

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1961



ENROLLED

HOUSE BILL No. 64

(By Mr. *George M. Casey*)



PASSED *February 14th*, 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

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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,*
2 *May Combine in Employment of Officers and Installation*
3 *and Maintenance of Equipment; Combined Local Boards*
4 *of Health.*—Any two or more counties, or any county or
5 counties and any one or more municipalities within the
6 said county or counties, may combine to cooperate with

7 the state department of health, by vote of the county court
8 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 installa-
12 tion 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 cooperative action, the state department
16 of health is authorized and empowered to pay over and
17 contribute to such cooperating units, and the cooperat-
18 ing units are authorized and empowered to receive and
19 expend for public health purposes, such sum or sums
20 of money as may be available from funds included in
21 appropriations made for the state department of health
22 for such purpose: *Provided*, That the general plan of
23 cooperation, as well as the principal health officer, exe-
24 cutive agent or laboratory director employed by the co-
25 operating units, shall first have been approved by the
26 state board of health. The amount of any such payment
27 or contribution by the state department of health to such

28 cooperating units shall be determined in accordance with
29 regulations established by the state board of health. Such
30 regulations shall provide a method for determining the
31 amount of any payment or contribution, and this method
32 shall be uniformly applied in determining the amount of
33 any payment or contribution to any such local govern-
34 mental unit or units.

35 Each county or municipality participating in any such
36 cooperative action shall select and appoint by vote of
37 the county court in the case of a county, and by vote of
38 the council or other governing body in the case of a
39 municipality, not less than one nor more than three per-
40 sons to be members of a combined board of health. No
41 such person shall be selected by, nor represent on, any
42 such combined board, more than one such county or mu-
43 nicipality. The number of persons to be selected by each
44 participating county or municipality as members of such
45 board, subject to the limitation contained in the two pre-
46 ceding sentences, shall be agreed upon by the several
47 counties or municipalities participating.

48 All members of such combined board of health shall

49 be appointed for terms of five years each, except that the
50 persons first appointed pursuant to the provisions of this
51 section, if more than one such person is appointed at
52 the same time by any one county court or municipal
53 governing body, shall be individually designated to serve
54 for terms of one, two, and three years, respectively, and
55 if only one such person is appointed at such time by
56 each participating county or municipality, the several
57 participating counties or municipalities shall initially ap-
58 point such persons to serve for individually designated
59 terms, which shall be agreed upon by the several ap-
60 pointing authorities, of one, two, three, four and five
61 years, respectively. Upon the expiration of the term of
62 such initial appointments, the term of each new appointee
63 shall be five years. Any vacancy on such board shall be
64 filled by appointment, by the original appointing au-
65 thority, for the unexpired term. All members shall serve
66 until their duly qualified successors have been appointed.
67 The number of members of such board belonging to one
68 political party shall not exceed by more than one the

69 number of members of such board belonging to any other
70 political party.

71 All members of any such board shall be citizens and
72 residents of the county or municipality they are appointed
73 to represent. All members shall be eligible for reappoint-
74 ment.

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

79 No member of such board shall receive any compensa-
80 tion for his services, but each may be reimbursed for
81 actual and necessary travel and other expenses necessarily
82 incurred by him in the performance of his duties as a
83 member of such board.

84 Any such combined board of health shall consist of the
85 several members so selected. Such board shall organize
86 by electing a chairman from among its members. It shall
87 have the power to adopt, and from time to time amend,
88 such rules and regulations as it may deem necessary con-
89 cerning the time and place of its meetings, the procedure

90 and method of conducting its meetings or business, and
91 any other matters affecting, or necessary to, the orderly
92 and efficient discharge of its duties or exercise of its
93 powers. All powers and duties belonging to or vested in
94 county boards of health or municipal boards of health
95 under any provisions of this code are hereby vested in, con-
96 ferred upon, and declared to be, the powers and duties of
97 any combined board of health created pursuant to the
98 provisions of this section. All powers and duties belong-
99 ing to or vested in county or municipal health officers,
100 so far as they are applicable and not in conflict with the
101 provisions of this section, are hereby vested in, conferred
102 upon, and declared to be, the powers and duties of any
103 health officer appointed and employed by any combined
104 board of health. Any health officer or other employee
105 appointed or employed by any combined board of health
106 shall be employed and serve, and may be discharged, at
107 the will and pleasure of such board. The territorial juris-
108 diction of any such combined board of health shall be
109 coextensive with the boundaries of all of the counties and

110 municipalities which have been combined to cooperate
111 as herein provided.

112 Upon the formation of a combined local board of health
113 as herein provided, and during the period that it con-
114 tinues to exist, there shall be no separate county board
115 of health or municipal board of health in any county or
116 municipality represented on the combined board of health.

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

James Davis, Jr.
Chairman Senate Committee

Wm. H. H. Withrow
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Thomas
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 23rd
day of February, 1961.

Wm. Carson
Governor

