WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED
SENATE BILL NO. 187
(By Mr. Nelson)

PASSED MARCH 10, 1971

In Effect FROM Passage
AN ACT to amend and reenact section three, article two, and section one, article two-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the organization and jurisdiction of county and municipal boards of health.

Be it enacted by the Legislature of West Virginia:

That section three, article two, and section one, article two-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. LOCAL HEALTH OFFICERS.

§16-2-3. Counties, or counties and municipalities, may combine in employment of officers and installation and main-
Any two or more counties, or any county or counties and any one or more municipalities within or partially 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 installation 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 cooperating units are authorized and empowered to receive and expend for public 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 co-
operation, as well as the principal health officers, executive agent or laboratory director employed by the cooperating 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 appoint such persons to serve for individually designated terms, which shall be agreed upon by the several appointing 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 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 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 re-
appointment.

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 compensa-
tion for his services, but each may be reimbursed for
all reasonable and necessary travel and other expenses
actually 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 provision of the code are hereby vested in, conferred 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 belonging 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 jurisdiction of any such
combined board of health shall be coextensive 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.

**ARTICLE 2A. ALTERNATIVE METHOD OF ORGANIZING LOCAL HEALTH AGENCIES.**

§16-2A-1. County and municipal boards of health authorized; jurisdiction.

Any county or municipality may in its discretion, and in lieu and instead of the local board of health provided for in article two of this chapter, create, establish and maintain a county board of health or a municipal board of health organized pursuant to, and with the powers and duties prescribed by, the provisions of this article. Such county board of health may be created and established by the county court, and such municipal board of health may be created and established by the governing body of
the municipality. The jurisdiction of such county board of health shall be coextensive with the territorial limits of the county and shall include every city, town, and village therein which does not have a full-time health officer of its own employed in the manner, for the purpose, and to perform the duties set forth in this article. The jurisdiction of such municipal board of health shall be coextensive with the territorial limits of the municipality and an area including all points within a distance of one mile from the limits of the municipality. The jurisdiction of any combined local board of health established pursuant to the provisions of section three, article two of this chapter shall be coextensive with the combined territorial limits of the participating municipality or municipalities and county or counties, and if any municipality be partly located in a nonparticipating county, the jurisdiction of the combined local board of health shall extend, nevertheless, to include the entire municipality; but the jurisdiction of any such combined local board of health or of any county board of health shall not extend to or include any area within the jurisdiction of any municipal board of
health which has established and is maintaining a separate full-time municipal health department under the supervision of a municipal health officer.

In any county in which there is created and established a county board of health pursuant to the provisions of this article, the county board of health provided for in article two of this chapter shall cease to exist and shall be abolished during such period of time as the county board of health provided for in this article is maintained and continued in existence.
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 Senate.

To take effect from 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 1st day of April, 1971.

[Signature]
Governor