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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1971

ENROLLED

SENATE BILL NO. 187

(By Mr. NELSON)

PASSED MARCH 10 1971

In Effect FROM Passage



187

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE 4-2-71

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-

**tenance of equipment; combined local boards of
health.**

1 Any two or more counties, or any county or counties
2 and any one or more municipalities within or partially
3 within the said county or counties, may combine to co-
4 operate with the state department of health, by vote of
5 the county court in the case of a county and by vote of
6 the council or other governing body in the case of a
7 municipality, and may participate in the employment of
8 trained health officers and other agents and employees,
9 or in the installation and maintenance of a common lab-
10 oratory and other equipment. Whenever any such units
11 shall decide so to cooperate and shall appropriate a sum
12 or sums of money for such joint or cooperative action, the
13 state department of health is authorized and empowered
14 to pay over and contribute to such cooperating units, and
15 the cooperating units are authorized and empowered to
16 receive and expend for public purposes, such sum or sums
17 of money as may be available from funds included in
18 appropriations made for the state department of health
19 for such purpose: *Provided*, That the general plan of co-

20 operation, as well as the principal health officers, execu-
21 tive agent or laboratory director employed by the co-
22 operating units, shall first have been approved by the
23 state board of health. The amount of any such payment
24 or contribution by the state department of health to such
25 cooperating units shall be determined in accordance with
26 regulations established by the state board of health. Such
27 regulations shall provide a method for determining the
28 amount of any payment or contribution, and this method
29 shall be uniformly applied in determining the amount of
30 any payment or contribution to any such local govern-
31 mental unit or units.

32 Each county or municipality participating in any such
33 cooperative action shall select and appoint by vote of the
34 county court in the case of a county, and by vote of the
35 council or other governing body in the case of a munici-
36 pality, not less than one nor more than three persons to
37 be members of a combined board of health. No such
38 person shall be selected by, nor represent on, any such
39 combined board, more than one such county or munici-
40 pality. The number of persons to be selected by each

41 participating county or municipality as members of such
42 board, subject to the limitation contained in the two pre-
43 ceding sentences, shall be agreed upon by the several
44 counties or municipalities participating.

45 All members of such combined board of health shall
46 be appointed for terms of five years each, except that the
47 persons first appointed pursuant to the provisions of this
48 section, if more than one such person is appointed at the
49 same time by any one county court or municipal govern-
50 ing body, shall be individually designated to serve for
51 terms of one, two, and three years, respectively, and if
52 only one such person is appointed at such time by each
53 participating county or municipality, the several partici-
54 pating counties or municipalities shall initially appoint
55 such persons to serve for individually designated terms,
56 which shall be agreed upon by the several appointing
57 authorities, of one, two, three, four and five years, re-
58 spectively. Upon the expiration of the term of such initial
59 appointments, the term of each new appointee shall be
60 five years. Any vacancy on such board shall be filled by
61 appointment, by the original appointing authority, for the

62 unexpired term. All members shall serve until their duly
63 qualified successors have been appointed. The number of
64 members of such board belonging to one political party
65 shall not exceed by more than one the number of members
66 of such board belonging to any other political party.

67 All members of any such board shall be citizens and
68 residents of the county or municipality they are appointed
69 to represent. All members shall be eligible for re-
70 appointment.

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

75 No member of such board shall receive any compensa-
76 tion for his services, but each may be reimbursed for
77 all reasonable and necessary travel and other expenses
78 actually incurred by him in the performance of his duties
79 as a member of such board.

80 Any such combined board of health shall consist of the
81 several members so selected. Such board shall organize
82 by electing a chairman from among its members. It shall

83 have the power to adopt, and from time to time amend,
84 such rules and regulations as it may deem necessary con-
85 cerning the time and place of its meetings, the procedure
86 and method of conducting its meetings or business, and
87 any other matters affecting, or necessary to, the orderly
88 and efficient discharge of its duties or exercise of its
89 powers. All powers and duties belonging to or vested in
90 county boards of health or municipal boards of health
91 under any provision of the code are hereby vested in,
92 conferred upon, and declared to be, the powers and duties
93 of any combined board of health created pursuant to the
94 provisions of this section. All powers and duties belonging
95 to or vested in county or municipal health officers, so far as
96 they are applicable and not in conflict with the provisions
97 of this section, are hereby vested in, conferred upon, and
98 declared to be, the powers and duties of any health officer
99 appointed and employed by any combined board of health.
100 Any health officer or other employee appointed or em-
101 ployed by any combined board of health shall be employed
102 and serve, and may be discharged, at the will and pleasure
103 of such board. The territorial jurisdiction of any such

104 combined board of health shall be coextensive with the
105 boundaries of all of the counties and municipalities which
106 have been combined to cooperate as herein provided.

107 Upon the formation of a combined local board of health
108 as herein provided, and during the period that it continues
109 to exist, there shall be no separate county board of health
110 or municipal board of health in any county or municipal-
111 ity 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.**

1 Any county or municipality may in its discretion, and
2 in lieu and instead of the local board of health provided
3 for in article two of this chapter, create, establish and
4 maintain a county board of health or a municipal board of
5 health organized pursuant to, and with the powers and
6 duties prescribed by, the provisions of this article. Such
7 county board of health may be created and established
8 by the county court, and such municipal board of health
9 may be created and established by the governing body of

10 the municipality. The jurisdiction of such county board
11 of health shall be coextensive with the territorial limits
12 of the county and shall include every city, town, and vil-
13 lage therein which does not have a full-time health officer
14 of its own employed in the manner, for the purpose, and
15 to perform the duties set forth in this article. The juris-
16 diction of such municipal board of health shall be co-
17 extensive with the territorial limits of the municipality
18 and an area including all points within a distance of one
19 mile from the limits of the municipality. The jurisdiction
20 of any combined local board of health established pursuant
21 to the provisions of section three, article two of this
22 chapter shall be coextensive with the combined territorial
23 limits of the participating municipality or municipalities
24 and county or counties, and if any municipality be partly
25 located in a nonparticipating county, the jurisdiction of
26 the combined local board of health shall extend, neverthe-
27 less, to include the entire municipality; but the jurisdiction
28 of any such combined local board of health or of any
29 county board of health shall not extend to or include any
30 area within the jurisdiction of any municipal board of

31 health which has established and is maintaining a separate
32 full-time municipal health department under the super-
33 vision of a municipal health officer.

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

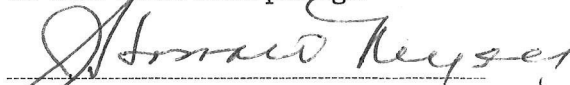
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee


Chairman House Committee

Originated in the Senate.




To take effect from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within  this the 
day of , 1971.


Governor

PRESENTED TO THE
GOVERNOR

Date 3/13/71

Time 3:45 p.m.

RECEIVED

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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA