

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

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for

Senate Bill 472

BY SENATORS BLAIR, UNGER, AND CLINE

[Originating in the Committee on Government

Organization; Reported on February 23, 2018]

1 A BILL to amend and reenact §16-2-14 of the Code of West Virginia, 1931, as amended, relating
2 to employees of local boards of health; making legislative findings; requiring the
3 Legislature to provide funds to Department of Health and Human Resources to provide
4 local boards of health funds for pay raises for employees when the Legislature provides
5 funds for across-the-board pay raises for state employees; limiting Department of Health
6 and Human Resources from using provided funds for any other purpose; requiring annual
7 funding to continue pay raises; and prohibiting Department of Health and Human
8 Resources from placing additional restrictions or obligations on provided funds.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. LOCAL BOARDS OF HEALTH.

**§16-2-14. Financial responsibilities of appointing authorities for local boards of health;
levies; appropriation of county or municipal general funds for public health
purposes; state funding.**

1 (a) The appointing authorities for local boards of health shall provide financial support for
2 the operation of the local health department. The county commission of any county, or the
3 governing body of any municipality in which a local board of health is established pursuant to the
4 provisions of this article, or the county commission of any county, or the governing body of any
5 municipality who is a participating member of a combined local board of health may levy a county
6 or municipal tax to provide funds for the local board of health.: ~~Provided, That the~~ The tax as
7 provided in this section may not exceed three cents on each \$100 of assessed valuation of the
8 taxable property in the levying county or municipality, according to the latest assessment.

9 (b) The county commission of any county, or the governing body of any municipality in
10 which a local board of health is established pursuant to the provisions of this article, or the county
11 commission of any county, or the governing body of any municipality who is a participating
12 member of a combined local board of health may appropriate and spend money from the county

13 or municipal general funds for public health purposes and to pay the expenses of the operation
14 of the local board of health services and facilities.

15 (c) The commissioner and the secretary may pay over and contribute to any board of
16 health created and maintained pursuant to the provisions of §16-2-1 *et seq.* of this code, the sum
17 or sums of money that may be available from funds included in appropriations made for the
18 Department of Health and Human Resources. The commissioner may withhold all or part of any
19 funds until a local board of health submits an acceptable plan to correct deficiencies in the local
20 board's program plan.

21 (d) Employees of local boards of health. —

22 (1) The Legislature finds that employees of local boards of health provide a valuable
23 service to the state. Although these employees are hired through the Division of Personnel, they
24 are not state employees. Accordingly, employees of local boards of health do not share in pay
25 raises provided to state employees. Therefore, the Legislature finds that including these
26 employees in any across-the-board pay raises provided for state employees is appropriate.

27 (2) When the Legislature provides funds for across-the-board pay raises for state
28 employees, it shall also appropriate sufficient funds to the Department of Health and Human
29 Resources to provide to local boards of health funds for the purpose of increasing the pay of
30 employees in the same amount or percentage as pay increases provided to state employees. The
31 Legislature shall annually include appropriations in the base budget for use by the local boards of
32 health to continue to fund local health departments at the increased rate.

33 (3) The Department of Health and Human Resources may not place any additional
34 restrictions or obligations beyond those already set forth in this section upon local health
35 departments as a condition of receiving these funds.

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