

WEST VIRGINIA LEGISLATURE

FIRST EXTRAORDINARY SESSION, 1973

ENROLLED

SENATE BILL NO. 56

(By Mr. Gilligan)

PASSED July 13, 1973

In Effect from Passage



C 641

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,
2 unless a different meaning is clearly indicated by the context,
3 shall have the following meanings:

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

6 (2) "Employee" means any person, including elected of-
7 ficers, who works regularly full time in the service of the state
8 of West Virginia and, for the purpose of this article only, the
9 term "employee" shall also mean any person, including elected
10 officers, who works regularly full time in the service of a county
11 board of education; a county, city or town in the state; any
12 separate corporation or instrumentality established by one or
13 more counties, cities or towns, as permitted by law; any
14 corporation or instrumentality supported in most part by
15 counties, cities or towns; any public corporation charged by
16 law with the performance of a governmental function and whose
17 jurisdiction is coextensive with one or more counties, cities or
18 towns; any agency or organization established by, or approved
19 by the department of mental health for the provision of com-
20 munity health or mental retardation services, and which is
21 supported in part by state, county or municipal funds; any
22 person who works regularly full time in the service of the
23 West Virginia board of regents; and any person who works
24 regularly full time in the service of a combined city-county
25 health department created pursuant to article two, chapter six-
26 teen of the code. Any matters of doubt as to who is an em-
27 ployee within the meaning of this article shall be decided by
28 the board.

29 (3) "Retired Employee" shall mean an employee of the
30 state who retired after the twenty-ninth day of April, one
31 thousand nine hundred seventy-one, and an employee of the
32 West Virginia board of regents and a county board of educa-
33 tion who retires on or after the twenty-first day of April,
34 one thousand nine hundred seventy-two and all additional

35 eligible employees who retire on or after the effective date of
36 this article.

37 (4) "Employer" means the state of West Virginia, its
38 boards, agencies, commissions, departments, institutions or
39 spending units; a county board of education; a county, city
40 or town in the state; any separate corporation or instrumentality
41 established by one or more counties, cities or towns, as per-
42 mitted by law; any corporation or instrumentality supported
43 in most part by counties, cities or towns; any public corpora-
44 tion charged by law with the performance of a governmental
45 function and whose jurisdiction is coextensive with one or more
46 counties, cities or towns; any agency or organization established
47 by, or approved by the department of mental health for the
48 provision of community health or mental retardation services,
49 and which is supported in part by state, county or municipal
50 funds; and a combined city-county health department created
51 pursuant to article two, chapter sixteen of the code. Any mat-
52 ters of doubt as to who is an "employer" within the meaning of
53 this article shall be decided by the board. The term "em-
54 ployer" shall not include within its meaning the national
55 guard.

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

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

11 The portion of the premium or cost attributable to all in-
12 surance coverage provided hereunder and not paid by the
13 state, or county board of education, shall be paid by the
14 employee, and the employers' contribution shall be seventy
15 percent of the cost of the employees' insurance package. The
16 contribution of other employers (namely: a county, city or

17 town in the state; any separate corporation or instrumentality
18 established by one or more counties, cities or towns, as per-
19 mitted by law; any corporation or instrumentality supported in
20 most part by counties, cities or towns; any public corporation
21 charged by law with the performance of a governmental func-
22 tion and whose jurisdiction is coextensive with one or more
23 counties, cities or towns; any agency or organization established
24 by, or approved by the department of mental health for the
25 provision of community health or mental retardation services,
26 and which is supported in part by state, county or municipal
27 funds; and a combined city-county health department created
28 pursuant to article two, chapter sixteen of the code) shall be
29 such percentage of the cost of the employees' insurance package
30 as the employers deem reasonable and proper under their own
31 particular circumstances.

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

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

§5-16-15. Expense fund.

1 The Legislature shall annually appropriate such sums as may
2 be necessary to pay the proportionate share of the administra-
3 tive costs for the state as an employer, and each division,
4 agency, board, commission or department of the state which
5 operates out of special revenue funds or federal funds or both
6 shall pay its proportionate share of the administrative costs of
7 the insurance plan or plans authorized under the provisions
8 of this article. All other employers not operating from the state
9 general revenue fund shall pay their proportionate share of the
10 administrative costs of the insurance plan or plans authorized
11 under the provisions of this article.

§5-16-17. Permissive participation; exemptions.

1 The provisions of this article shall not be mandatory upon
2 any employee or employer who is not an employee of or is
3 not the state of West Virginia, its boards, agencies, commis-
4 sions, departments, institutions or spending units or a county
5 board of education, and nothing contained in this article shall
6 be construed so as to compel any employee or employer to en-
7 roll in or subscribe to, any insurance plan authorized by the
8 provisions of this article.

9 Those employees enrolled in the insurance program authoriz-
10 ed under the provisions of article two-b, chapter twenty-one-a
11 of this code shall not be required to enroll in or subscribe to an
12 insurance plan or plans authorized by the provisions of this
13 article, and the employees of any department which has an
14 existing insurance program for its employees to which the gov-
15 ernment of the United States contributes any part or all of the
16 premium or cost thereof may be exempted from the provisions
17 of this article. Any employee or employer exempted under the
18 provisions of this paragraph may enroll in any insurance pro-
19 gram authorized by the provisions of this article at any time,
20 to the same extent as any other qualified employee or employer,
21 but any such employee or employer shall not remain enrolled
22 in both such programs. The provisions of articles fourteen, fif-
23 teen and sixteen, chapter thirty-three of the code, relating to
24 group life insurance, accident and sickness insurance, and group
25 accident and sickness insurance, shall not be applicable to the
26 provisions of this article whenever the provisions of said arti-
27 cles and chapter are in conflict with or contrary to any pro-
28 vision set forth herein.

29 Employers, other than the state of West Virginia, its boards,
30 agencies, commissions, departments, institutions, spending
31 units, or a county board of education shall be exempt from
32 participating in the insurance program provided for by the pro-
33 visions of this article unless participation by the employer has
34 been approved by a majority vote of the employer's governing
35 body. It shall be the duty of the clerk or secretary of the gov-
36 erning body of an employer who by such majority vote be-
37 comes a participant in the insurance program to notify the
38 board not later than ten days after such vote.

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

H. Darrel Darby

Chairman Senate Committee

Clarence C. Christian Jr.

Chairman House Committee

Originated in the Senate.

Takes effect from passage.

Howard W. B. Brown

Clerk of the Senate

C. A. Blankenship

Clerk of the House of Delegates

W. T. Brotherton Jr.

President of the Senate

Lewis M. McManis

Speaker House of Delegates

The within approved this the 18th

day of July, 1973.

Arch A. Moore Jr.

Governor



PRESENTED TO THE
GOVERNOR

Date 7/18/73

Time 2:20 p.m.