

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1955

ENROLLED

HOUSE BILL No. 51

(By Mr. Myli)

PASSED Mar 8 1955

In Effect 90 days from Passage

Filed in the Office of the Secretary of State  
of West Virginia

MAR 15 1955  
D. PITT O'BRIEN  
SECRETARY OF STATE

**ENROLLED**

**House Bill No. 51**

(By MRS. WALKER)

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[Passed March 8, 1955; in effect ninety days from passage.]

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AN ACT to amend and reenact section three, article two, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the creation, organization, powers and duties of combined local boards of health.

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

That section three, article two, 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 3. *Counties, or Counties and Municipalities, May Combine in Employment of Officers and Installation and Maintenance of Equipment: Combined Local Boards of Health.*—Any two or more counties, or any county or counties and any one or more municipalities within the said county or counties, may combine to cooperate with

7 the state department of health, by vote of the county  
8 court in the case of a county and by vote of the council or  
9 other governing body in the case of a municipality, and  
10 may participate in the employment of trained health  
11 officers and other agents and employees, or in the instal-  
12 lation and maintenance of a common laboratory and other  
13 equipment. Whenever any such units shall decide so to  
14 cooperate and shall appropriate a sum or sums of money  
15 for such joint or cooperate action, a sum equal to two-  
16 fifths of the total amount contributed by the cooperating  
17 units, shall be added thereto from the appropriation made  
18 for the state department of health: *Provided*, That the  
19 general plan of cooperation, as well as the principal health  
20 officer, executive agent or laboratory director employed  
21 by the cooperating units, shall first have been approved  
22 by the state board of health.

23 Each county or municipality participating in any such  
24 cooperative action shall select and appoint by  
25 vote of the county court in the case of a county, and by  
26 vote of the council or other governing body in the case of a  
27 municipality, not less than one nor more than three per-

28 sons to be members of a combined board of health. No  
29 such person shall be selected by, nor represent on any  
30 such combined board, more than one such county or  
31 municipality. The number of persons to be selected by  
32 each participating county or municipality as members of  
33 such board, subject to the limitation contained in the two  
34 preceding sentences, shall be agreed upon by the several  
35 counties or municipalities participating.

36 All members of such combined board of health shall be  
37 appointed for terms of five years each, except that the  
38 persons first appointed pursuant to the provisions of this  
39 section, if more than one such persons is appointed at the  
40 same time by any one county court or municipal governing  
41 body, shall be individually designated to serve for terms of  
42 one, two, and three years, respectively, and if only one  
43 such person is appointed at such time by each participating  
44 county or municipality, the several participating counties  
45 or municipalities shall initially appoint such persons to  
46 serve for individually designated terms, which shall be  
47 agreed upon by the several appointing authorities, of one,  
48 two, three, four and five years respectively. Upon the

49 expiration of the term of such initial appointments the  
50 term of each new appointee shall be five years. Any  
51 vacancy on such board shall be filled by appointment, by  
52 the original appointing authority, for the unexpired term.  
53 All members shall serve until their duly qualified suc-  
54 cessors have been appointed. The number of members of  
55 such board belonging to one political party shall not  
56 exceed by more than one the number of members of such  
57 board belonging to any other political party.

58 All members of any such board shall be citizens and resi-  
59 dents of the county or municipality they are appointed to  
60 represent. All members shall be eligible for reappoint-  
61 ment.

62 No member of such board may be removed from office  
63 during the term for which he is appointed except for  
64 official misconduct, incompetence, neglect of duty or gross  
65 immorality.

66 No member of such board shall receive any compen-  
67 sation for his services but each may be reimbursed for  
68 actual and necessary travel and other expenses neces-

69 sarily incurred by him in the performance of his duties  
70 as a member of such board.

71 Any such combined board of health shall consist of the  
72 several members so selected. Such board shall organize  
73 by electing a chairman from among its members. It  
74 shall have the power to adopt, and from time to time  
75 amend, such rules and regulations as it may deem neces-  
76 sary concerning the time and place of its meetings, the  
77 procedure and method of conducting its meetings or busi-  
78 ness, and any other matters affecting, or necessary to, the  
79 orderly and efficient discharge of its duties or exercise of  
80 its powers. All powers and duties belonging to or vested  
81 in county boards of health or municipal boards of health  
82 under any provision of this code are hereby vested in,  
83 conferred upon, and declared to be, the powers and duties  
84 of any combined board of health created pursuant to the  
85 provisions of this section. All powers and duties belonging  
86 to or vested in county or municipal health officers, so far  
87 as they are applicable and not in conflict with the pro-  
88 visions of this section, are hereby vested in, conferred  
89 upon, and declared to be, the powers and duties of any

90 health officer appointed and employed by any combined  
91 board of health. Any health officer or other employee  
92 appointed or employed by any combined board of health  
93 shall be employed and serve, and may be discharged, at  
94 the will and pleasure of such board. The territorial juris-  
95 diction of any such combined board of health shall be  
96 coextensive with the boundaries of all of the counties and  
97 municipalities which have been combined to cooperate  
98 as herein provided.

99     Upon the formation of a combined local board of health  
100 as herein provided, and during the period that it continues  
101 to exist, there shall be no separate county board of health  
102 or municipal board of health in any county or municipi-  
103 pality represented on the combined board of health.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*[Signature]*  
 Chairman Senate Committee

*[Signature]*  
 Chairman House Committee

Originated in the House of Delegates

Takes effect 90 Days *[initials]* passage.

*[Signature]*  
 Clerk of the Senate

*[Signature]*  
 Clerk of the House of Delegates

*[Signature]*  
 President of the Senate

*[Signature]*  
 Speaker House of Delegates

The within approved this the 14  
 day of March, 1953.

*[Signature]*  
 Governor



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 of West Virginia

**MAR 15 1955**

D. PITT O'BRIEN  
 SECRETARY OF STATE