

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 411

BY SENATORS TAKUBO AND MARONEY

[Introduced January 29, 2018; Referred
to the Committee on Health and Human Resources;
and then to the Committee on Government
Organization]

1 A BILL 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 ~~following licensing boards~~

2 ~~(1) The West Virginia Board of Medicine, provided in §30-3-1 et seq. of this code. and~~

3 ~~(2) The State Board of Sanitarians, as provided in article seventeen, chapter thirty~~

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

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

7 (2) The Air Quality Board;

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

9 (4) The Child Fatality Review Team;

10 (5) The Childhood Immunization Advisory Committee;

11 (6) The Early Intervention Coordinating Council;

12 (7) The Interagency Council on Osteoporosis;

13 (8) The Sewage Advisory Board;

14 (9) The State Emergency Response Commission;

15 (10) The State Groundwater Coordinating Committee;

16 (11) The Water Development Authority;

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

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

9 (1) ~~The Commissioner of the Bureau of Public Health, or his or her designee, who is a~~
10 ~~nonvoting member~~

11 ~~(2) Four members who are registered sanitarians; who are voting members~~

12 ~~(3) (2) One member who has a certificate as a sanitarian at the time of the appointment:~~
13 ~~who is a voting member~~ *Provided*, That if the member becomes a registered sanitarian during his
14 or her appointment term, then the person may not be reappointed as the certified sanitarian
15 member, but may be reappointed as a registered sanitarian member; and

16 ~~(4) (3) Two citizen members who are not licensed, certified, or permitted under the~~
17 ~~provisions of this article, and who do not perform any services related to the practice of the~~
18 ~~professions regulated under the provisions of this article. who are voting members~~

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

21 (e) The term of each ~~voting~~ board member is five years.

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

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

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

31 (i) The Governor may remove any ~~voting~~ member from the board for neglect of duty,
32 incompetency, or official misconduct.

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

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

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

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

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

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

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

NOTE: The proposed legislation would simply remove the Commissioner of the Bureau for Public Health from the State Board of Sanitarians. The commissioner is a nonvoting member of the board.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.