

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 137

FISCAL
NOTE

BY SENATORS BLAIR, BALDWIN, CLINE, ROBERTS,

ROMANO, AND FACEMIRE

[Introduced January 8, 2020; referred
to the Committee on Government Organization; and
then to the Committee on Finance]

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 tax as provided
 7 in this section may not exceed three cents on each \$100 of assessed valuation of the taxable
 8 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 member
 12 of a combined local board of health may appropriate and spend money from the county or
 13 municipal general funds for public health purposes and to pay the expenses of the operation of

14 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 this article the sum or sums of money
17 that may be available from funds included in appropriations made for the Department of Health
18 and Human Resources. The commissioner may withhold all or part of any funds until a local board
19 of health submits an acceptable plan to correct deficiencies in the local board's program plan.

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

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

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

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

NOTE: The purpose of this bill is to require the Legislature to provide funds to Department of Health and Human Resources to provide local boards of health funds for pay raises for employees when the Legislature provides funds for across-the-board pay raises for state employees. It limits the Department of Health and Human Resources from using the funds for any other purpose. It also prohibits the Department of Health and Human Resources from placing additional restrictions or obligations on provided 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.