

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Enrolled**

## **Senate Bill 411**

BY SENATORS TAKUBO AND MARONEY

[Passed March 8, 2018; in effect 90 days from passage]



1 AN ACT to amend and reenact §16-1-7 of the Code of West Virginia, 1931, as amended; and to  
2 amend and reenact §30-17-4 of said code, all relating to removing the Commissioner of  
3 the Bureau for Public Health from the membership of the State Board of Sanitarians.

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

## **CHAPTER 16. PUBLIC HEALTH.**

### **ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.**

#### **§16-1-7. Duties and powers of the commissioner; service on advisory councils; boards and commissions; authority to designate a representative to serve in his or her place on certain boards and commissions.**

1 (a) Effective July 1, 2012, the commissioner serves on the West Virginia Board of  
2 Medicine, provided in §30-3-1 *et seq.* of this code.

3 (b) Effective July 1, 2012, the commissioner serves on the following advisory councils,  
4 boards, and commissions:

5 (1) The Advisory Committee on Cancer (Cancer Registry);

6 (2) The Air Quality Board;

7 (3) The Appalachian States Low-level Radioactive Waste Commission;

8 (4) The Child Fatality Review Team;

9 (5) The Childhood Immunization Advisory Committee;

10 (6) The Early Intervention Coordinating Council;

11 (7) The Interagency Council on Osteoporosis;

12 (8) The Sewage Advisory Board;

13 (9) The State Emergency Response Commission;

14 (10) The State Groundwater Coordinating Committee;

15 (11) The Water Development Authority;

16 (12) The West Virginia Commission for the Deaf and Hard of Hearing;

17 (13) The West Virginia Infrastructure and Jobs Development Council; and  
18 (14) Any other advisory council, board, or commission as assigned by the secretary except  
19 for business, professional, or occupational licensing boards.

20 (c) Notwithstanding any other provision of this code to the contrary, the commissioner  
21 may, at his or her discretion, designate in writing, a representative to serve in his or her stead at  
22 the meetings and in the duties of all boards and commissions on which the commissioner is  
23 designated as an ex officio member. The appropriately designated representative or proxy acts  
24 with the full power and authority of the commissioner in voting, acting upon matters concerning  
25 the public health and welfare, and other business that is properly the duty of any board or  
26 commission. The representative serves as proxy at the commissioner's will and pleasure. The  
27 provisions of this section do not apply to the West Virginia Board of Medicine, the Air Quality  
28 Board, or other board, commission, or body on which the commissioner is designated by this code  
29 as chairman ex officio, secretary ex officio, or a board, commission, or body on which the  
30 commissioner is designated by this code as being that person whose signature must appear on  
31 licenses, minutes, or other documents necessary to carry out the intents and purposes of the  
32 board, commission, or body.

## **CHAPTER 30. PROFESSIONS AND OCCUPATIONS.**

### **ARTICLE 17. SANITARIANS.**

#### **§30-17-4. State Board of Sanitarians.**

1 (a) The Board of Registration for Sanitarians is continued and commencing July 1, 2010,  
2 shall be known as the State Board of Sanitarians. Any member of the board, except one registered  
3 sanitarian, in office on July 1, 2010, may continue to serve until his or her successor has been  
4 appointed and qualified.

5 (b) Prior to July 1, 2010, the Governor, by and with the advice and consent of the Senate,  
6 shall appoint one certified sanitarian to replace one registered sanitarian.

7 (c) Commencing July 1, 2010, the board shall consist of the following seven voting  
8 members with staggered terms:

9 (1) Four members who are registered sanitarians;

10 (2) One member who has a certificate as a sanitarian at the time of the appointment:

11 *Provided*, That if the member becomes a registered sanitarian during his or her appointment term,  
12 then the person may not be reappointed as the certified sanitarian member, but may be  
13 reappointed as a registered sanitarian member; and

14 (3) Two citizen members who are not licensed, certified, or permitted under the provisions  
15 of this article, and who do not perform any services related to the practice of the professions  
16 regulated under the provisions of this article.

17 (d) Each member must be appointed by the Governor, by and with the advice and consent  
18 of the Senate, and must be a resident of this state during the appointment term.

19 (e) The term of each board member is five years.

20 (f) No member may serve more than two consecutive full terms and any member having  
21 served two full terms may not be appointed for one year after completion of his or her second full  
22 term. A member shall continue to serve until his or her successor has been appointed and  
23 qualified.

24 (g) Each licensed or certified member shall have been engaged in the practice of  
25 environmental health science or public health sanitation for at least five years immediately  
26 preceding the appointment.

27 (h) Each licensed or certified member shall maintain an active license or certificate with  
28 the board during his or her term.

29 (i) The Governor may remove any member from the board for neglect of duty,  
30 incompetency, or official misconduct.

31 (j) A licensed or certified member of the board immediately and automatically forfeits  
32 membership to the board if his or her license or certificate to practice is suspended or revoked.

33           (k) A member of the board immediately and automatically forfeits membership to the board  
34 if he or she is convicted of a felony under the laws of any jurisdiction or becomes a nonresident  
35 of this state.

36           (l) The board shall designate one of its members as chairperson who serves at the will of  
37 the board.

38           (m) Each member of the board is entitled to receive compensation and expense  
39 reimbursement in accordance with §30-1-11 of this code.

40           (n) A majority of the members of the board shall constitute a quorum.

41           (o) The board shall hold at least two annual meetings. Other meetings may be held at the  
42 call of the chairperson, or upon the written request of two members, at such time and place as  
43 designated in the call or request.

44           (p) Prior to commencing his or her duties as a member of the board, each member shall  
45 take and subscribe to the oath required by section five, article IV of the Constitution of this state.

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

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*Chairman, Senate Committee*

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*Chairman, House Committee*

Originated in the Senate.

In effect 90 days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the.....  
Day of ....., 2018.

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*Governor*