WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1945

ENROLLED

HOUSE BILL No. 51

(By Mr. Evans)

PASSED February 16

In Effect from Passage
AN ACT to amend and reenact sections two and three, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the appointment of the commissioner of health and the public health council, their compensation, powers and duties.

Be it enacted by the Legislature of West Virginia:

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

Section 2. Commissioner of Health.—The commissioner of health shall be appointed by the governor, by and with the advice and consent of the senate, and shall be a physician, a graduate of a reputable medical college, of at least five years' experience in the practice of medicine,
skilled in sanitary science and experience in public health administration. Before making such appointment, the governor shall request the council of the West Virginia state medical association to furnish a full and complete report concerning the qualifications and suitability of the proposed appointee for this position. The commissioner of health in office on the date this act takes effect shall, unless sooner removed, continue to serve until his term expires and his successor has been appointed and has qualified. On or before the first day of June, one thousand nine hundred thirty-one, and on or before the first day of June on each fourth year thereafter, the governor shall appoint a commissioner of health to serve for a term of four years, commencing on said first day of June, and any commissioner shall be eligible for reappointment. The commissioner of health shall receive an annual salary of six thousand dollars and actual expenses incurred in the performance of official business, which salary shall be in full for all services. He shall be the administrative head of the state department of health and shall be ex officio a member of its public health council. His duties
shall be to administer the laws and regulations of the department; to prepare rules and regulations for the consideration of the public health council; and, with the approval of said council, to appoint, remove and fix the compensation of the directors of divisions and all other employees, but said compensation shall not exceed the appropriation therefor; to advise with the public health council, keep himself informed as to the efficiency of each local health officer within the state; aid each health officer in the performance of his duties; assist each local health officer in making an annual sanitary survey of the territory within his jurisdiction, and in maintaining therein a continuous sanitary supervision; adjust questions of jurisdiction arising between local health officers within the state, study the cause of excessive mortality or morbidity from any disease in any portion of the state; promote efficient registration of births, deaths and notifiable disease; inspect and report from time to time the sanitary condition of institutions, schools and school houses, public conveyances, dairies, creameries, slaughter houses,
work shops, factories, labor camps, hotels and places
where offensive trades or industries are conducted; in-
spect and report the sanitary conditions of streams,
sources of water supply and sewerage facilities; endeavor
to enlist the cooperation of all physicians and volunteer
health organizations in the improvement of public health;
promulgate information to the general public in all mat-
ters pertaining to the public health. He shall perform all
executive and other customary duties incident to his posi-
tion as chief executive officer, and shall provide offices
and equipment necessary for the transaction of the busi-
ness of the state department of health out of funds appro-
priated for said department. He shall submit annually to
the governor, on or before the first day of November, or
as soon thereafter as practicable, a report of the opera-
tions of the department, with any recommendations he
may have to make, which report shall be printed and
distributed as soon as practicable thereafter in the same
manner as other public documents of the state. The com-
missioner of health may direct any official or employee
of the state department of health to assist in the study, control, suppression and prevention of diseases in any part of the state, and necessary expenses shall be paid while in the performance of such duty.

Sec. 3. Public Health Council; Violation of Its Regulations—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. Before making such appointments, the governor shall request the council of the West Virginia state medical association to furnish a full and complete report concerning the qualifications and suitability of the proposed appointee or appointees. The other member shall be a graduate of a reputable dental college, a member of the West Virginia state dental society and shall have had at least five years' experience in the practice of dentistry. Before making such appointment, the gover-
nor shall request the West Virginia state dental society to furnish a complete report concerning the qualifications and suitability of the proposed appointee for such position. The members in office on the date this section takes effect shall, unless sooner removed, continue to serve until their respective terms expire and until their successors have been appointed and have qualified. On or before the first day of July, one thousand nine hundred thirty-three, and on or before the first day of July of each alternate year thereafter, the governor shall appoint three medical members of the public health council, other than the commissioner of health, to serve for terms of four years respectively, commencing on said first day of July. On or before the first day of July, one thousand nine hundred thirty-three, and on or before the first day of July of every fourth year thereafter, the governor shall appoint the dental member to serve for a term of four years, commencing on said first day of July, and any member shall be eligible for reappointment.

The public health council shall elect one of its members president, whose term of office shall be two years.
The commissioner of health shall be secretary of the council. The public health council shall hold at least two meetings each year, and at such other times as it may prescribe by rule, or upon the request of the commissioner of health. A quorum of the council shall consist of not fewer than four members. Each member of the council, other than the commissioner, shall receive ten dollars for each day actually spent in attending the sessions of the council or of its committees and in necessary travel, not to exceed sixty days in any one calendar year, and shall be reimbursed for all actual and necessary traveling, incidental and clerical expenses incurred in the discharge of his duties. All authorized compensation and all expenses certified by the council as properly and necessarily incurred in the discharge of its duties shall be paid out of the state treasury, from funds appropriated for that purpose, on the warrant of the state auditor issued on requisitions signed by the president and secretary of the council.

It shall be the duty of the public health council to promulgate rules and regulations; take evidence in appeals;
approve plans and appointments; hold hearings; advise
with the commissioner of health; define the qualifications
of local health authorities and directors of divisions and
discharge other like duties. The public health council
shall have power, by the affirmative vote of a majority
of its members, to establish and from time to time amend
regulations under the public health laws, the enforcement
of which devolves upon the state commissioner of health.
Every general regulation adopted by the public health
council shall state the day on which it takes effect, and
a copy thereof, duly signed by the commissioner of health,
shall be filed in the office of the secretary of state, and a
copy thereof shall be sent by the commissioner of health
to each health officer within the state, and shall be pub-
lished in such manner as the public health council may
determine. Any violation of the regulations so promul-
gated, when said regulations are reasonable and not in-
consistent with law, shall be a misdemeanor, punishable
by a fine of not less than ten dollars nor more than three
hundred dollars, and in the discretion of the court, by im-
prisonment in the county jail for not more than thirty
80 days: *Provided, however,* That the dental member of the public health council shall have no duties or authority whatever in connection with the licensing of physicians or the regulation of the practice of medicine in this state.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Charles E. Morris
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the [Signature: House]

Takes effect [Signature: From passage]

Thomas [Signature: Clerk of the Senate]

[Signature: Clerk of the House of Delegates]

[Signature: President of the Senate]

[Signature: Speaker House of Delegates]

The within [Signature: approves] this the [Signature: 20th]
day of [Signature: February], 1945.

[Signature: [Signature: Governor]}

[Signature: Filed in the office of the Secretary of State of West Virginia, Feb 20, 1945]