ENROLLED

SENATE BILL NO. 82

(BY SENATORS Holliday and Boley)

PASSED March 5, 1994
In Effect July 1, 1994
ENROLLED

Senate Bill No. 82
(BY SENATORS HOLLIDAY AND BOLEY)

[Passed March 5, 1994; to take effect July 1, 1994.]

AN ACT to amend and reenact sections four and six, article sixteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to continuation of the public employees insurance agency finance board; reimbursement and compensation for the members; requiring advice by a newly designated advisory board; compensation for advisory board members.

Be it enacted by the Legislature of West Virginia:

That sections four and six, 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.

§5-16-4. Public employees insurance agency finance board created; qualifications, terms and removal of members; quorum; compensation and expenses; termination date.

(a) There is hereby created the public employees
insurance agency finance board, which shall consist of
the director and four members appointed by the
governor with the advice and consent of the Senate for
terms of four years and until the appointment of their
successors: Provided, That the members initially
appointed by the governor shall be appointed not later
than the tenth day of September, one thousand nine
hundred ninety, and may serve and may perform the
duties required by this article until such time as the
Senate may convene to give its advice and consent. Of
the members first appointed, one shall be appointed
for a term of one year, one for two years, one for three
years and one for four years. Members may be
reappointed for successive terms. No more than three
members (including the director) may be of the same
political party.

(b) Of the four members appointed by the governor,
one member shall represent the interests of education
employees, one shall represent the interests of public
employees and two shall be selected from the public at
large. The two members appointed from the public
shall each have experience in the financing, develop-
ment or management of employee benefit programs.
All new appointments made subsequent to the first
day of July, one thousand nine hundred ninety-four,
shall be selected to represent the different geograph-
ical areas within the state and all members shall be
residents of West Virginia. No member may be
removed from office by the governor except for
official misconduct, incompetence, neglect of duty,
neglect of fiduciary duty or other specific responsibil-
ity imposed by this article or gross immorality.

(c) The director shall serve as chairperson of the
finance board, which shall meet at such time and place
as shall be specified by the call of the director or upon
the written request to the director of at least two
members. Notice of each meeting shall be given in
writing to each member by the director at least three
days in advance of the meeting. Three members shall
constitute a quorum. The board shall pay each mem-
ber the same compensation and expense reimburse-
ment as is paid to members of the Legislature for their
interim duties as recommended by the citizens leg-islative compensation commission and authorized by law
for each day or portion thereof engaged in the dis-
charge of official duties.

(d) Pursuant to the provisions of article ten, chapter
four of this code, the finance board shall terminate on
the first day of July, one thousand nine hundred
ninety-five, unless extended by legislation enacted
before the termination date.

(e) Upon termination of the board and notwithstand-
ing any provisions in this article to the contrary, the
director is authorized to assess monthly employee
premium contributions and to change the types and
levels of costs to employees only in accordance with
this subsection. Any assessments or changes in costs
imposed pursuant to this subsection shall be imple-
mented by rules and regulations of the director
promulgated pursuant to the provisions of chapter
twenty-nine-a of this code. Any employee assessments
or costs authorized by the finance board shall remain
in effect until amended by rule or regulation of the
director promulgated pursuant to this subsection.

§5-16-6. Creation and composition of advisory board; powers
and duties of board generally; expenses.

1 (a) The public employees insurance agency advisory
board is hereby created and established to provide
advice and make recommendations to the director
concerning group hospital and surgical insurance,
group major medical insurance and group life and
accidental death insurance for all employees in the
manner as hereinafter provided. All business of the
advisory board shall be transacted in the name of West
Virginia public employees insurance agency advisory
board. The advisory board members shall receive
notice of all finance board meetings and be given the
opportunity to offer advice and recommendations to
the finance board.

(b) The advisory board shall consist of fifteen
members who are citizens of the United States and
residents of this state as follows: Three members representing licensed health care professionals, health care facilities or other types of health care providers, one of whom shall be a physician, appointed by the governor, with the advice and consent of the Senate; five members either covered by the public employees insurance plans or from organizations representing such employees, one of whom shall represent either retired public employees or retired educators and one of whom shall represent county or municipal public employees, appointed by the governor, with the advice and consent of the Senate, and selected so as to represent as broadly as possible all elements of the employees covered by the plan: Provided, That such members shall not be: (1) Employees of or contractors to any health care facility; (2) licensed health care professionals; (3) members of the immediate family of licensed health care professionals; or (4) an employee of or contractor to any such licensed health care professionals; the insurance commissioner or his or her designee; one representative of the West Virginia health care cost review authority, appointed by the governor, with the advice and consent of the Senate; five members from the public at large appointed by the governor, with the advice and consent of the Senate. Members of the board shall be selected to represent, as broadly as possible, the different geographical areas within the state. No more than ten of the fifteen members of the board shall be of the same political party.

Of the members first appointed by the governor to the advisory board, one health care provider member shall be appointed for a term of two years; one health care provider member shall be appointed for a term of four years and one health care provider member shall be appointed for a term of five years; the member who is the representative of the West Virginia health care cost review authority shall be appointed for a term of three years; the five members who are participants in the public employees insurance plan shall be appointed to terms of one, two, three, four and five years respectively; and the five members who are the public
at large shall be appointed to terms of one, two, three, four and five years respectively. Subsequent appointed members shall be appointed to five-year terms except for members appointed to fill vacancies who shall serve for the remainder of the vacant term. Members of the advisory board are eligible for reappointment upon the expiration of their terms but may not serve more than two full five-year terms consecutively. Members’ terms shall commence on the first day of September of the year of appointment and end on the thirty-first day of August in the year in which the term expires.

The advisory board shall hold a meeting at least twice each year and shall designate the time and place of such meeting. Nine advisory board members shall constitute a quorum at any meeting of the advisory board. Each advisory board member shall be entitled to one vote on each question before the advisory board. A majority of the quorum present shall be required for a decision by the advisory board at its meetings. The advisory board shall keep a record of its proceedings.

The board shall elect one of its members as chairperson and shall meet at such time and place as shall be specified by the call of the chairman. All meetings shall be open to the public. Notice of each meeting shall be given in writing to each member by the director at least three days in advance of the meeting period.

The advisory board shall be responsible for advising and making recommendations to the director regarding the administration and management of the public employees insurance agency as provided for in this article. Under no circumstances, however, will the decisions, advice or recommendations of the advisory board be controlling or binding on the director.

The board shall pay each member the same compensation and expense reimbursement as is paid to members of the Legislature for their interim duties as recommended by the citizens legislative compensation
commission and authorized by law for each day or portion thereof engaged in the discharge of official duties.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1994.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate
Speaker House of Delegates

The within is approved this the 14th day of March, 1994.

Governor
PRESENTED TO THE
GOVERNOR

Date 3-8-94

Time 2:40 P.M.