WEST VIRGINIA LEGISLATURE
FIRST EXTRAORDINARY SESSION, 1973

ENROLLED

SENATE BILL NO. 56

(By Mr. Gilligan)

PASSED July 13, 1973
In Effect from Passage

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 7-19-73
ENROLLED

Senate Bill No. 56
(By Mr. Gilligan)

[Passed July 13, 1973; in effect from passage.]

AN ACT to amend and reenact sections two, thirteen, fifteen and seventeen, article sixteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the short title "West Virginia Public Employees Insurance Act;" permitting counties, cities and towns in this state, any separate corporation or instrumentality established by one or more counties, cities or towns, as permitted by law, any corporation or instrumentality supported in most part by counties, cities or towns, any public corporation charged by law with the performance of a governmental function and whose jurisdiction is coextensive with one or more counties, cities or towns, any agency or organization established by, or approved by the department of mental health for the provision of community health or mental retardation services and which is supported in part by state, county or municipal funds and combined city-county health departments to participate in the state insurance program upon approval of a majority vote of their governing body and thereby making employees thereof eligible to participate in such program; redefining terms to effect such purpose; and providing for the payment of costs of all participating employers.

Be it enacted by the Legislature of West Virginia:

That sections two, thirteen, fifteen and seventeen, article sixteen, chapter five of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-2. Definitions.

1. The following words and phrases as used in this article, unless a different meaning is clearly indicated by the context, shall have the following meanings:

   (1) "Board" means the public employees insurance board created by this article.

   (2) "Employee" means any person, including elected officers, who works regularly full time in the service of the state of West Virginia and, for the purpose of this article only, the term "employee" shall also mean any person, including elected officers, who works regularly full time in the service of a county board of education; a county, city or town in the state; any separate corporation or instrumentality established by one or more counties, cities or towns, as permitted by law; any corporation or instrumentality supported in most part by counties, cities or towns; any public corporation charged by law with the performance of a governmental function and whose jurisdiction is coextensive with one or more counties, cities or towns; any agency or organization established by, or approved by the department of mental health for the provision of community health or mental retardation services, and which is supported in part by state, county or municipal funds; any person who works regularly full time in the service of the West Virginia board of regents; and any person who works regularly full time in the service of a combined city-county health department created pursuant to article two, chapter sixteen of the code. Any matters of doubt as to who is an employee within the meaning of this article shall be decided by the board.

   (3) "Retired Employee" shall mean an employee of the state who retired after the twenty-ninth day of April, one thousand nine hundred seventy-one, and an employee of the West Virginia board of regents and a county board of education who retires on or after the twenty-first day of April, one thousand nine hundred seventy-two and all additional
eligible employees who retire on or after the effective date of this article.

(4) “Employer” means the state of West Virginia, its boards, agencies, commissions, departments, institutions or spending units; a county board of education; a county, city or town in the state; any separate corporation or instrumentality established by one or more counties, cities or towns, as permitted by law; any corporation or instrumentality supported in most part by counties, cities or towns; any public corporation charged by law with the performance of a governmental function and whose jurisdiction is coextensive with one or more counties, cities or towns; any agency or organization established by, or approved by the department of mental health for the provision of community health or mental retardation services, and which is supported in part by state, county or municipal funds; and a combined city-county health department created pursuant to article two, chapter sixteen of the code. Any matters of doubt as to who is an “employer” within the meaning of this article shall be decided by the board. The term “employer” shall not include within its meaning the national guard.

§5-16-13. Payment of costs by employer; special funds created; duties of treasurer with respect thereto.

The Legislature shall appropriate annually from the general revenue fund such sums as may be required to pay the state’s proportionate share of the premium costs of those spending units operating from the general revenue fund, and each spending unit operating from special revenue funds, or federal funds, or both, shall pay to the board their proportionate share of premium costs from their personal services budget. All other employers not operating from the state general revenue fund shall pay to the board their proportionate share of premium costs from their respective budgets.

The portion of the premium or cost attributable to all insurance coverage provided hereunder and not paid by the state, or county board of education, shall be paid by the employee, and the employers’ contribution shall be seventy percent of the cost of the employees’ insurance package. The contribution of other employers (namely: a county, city or
town in the state; any separate corporation or instrumentality established by one or more counties, cities or towns, as permitted by law; any corporation or instrumentality supported in most part by counties, cities or towns; any public corporation charged by law with the performance of a governmental function and whose jurisdiction is coextensive with one or more counties, cities or towns; any agency or organization established by, or approved by the department of mental health for the provision of community health or mental retardation services, and which is supported in part by state, county or municipal funds; and a combined city-county health department created pursuant to article two, chapter sixteen of the code) shall be such percentage of the cost of the employees' insurance package as the employers deem reasonable and proper under their own particular circumstances.

The employee's proportionate share of the premium or cost shall be withheld or deducted by the employer from such employee's salary or wages as and when paid and such sums shall be forwarded to the board with such supporting data as the board may require.

All moneys received by the board shall be deposited in a special fund or funds as are necessary in the state treasury and the treasurer of the state shall be custodian of such fund or funds and shall administer such fund or funds in accordance with the provisions of this article or as the board may from time to time direct. The treasurer shall pay all warrants issued by the state auditor against such fund or funds as the board may direct in accordance with the provisions of this article.

§5-16-15. Expense fund.

The Legislature shall annually appropriate such sums as may be necessary to pay the proportionate share of the administrative costs for the state as an employer, and each division, agency, board, commission or department of the state which operates out of special revenue funds or federal funds or both shall pay its proportionate share of the administrative costs of the insurance plan or plans authorized under the provisions of this article. All other employers not operating from the state general revenue fund shall pay their proportionate share of the administrative costs of the insurance plan or plans authorized under the provisions of this article.
§5-16-17. Permissive participation; exemptions.

1. The provisions of this article shall not be mandatory upon any employee or employer who is not an employee of or is not the state of West Virginia, its boards, agencies, commissions, departments, institutions or spending units or a county board of education, and nothing contained in this article shall be construed so as to compel any employee or employer to enroll in or subscribe to, any insurance plan authorized by the provisions of this article.

2. Those employees enrolled in the insurance program authorized under the provisions of article two-b, chapter twenty-one-a of this code shall not be required to enroll in or subscribe to an insurance plan or plans authorized by the provisions of this article, and the employees of any department which has an existing insurance program for its employees to which the government of the United States contributes any part or all of the premium or cost thereof may be exempted from the provisions of this article. Any employee or employer exempted under the provisions of this paragraph may enroll in any insurance program authorized by the provisions of this article at any time, to the same extent as any other qualified employee or employer, but any such employee or employer shall not remain enrolled in both such programs. The provisions of articles fourteen, fifteen and sixteen, chapter thirty-three of the code, relating to group life insurance, accident and sickness insurance, and group accident and sickness insurance, shall not be applicable to the provisions of this article whenever the provisions of said articles and chapter are in conflict with or contrary to any provision set forth herein.

3. Employers, other than the state of West Virginia, its boards, agencies, commissions, departments, institutions, spending units, or a county board of education shall be exempt from participating in the insurance program provided for by the provisions of this article unless participation by the employer has been approved by a majority vote of the employer's governing body. It shall be the duty of the clerk or secretary of the governing body of an employer who by such majority vote becomes a participant in the insurance program to notify the board not later than ten days after such vote.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

T. Daniel Sandby
Chairman Senate Committee

Clarence L. Christian, Jr.
Chairman House Committee

Originated in the Senate.

Takes effect from passage.

Howard B. Barnum
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

W. T. Battles Jr.
President of the Senate

Lewis M. M. Mann
Speaker House of Delegates

The within ___________________ approved this the ________________ day of ___________________, 1973.

Andra. D. Moore Jr.
Governor
PRESENTED TO THE
GOVERNOR

Date: 7/18/73
Time: 2:20 p.m.