

Rec., Mar. 11, 1933

#80

ENROLLED BILL

Regular Session

SENATE BILL NO. 80

By Mr. Hodges (by request)

PASSED March 11, 1933

IN EFFECT ninety days from PASSAGE

Originating in the

Senate

Takes effect

Passage.

Anthony
Clerk.

Wootball
Clerk of the House of Delegates.

CORRECTLY ENROLLED

J. G. Smith
Chairman House Committee.

J. G. Smith
Chairman Senate Committee.

ENROLLED BILL

(S. B. No. 80)

[Passed March 11, 1933; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article one, chapter sixteen, of the code of West Virginia, one thousand nine hundred thirty-one, relating to the public health council.

Be it enacted by the Legislature of West Virginia:

That section three, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted so as to read as follows:

Section 3. The public health council shall consist of the commissioner of health and seven other members, who shall be appointed by the governor, by and with the advice and consent of the senate. The commissioner and six of the members shall be graduates of reputable medical colleges and shall have had at least five years' experience in the practice of medicine. The other member shall be a graduate of a reputable dental college, a member of the West Virginia state dental society and shall have



Chairman Senate Committee.




Chairman House Committee.

9 had at least five years' experience in the practice of dentistry,
 10 and shall have the recommendation of the West Virginia state
 11 dental society. The members in office on the date this act
 12 takes effect shall, unless sooner removed, continue to serve
 13 until their respective terms expire and until their successors
 14 have been appointed and have qualified. On or before the
 15 first day of July, one thousand nine hundred thirty-three, and
 16 on or before the first day of July of each alternate year there-
 17 after, the governor shall appoint three medical members of
 18 the public health council, other than the commissioner of
 19 health, to serve for terms of four years respectively, commenc-
 20 ing on said first day of July. On or before the first day of
 21 July, one thousand nine hundred thirty-three, and on or before
 22 the first day of July of every fourth year thereafter, the gov-
 23 ernor shall appoint the dental member, to serve for a term of
 24 four years, commencing on said first day of July, and any
 25 member shall be eligible for reappointment.

26 The public health council shall elect one of its members
 27 president, whose term of office shall be two years. The com-
 28 missioner of health shall be secretary of the council. The public
 29 health council shall hold at least two meetings each year, and

Henry D. Hyman

Chairman Senate Committee.

James L. Smith

Chairman House Committee.

Enrolled S. B. No. 80]

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30 at such other times as it may prescribe by rule, or upon the
31 request of the commissioner of health. A quorum of the coun-
32 cil shall consist of not fewer than four members. Each member
33 of the council, other than the commissioner, shall receive ten
34 dollars for each day actually spent in attending the sessions
35 of the council or of its committees and in necessary travel, not
36 to exceed sixty days in any one calendar year, and shall be
37 reimbursed for all actual and necessary traveling, incidental
38 and clerical expenses incurred in the discharge of his duties.
39 All authorized compensation and all expenses certified by the
40 council as properly and necessarily incurred in the discharge
41 of its duties shall be paid out of the state treasury, from funds
42 appropriated for that purpose, on the warrant of the state
43 auditor issued on requisitions signed by the president and
44 secretary of the council.

45 It shall be the duty of the public health council to promul-
46 gate rules and regulations; take evidence in appeals; approve
46-a plans and appointments; hold hearings; advise with the com-
47 missioner of health; define the qualifications of local health
48 authorities and directors of divisions and discharge other like
49 duties. The public health council shall have power, by the


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50 affirmative vote of a majority of its members, to establish and
51 from time to time amend regulations under the public health
52 laws, the enforcement of which devolves upon the state com-
53 missioner of health. Every general regulation adopted by the
54 public health council shall state the day on which it takes effect,
55 and a copy thereof, duly signed by the commissioner of health,
56 shall be filed in the office of the secretary of state, and a copy
57 thereof shall be sent by the commissioner of health to each
58 health officer within the state, and shall be published in such
59 manner as the public health council may determine. Any vio-
60 lation of the regulations so promulgated, when said regulations
61 are reasonable and not inconsistent with law, shall be a mis-
62 demeanor, punishable by a fine of not less than ten dollars nor
63 more than three hundred dollars, and in the discretion of the
64 court, by imprisonment in the county jail for not more than
65 thirty days: *Provided, however,* That the dental member of
66 the public health council shall have no duties or authority
67 whatever in connection with the licensing of physicians or the
68 regulation of the practice of medicine in this state.

CORRECTLY ENROLLED

James D. Smith
Chairman Senate Committee.

B. S. Stinner
Speaker of the House of Delegates.

James D. Smith
Clerk of the House of Delegates.

P. H. Mauney
President of the Senate.

James D. Smith
Clerk of the Senate.

The within is.....

this.....day of....., 1933.

Filed in the office of the Secretary of State
of West Virginia. **MAR 18 1933**
Wm. S. O'BRIEN,
Secretary of State

Governor.