WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

ENROLLED

HOUSE BILL No. 1189

(By Mr. [Signature])

PASSED [March 8] 1974

In Effect [July 1, 1974] Passage

FILED IN THE OFFICE
EDGAR F. KISSEL, III
SECRETARY OF STATE
THIS DATE 3-19-74
AN ACT to amend and reenact section two, article two-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the membership and organization of county and municipal boards of health; appointment and qualification; terms; removal and compensation.

Be it enacted by the Legislature of West Virginia:

That section two, 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 2A. ALTERNATIVE METHOD OF ORGANIZING LOCAL HEALTH AGENCIES.

§16-2A-2. Membership and organization of county and municipal boards of health; appointment and qualification; terms; removal; compensation.

1 A county board of health or municipal board of health created and established under the provisions of this article shall be composed of five members appointed by the county court or the governing body of the municipality. Where any county board of education contributes funds to a county court or a municipality, which creates such board of health, for health purposes, such board of education may nominate one member of such local board of health. Such nominee shall be appointed to such board of health by the appointing
authority, if otherwise qualified. In the event such nominee
is rejected by the appointing authority, or in the event
his position on the board of health is vacated during the
term for which he is appointed, such county board of
education may nominate another person, who, if otherwise
qualified, shall be appointed to the board of health by the
appointing authority. In the event such county board of
education fails or refuses to nominate some person for such
appointment within thirty days of the date of the receipt of
a request, in writing, from the appointing authority, for a
nomination, the appointing authority shall proceed to make
such appointment without any nomination by the county board
of education.

All members of any such board of health shall be citizens
and residents of the county or municipality they are ap-
pointed to represent. No more than three of the members
of such board shall belong to the same political party,
nor shall more than two of such members be residents of
the same magisterial district or municipal ward, nor shall
more than two such members be personally and individually
licensed in, engaged in, or actively participating in or carrying
on, the same business, profession, or occupation. All mem-
bers shall be eligible for reappointment.

All members of such board shall be appointed for terms
of five years each, except that the persons appointed when
the board is initially created shall be individually designated
to serve for terms of one, two, three, four and five years,
respectively. Upon the expiration of such initial appointments
the terms for each new appointee shall be five years. Each
member shall serve until the appointment of his duly qualified
successor. Any vacancy on such board shall be filled by
appointment for the unexpired term.

Such county or municipal board of health shall organize
by electing from its members a chairman who shall serve as
such for a period of one year. Such chairman shall have the
power to sign documents, execute contracts and otherwise act
for and in the name of such board in all matters within its
lawful powers and duly authorized by a majority of its
members.
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:

Provided, That the revocation of a professional license issued by this state to any such member shall be sufficient reason and cause for the removal of such member from office.

Each member of such board shall receive a sum set by the county court or governing body but not exceeding ten dollars as compensation for his services in attending each meeting of the board as required by law and may be reimbursed for actual and necessary travel and other expenses incurred by him in the performance of his duties as a member of such board.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

D. Daniel Davis
Chairman Senate Committee

Clarence Christopher
Chairman House Committee

Originated in the House.
Takes effect July 1, 1974.

Howard W. Carson
Clerk of the Senate

L. A. Rankenshield
Clerk of the House of Delegates

H. R. Blackburn
President of the Senate

Lewis F. Mann
Speaker House of Delegates

The within clause approved this the 18th day of March, 1974.

Andrew P. Pearce
Governor
PRESENTED TO THE
GOVERNOR

Date  3/15/74
Time  2:50 P.M.