

HB 2365

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SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



# ENROLLED

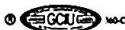
Com. Sub. for  
HOUSE BILL No. 2365

(By Delegates STANLEY Browning)



Passed March 11, 1995

In Effect 90 days from Passage



**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**  
**H. B. 2365**

(BY DELEGATES STATON AND BROWNING)

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[Passed March 11, 1995; in effect ninety days from passage.]

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AN ACT to amend and reenact section two, article sixteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to making all elected members of county boards of education eligible for coverage under the public employees insurance act.

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

That section two, 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 con-
- 3 text, shall have the following meanings:
- 4 (1) "Advisory board" means the public employees
- 5 insurance agency advisory board created by this article.

6 (2) "Agency" means the public employees insurance  
7 agency created by this article.

8 (3) "Director" means the director of the public employ-  
9 ees insurance agency, created by this article.

10 (4) "Employee" means any person, including elected  
11 officers, who works regularly full time in the service of the  
12 state of West Virginia and, for the purpose of this article  
13 only, the term "employee" also means any person, includ-  
14 ing elected officers, who works regularly full time in the  
15 service of a county board of education; a county, city or  
16 town in the state; any separate corporation or instrumen-  
17 tality established by one or more counties, cities or towns,  
18 as permitted by law; any corporation or instrumentality  
19 supported in most part by counties, cities or towns; any  
20 public corporation charged by law with the performance  
21 of a governmental function and whose jurisdiction is co-  
22 extensive with one or more counties, cities or towns; any  
23 comprehensive community mental health center or com-  
24 prehensive mental retardation facility established, operated  
25 or licensed by the secretary of health and human resourc-  
26 es pursuant to section one, article two-a, chapter  
27 twenty-seven of this code, and which is supported in part  
28 by state, county or municipal funds; any person who  
29 works regularly full time in the service of the university of  
30 West Virginia board of trustees or the board of directors  
31 of the state college system; and any person who works  
32 regularly full time in the service of a combined  
33 city-county health department created pursuant to article  
34 two, chapter sixteen of this code. On and after the first  
35 day of January, one thousand nine hundred ninety-four,  
36 and upon election by a county board of education to  
37 allow elected board members to participate in the public  
38 employees insurance program pursuant to this article, any  
39 person elected to a county board of education shall be  
40 deemed to be an "employee" during the term of office of  
41 the elected member: *Provided*, That the elected member  
42 shall pay the entire cost of the premium if he or she elects  
43 to be covered under this act. Any matters of doubt as to

44 who is an employee within the meaning of this article shall  
45 be decided by the director.

46 (5) "Employer" means the state of West Virginia, its  
47 boards, agencies, commissions, departments, institutions or  
48 spending units; a county board of education; a county,  
49 city or town in the state; any separate corporation or in-  
50 strumentality established by one or more counties, cities or  
51 towns, as permitted by law; any corporation or instrumen-  
52 tality supported in most part by counties, cities or towns;  
53 any public corporation charged by law with the perfor-  
54 mance of a governmental function and whose jurisdiction  
55 is coextensive with one or more counties, cities or towns;  
56 any comprehensive community mental health center or  
57 comprehensive mental retardation facility established,  
58 operated or licensed by the secretary of health and human  
59 resources pursuant to section one, article two-a, chapter  
60 twenty-seven of this code, and which is supported in part  
61 by state, county or municipal funds; and a combined  
62 city-county health department created pursuant to article  
63 two, chapter sixteen of this code. Any matters of doubt as  
64 to who is an "employer" within the meaning of this article  
65 shall be decided by the director. The term "employer"  
66 shall not include within its meaning the national guard.

67 (6) "Finance board" means the public employees insur-  
68 ance agency finance board created by this article.

69 (7) "Retired employee" shall mean an employee of the  
70 state who retired after the twenty-ninth day of April, one  
71 thousand nine hundred seventy-one, and an employee of  
72 the university of West Virginia board of trustees or the  
73 board of directors of the state college system or a county  
74 board of education who retires on or after the twenty-first  
75 day of April, one thousand nine hundred seventy-two, and  
76 all additional eligible employees who retire on or after the  
77 effective date of this article and meet the minimum eligi-  
78 bility requirements for their respective state retirement  
79 system: *Provided*, That for the purposes of this article  
80 such employees who are not covered by a state retirement  
81 system shall, in the case of education employees, meet the

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82 minimum eligibility requirements of the state teachers  
83 retirement system, and in all other cases, meet the mini-  
84 mum eligibility requirements of the public employees  
85 retirement system.

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

*Randy Schorover*  
Chairman Senate Committee

*Ernest C. Moore*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Darrell Rahn*  
Clerk of the Senate

*Donald J. Kopp*  
Clerk of the House of Delegates

*Earl Ray Tomblin*  
President of the Senate

*Paul Abner*  
Speaker of the House of Delegates

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
Governor



PRESENTED TO THE

GOVERNOR

Date 3/30/95

Time 2:57pm