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OFFICE OF THE CLERK OF THE WEST VIRGINIA SENATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



## ENROLLED

SENATE BILL NO. 341

(By Senator WAGNER, ET AL)



PASSED MARCH 8, 1995

In Effect JULY 1, 1995 Passage

**ENROLLED**

**Senate Bill No. 341**

(BY SENATORS WAGNER, BAILEY, BOWMAN, BUCKALEW,  
WALKER AND YODER)

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[Passed March 8, 1995; to take effect July 1, 1995.]

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AN ACT to amend and reenact section four, article sixteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the continuation of the public employees insurance agency finance board.

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

That section four, 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.**

- 1 (a) There is hereby created the public employees
- 2 insurance agency finance board, which shall consist of
- 3 the director and four members appointed by the
- 4 governor with the advice and consent of the Senate for

5 terms of four years and until the appointment of their  
6 successors: *Provided*, That the members initially  
7 appointed by the governor shall be appointed not later  
8 than the tenth day of September, one thousand nine  
9 hundred ninety, and may serve and may perform the  
10 duties required by this article until such time as the  
11 Senate may convene to give its advice and consent. Of  
12 the members first appointed, one shall be appointed for  
13 a term of one year, one for two years, one for three years  
14 and one for four years. Members may be reappointed for  
15 successive terms. No more than three members  
16 (including the director) may be of the same political  
17 party.

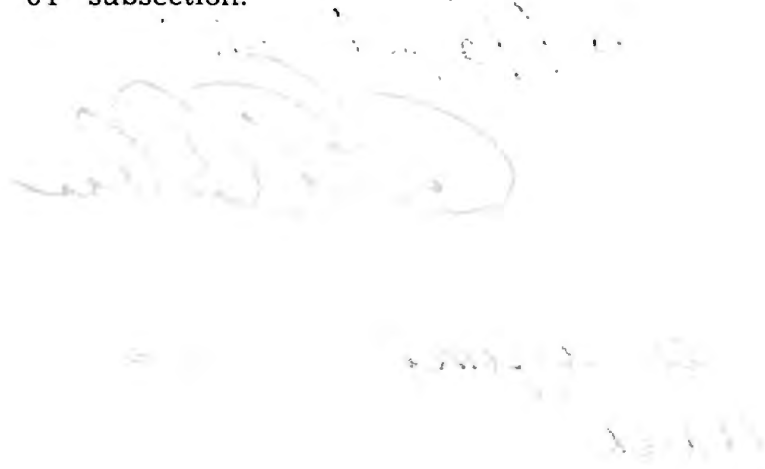
18 (b) Of the four members appointed by the governor,  
19 one member shall represent the interests of education  
20 employees, one shall represent the interests of public  
21 employees and two shall be selected from the public at  
22 large. The two members appointed from the public shall  
23 each have experience in the financing, development or  
24 management of employee benefit programs. All new  
25 appointments made subsequent to the first day of July,  
26 one thousand nine hundred ninety-four, shall be selected  
27 to represent the different geographical areas within the  
28 state and all members shall be residents of West  
29 Virginia. No member may be removed from office by the  
30 governor except for official misconduct, incompetence,  
31 neglect of duty, neglect of fiduciary duty or other  
32 specific responsibility imposed by this article, or gross  
33 immorality.

34 (c) The director shall serve as chairperson of the  
35 finance board, which shall meet at such time and place  
36 as shall be specified by the call of the director or upon  
37 the written request to the director of at least two  
38 members. Notice of each meeting shall be given in  
39 writing to each member by the director at least three  
40 days in advance of the meeting. Three members shall  
41 constitute a quorum. The board shall pay each member  
42 the same compensation and expense reimbursement as is  
43 paid to members of the Legislature for their interim

44 duties as recommended by the citizens legislative  
45 compensation commission and authorized by law for  
46 each day or portion thereof engaged in the discharge of  
47 official duties.

48 (d) Pursuant to the provisions of article ten, chapter  
49 four of this code, the finance board shall terminate on  
50 the first day of July, two thousand one, unless extended  
51 by legislation enacted before the termination date.

52 (e) Upon termination of the board and notwithstanding  
53 any provisions in this article to the contrary, the director  
54 is authorized to assess monthly employee premium  
55 contributions and to change the types and levels of costs  
56 to employees only in accordance with this subsection.  
57 Any assessments or changes in costs imposed pursuant to  
58 this subsection shall be implemented by rules and  
59 regulations of the director promulgated pursuant to the  
60 provisions of chapter twenty-nine-a of this code. Any  
61 employee assessments or costs authorized by the finance  
62 board shall remain in effect until amended by rule or  
63 regulation of the director promulgated pursuant to this  
64 subsection.



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

*Rudy Schowver*  
.....  
Chairman Senate Committee

*Ernest C. Moore*  
.....  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1995

*Barbara B. Bly*  
.....  
Clerk of the Senate

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

*Carl Roy Tomblin*  
.....  
President of the Senate

*Bill Barber*  
.....  
Speaker House of Delegates

The within *is approved* this the *16th*  
day of *May* ....., 1995.

*Gaston Caperton*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/10/95

Time 3:52 pm