

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1961



ENROLLED

HOUSE BILL No. *63*.....

(By Mr. *Stevory* and *Mr. Casey*)



PASSED *February 15th*, 1961

In Effect *sixty days from* Passage



Filed in Office of the Secretary of State

of West Virginia, *February 25, 1961*

JOE F. BURDETT  
SECRETARY OF STATE

*69*

**ENROLLED**

**House Bill No. 63**

(By MRS. DREWRY and MR. CASEY)

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[Passed February 15, 1961; in effect ninety days from passage.]

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AN ACT to amend and reenact section two, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the qualifications, appointment, removal, and compensation of members of the state board of health.

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

That section two, 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. *Board of Health; Membership.*—There shall  
2 be a state board of health, to be known as the West Vir-  
3 ginia board of health, which shall be a corporation and  
4 as such may contract and be contracted with, plead and  
5 be impleaded, sue and be sued, and have and use a com-  
6 mon seal. The state board of health shall consist of nine  
7 members, who shall be appointed by the governor, by

8 and with the advice and consent of the senate. Three  
9 members of the board shall be physicians or surgeons  
10 holding the degree of doctor of medicine, one shall be a  
11 dentist, one shall be an osteopathic physician<sup>g</sup>, one shall   
12 be a pharmacist, one shall be chosen as the representative  
13 of the hospitals licensed in the state of West Virginia  
14 and two shall be representative citizens, neither of which  
15 said representative citizens shall be an employee of, or  
16 connected in any way with, any hospital licensed in this  
17 state, and neither of whom shall be a member of any of  
18 the professions named above.

19 All persons appointed to membership on the state board  
20 of health shall be citizens of this state and shall have  
21 been such citizens and residents of the state for at least  
22 five years prior to the date of their appointment. Every  
23 professional member of the said board shall be duly li-  
24 censed to practice his profession in this state on the date  
25 of his appointment and shall have been so licensed and  
26 have been actively practicing his profession for at least  
27 five years immediately preceding the date of such appoint-  
28 ment. Before appointing any professional member, the

29 governor shall request the state professional society of  
30 the profession practiced by any proposed appointee to  
31 furnish to the governor a full and complete report con-  
32 cerning the qualifications and suitability of the proposed  
33 appointee. All members of the board shall be appointed  
34 for terms of nine years each, except that the persons  
35 originally appointed, shall be appointed to serve for des-  
36 ignated terms beginning on the first day of July, one  
37 thousand nine hundred forty-nine, and continuing for one,  
38 two, three, four, five, six, seven, eight, and nine years  
39 respectively. Upon the expiration of such initial appoint-  
40 ments the terms of each new appointee shall be nine  
41 years. Any vacancy on the board shall be filled by the  
42 governor by appointment for the unexpired term.

43 No more than five of the members of the board shall  
44 belong to the same political party. Not less than one nor  
45 more than two members shall be appointed from the same  
46 congressional district. No person shall be eligible for ap-  
47 pointment to membership on the state board who is a  
48 member of any political party executive committee, or  
49 who holds any public office or public employment under

50 the federal government or under the government of this  
51 state or any of its political subdivisions, or who is an  
52 appointee or employee of the board. All members shall  
53 be eligible for re-appointment.

54 No member may be removed from office by the gov-  
55 ernor except for official misconduct, incompetence, neg-  
56 lect of duty or gross immorality and then only in the  
57 manner prescribed by law for the removal by the gover-  
58 nor of state elective officers: *Provided, however,* That the  
59 expiration or revocation of the professional license of any  
60 professional member of the board shall be cause for his  
61 removal.

62 The members of the board shall be paid the sum of  
63 twenty-five dollars for each day actually served in attend-  
64 ance at official meetings of the board. The total of such  
65 compensation paid to each member during any one fiscal  
66 year shall not exceed three hundred dollars. Each mem-  
67 ber shall also be paid mileage at the rate of ten cents per  
68 mile in the performance of his duties as a member of the  
69 board.

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

Thomas Davis, 2<sup>d</sup>  
Chairman Senate Committee

Mrs. H. H. Withrow  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Miller  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Howard E. Carson  
President of the Senate

Julius W. Singleton Jr.  
Speaker House of Delegates

The within approved this the 23<sup>rd</sup>  
day of February, 1961.

W. W. Barron  
Governor

