ENROLLED

House Bill No. 64

(By Mrs. Drewry and Mr. Casey)

[Passed February 14, 1961; in effect ninety days from passage.]

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, and funds for, 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
the state department of health, by vote of the county court
in the case of a county and by vote of the council or
other governing body in the case of a municipality, and
may participate in the employment of trained health
officers and other agents and employees, or in the installa-
tion and maintenance of a common laboratory and other
equipment. Whenever any such units shall decide so to
cooperate and shall appropriate a sum or sums of money
for such joint or cooperative action, the state department
of health is authorized and empowered to pay over and
contribute to such cooperating units, and the cooperat-
ing units are authorized and empowered to receive and
expend for public health purposes, such sum or sums
of money as may be available from funds included in
appropriations made for the state department of health
for such purpose: Provided, That the general plan of
cooperation, as well as the principal health officer, exe-
cutive agent or laboratory director employed by the co-
operating units, shall first have been approved by the
state board of health. The amount of any such payment
or contribution by the state department of health to such
cooperating units shall be determined in accordance with regulations established by the state board of health. Such regulations shall provide a method for determining the amount of any payment or contribution, and this method shall be uniformly applied in determining the amount of any payment or contribution to any such local governmental unit or units.

Each county or municipality participating in any such cooperative action shall select and appoint by vote of the county court in the case of a county, and by vote of the council or other governing body in the case of a municipality, not less than one nor more than three persons to be members of a combined board of health. No such person shall be selected by, nor represent on, any such combined board, more than one such county or municipality. The number of persons to be selected by each participating county or municipality as members of such board, subject to the limitation contained in the two preceding sentences, shall be agreed upon by the several counties or municipalities participating.

All members of such combined board of health shall
be appointed for terms of five years each, except that the
persons first appointed pursuant to the provisions of this
section, if more than one such person is appointed at
the same time by any one county court or municipal
governing body, shall be individually designated to serve
for terms of one, two, and three years, respectively, and
if only one such person is appointed at such time by
each participating county or municipality, the several
participating counties or municipalities shall initially ap-
point such persons to serve for individually designated
terms, which shall be agreed upon by the several ap-
pointing authorities, of one, two, three, four and five
years, respectively. Upon the expiration of the term of
such initial appointments, the term of each new appointee
shall be five years. Any vacancy on such board shall be
filled by appointment, by the original appointing au-
authority, for the unexpired term. All members shall serve
until their duly qualified successors have been appointed.
The number of members of such board belonging to one
political party shall not exceed by more than one the
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number of members of such board belonging to any other political party.

All members of any such board shall be citizens and residents of the county or municipality they are appointed to represent. All members shall be eligible for reappointment.

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

No member of such board shall receive any compensation for his services, but each may be reimbursed for actual and necessary travel and other expenses necessarily incurred by him in the performance of his duties as a member of such board.

Any such combined board of health shall consist of the several members so selected. Such board shall organize by electing a chairman from among its members. It shall have the power to adopt, and from time to time amend, such rules and regulations as it may deem necessary concerning the time and place of its meetings, the procedure
and method of conducting its meetings or business, and
any other matters affecting, or necessary to, the orderly
and efficient discharge of its duties or exercise of its
powers. All powers and duties belonging to or vested in
county boards of health or municipal boards of health
under any provisions of this code are hereby vested in, con-
ferred upon, and declared to be, the powers and duties of
any combined board of health created pursuant to the
provisions of this section. All powers and duties belong-
ing to or vested in county or municipal health officers,
so far as they are applicable and not in conflict with the
provisions of this section, are hereby vested in, conferred
upon, and declared to be, the powers and duties of any
health officer appointed and employed by any combined
board of health. Any health officer or other employee
appointed or employed by any combined board of health
shall be employed and serve, and may be discharged, at
the will and pleasure of such board. The territorial juris-
diction of any such combined board of health shall be
coeextensive with the boundaries of all of the counties and
municipalities which have been combined to cooperate as herein provided.

Upon the formation of a combined local board of health as herein provided, and during the period that it continues to exist, there shall be no separate county board of health or municipal board of health in any county or municipality represented on the combined board of health.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 23rd day of ________ , 1961.

Governor