

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1974

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ENROLLED

HOUSE BILL No. 824

(By Mr. Harman)

— ● —

PASSED March 8 1974

In Effect July 1, 1974 Passage

 C 641

FILED IN THE OFFICE  
OF DAN F. NECKELL III  
SECRETARY OF STATE

FILED DATE 3-19-74

824

ENROLLED

H. B. 824

(By MR. HARMAN)

[Passed March 8, 1974; in effect July 1, 1974.]

AN ACT to amend and reenact section two, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to state board of health; appointment of members; compensation and expenses of members.

*Be it enacted by the Legislature of West Virginia:*

That section two, article one, 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 1. STATE DEPARTMENT OF HEALTH.**

**§16-1-2. Board of health—Body corporate, etc.; membership; appointment and removal of members; compensation.**

1     There shall be a state board of health, to be known as the  
2     West Virginia board of health, which shall be a corporation  
3     and as such may contract and be contracted with, plead and  
4     be impleaded, sue and be sued, and have and use a common  
5     seal. The state board of health shall consist of nine members,  
6     who shall be appointed by the governor, by and with the  
7     advice and consent of the Senate. Three members of the  
8     board shall be physicians or surgeons holding the degree  
9     of doctor of medicine, one shall be a dentist, one shall be an  
10    osteopathic physician, one shall be a pharmacist, one shall  
11    be chosen as the representative of the hospitals licensed in  
12    the state of West Virginia and two shall be representative  
13    citizens, neither of which said representative citizens shall be

14 an employee of, or connected in any way with any hospital  
15 licensed in this state and neither of whom shall be a member  
16 of any of the professions named above.

17 All persons appointed to membership on the state board  
18 of health shall be citizens of this state and shall have been  
19 such citizens and residents of the state for a least five years  
20 prior to the date of their appointment. Every professional  
21 member of the said board shall be duly licensed to practice  
22 his profession in this state on the date of his appointment  
23 and shall have been so licensed and have been actively  
24 practicing his profession for at least five years immediately  
25 preceding the date of such appointment. Before appointing  
26 any professional member, the governor shall request the state  
27 professional society of the profession practiced by any pro-  
28 posed appointee to furnish to the governor a full and complete  
29 report concerning the qualifications and suitability of the  
30 proposed appointee. All members of the board shall be  
31 appointed for terms of nine years each, except that the  
32 persons originally appointed, shall be appointed to serve for  
33 designated terms beginning on the first day of July, one  
34 thousand nine hundred forty-nine, and continuing for one, two,  
35 three, four, five, six, seven, eight and nine years, respectively.  
36 Upon the expiration of such initial appointments the term  
37 of each new appointee shall be nine years. Any vacancy on  
38 the board shall be filled by the governor by appointment for  
39 the unexpired term.

40 No more than five of the members of the board shall be-  
41 long to the same political party. Not less than one nor more  
42 than three members shall be appointed from the same con-  
43 gressional district. No person shall be eligible for appointment  
44 to membership on the state board who is a member of any  
45 political party executive committee, or who holds any public  
46 office or public employment under the federal government  
47 or under the government of this state or any of its political  
48 subdivisions, or who is an appointee or employee of the  
49 board. All members shall be eligible for reappointment.

50 No member may be removed from office by the governor  
51 except for official misconduct, incompetence, neglect of duty  
52 or gross immorality and then only in the manner prescribed

53 by law for the removal by the governor of state elective  
54 officers: *Provided*, That the expiration or revocation of the  
55 professional license of any professional member of the board  
56 shall be cause for his removal.

57 The members of the board shall be paid the sum of thirty-  
58 five dollars for each day actually served in attendance at  
59 official meetings of the board. Each member shall be  
60 reimbursed for travel at the rate of twelve cents per mile  
61 if by private automobile and actual cost if travel is by common  
62 carrier. Each member shall also be reimbursed for other  
63 actual expenses incurred in the performance of the duties of  
64 his office.

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

H. Darrel Darby  
Chairman Senate Committee

Charles E. Houston Jr.  
Chairman House Committee

Originated in the House.

Takes effect July 1, 1974.

Harold W. Lassar  
Clerk of the Senate

W. Blankenship  
Clerk of the House of Delegates

H. P. Brotherton, Jr.  
President of the Senate

Lewis F. McManis  
Speaker House of Delegates

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

Arch A. Phares, Jr.  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/15/74  
Time 2:50 p.m.