

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1961

ENROLLED

HOUSE BILL No. 64

(By Mr. George M. Casey)

PASSED February 14th, 1961

In Effect ninety days from Passage

Filed in Office of the Secretary of State  
of West Virginia February 25 1961  
JOE F. BURDETT  
SECRETARY OF STATE

**ENROLLED**

**House Bill No. 64**

(By MRS. DREWRY and MR. CASEY)

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[Passed February 14, 1961; 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, 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

Mrs. H. H. Withrow  
Chairman House Committee

Originated in the House.

Takes effect

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.

W. M. Barron  
Governor

