  
 15 Medicine;

16 (2) Be licensed and in good standing with the West Virginia Board of Medicine; and

17 (3) Serve as an advisor to the Governor.

18 (e) The State Surgeon General shall perform the duties required of him or her by the  
19 Governor, including without limitation:

20 (1) Reviewing, assessing, and developing health policy options, including insurance  
21 coverage, health risk management, disease prevention, and health promotion strategies across  
22 state agencies;

23 (2) Providing health policy advice for the Governor, the Secretary of Health and Human  
24 Resources, and senior state agency officials;

25 (3) Advise and make policy recommendations to the Governor, the office of drug control  
26 policy, and senior state agency officials on substance use disorder issues;

27 (4) Raising awareness of healthcare and public health areas of priority for advancement  
28 of the health of the citizens of the state;

29 (5) Reviewing legislative analyses and proposed legislation and creating position  
30 statements for the Governor and senior state agency officials;

31 (6) Advising the Governor, senior state agency officials, and governing boards and  
32 commissions on policy issues and program accomplishments; and

33 (7) Providing medical review oversight and guidance to the Department of Health and  
34 Human Services clinical programs upon the request of the Secretary of the Department of Health  
35 and Human Resources.

**CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.**

**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  
5 and qualified. Each of the appointive state officers are subject to the existing qualifications for  
6 holding each respective office and each has and is hereby granted all of the powers and authority  
7 and shall perform all of the functions and services heretofore vested in and performed by virtue  
8 of existing 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; Transportation, \$95,000: Provided, however, That  
21 if the same person is serving as both the Secretary of Transportation and the Commissioner of  
22 Highways, he or she shall be paid \$120,000; Revenue, \$95,000; Military Affairs and Public Safety,  
23 \$95,000; Administration, \$95,000; Education and the Arts, \$95,000; Commerce, \$95,000;  
24 Veterans' Assistance, \$95,000; and Environmental Protection, \$95,000: Provided further, That  
25 any officer specified in this subsection whose salary is increased by more than \$5,000 as a result  
26 of the amendment and reenactment of this section during the 2011 regular session of the  
27 Legislature shall be paid the salary increase in increments of \$5,000 per fiscal year beginning  
28 July 1, 2011, up to the maximum salary provided in this subsection.

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

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

40 (c) Each of the following appointive state officers named in this subsection shall be  
41 appointed by the Governor, by and with the advice and consent of the Senate. Each of the  
42 appointive state officers serves at the will and pleasure of the Governor for the term for which the  
43 Governor was elected and until the respective state officers' successors have been appointed  
44 and qualified. Each of the appointive state officers are subject to the existing qualifications for  
45 holding each respective office and each has and is hereby granted all of the powers and authority  
46 and shall perform all of the functions and services heretofore vested in and performed by virtue  
47 of existing law respecting each office.

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

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

52 (d) No increase in the salary of any appointive state officer pursuant to this section may  
53 be paid until and unless the appointive state officer has first filed with the State Auditor and the  
54 Legislative Auditor a sworn statement, on a form to be prescribed by the Attorney General,

55 certifying that his or her spending unit is in compliance with any general law providing for a salary  
56 increase for his or her employees. The Attorney General shall prepare and distribute the form to  
57 the affected spending units.

NOTE: The purpose of this bill is to create the cabinet position of State Surgeon General.

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