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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

*REGULAR SESSION, 2002*



**ENROLLED**

SENATE BILL NO. 592

(By Senator PLYMACE)



PASSED MARCH 8, 2002

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 the definition of the word "plan" in 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  
3 context, have the following meanings:

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

6 (2) "Director" means the director of the public employ-  
7 ees insurance agency created by this article.

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

44 On or after the first day of July, one thousand nine  
45 hundred ninety-seven, a person shall be considered an  
46 "employee" if that person meets the following criteria:

47 (i) Participates in a job-sharing arrangement as defined  
48 in section one, article one, chapter eighteen-a of this code;

49 (ii) Has been designated, in writing, by all other partici-  
50 pants in that job-sharing arrangement as the "employee"  
51 for purposes of this section; and

52 (iii) Works at least one third of the time required for a  
53 full-time employee.

54 (4) "Employer" means the state of West Virginia, its  
55 boards, agencies, commissions, departments, institutions  
56 or spending units; a county board of education; a county,  
57 city or town in the state; any separate corporation or  
58 instrumentality established by one or more counties, cities  
59 or towns, as permitted by law; any corporation or instru-  
60 mentality supported in most part by counties, cities or  
61 towns; any public corporation charged by law with the  
62 performance of a governmental function and whose  
63 jurisdiction is coextensive with one or more counties, cities  
64 or towns; any comprehensive community mental health  
65 center or comprehensive mental retardation facility  
66 established, operated or licensed by the secretary of health  
67 and human resources pursuant to section one, article  
68 two-a, chapter twenty-seven of this code and which is  
69 supported in part by state, county or municipal funds; and  
70 a combined city-county health department created pursu-  
71 ant to article two, chapter sixteen of this code. Any  
72 matters of doubt as to who is an "employer" within the  
73 meaning of this article shall be decided by the director.  
74 The term "employer" does not include within its meaning  
75 the national guard.

76 (5) "Finance board" means the public employees insur-  
77 ance agency finance board created by this article.

78 (6) "Person" means any individual, company, associa-  
79 tion, organization, corporation or other legal entity,

80 including, but not limited to, hospital, medical or dental  
81 service corporations; health maintenance organizations or  
82 similar organization providing prepaid health benefits; or  
83 individuals entitled to benefits under the provisions of this  
84 article.

85 (7) "Plan", unless the context indicates otherwise, means  
86 the medical indemnity plan, the managed care plan option  
87 or the group life insurance plan offered by the agency.

88 (8) "Retired employee" means an employee of the state  
89 who retired after the twenty-ninth day of April, one  
90 thousand nine hundred seventy-one, and an employee of  
91 the university of West Virginia board of trustees or the  
92 board of directors of the state college system or a county  
93 board of education who retires on or after the twenty-first  
94 day of April, one thousand nine hundred seventy-two, and  
95 all additional eligible employees who retire on or after the  
96 effective date of this article, meet the minimum eligibility  
97 requirements for their respective state retirement system  
98 and whose last employer immediately prior to retirement  
99 under the state retirement system is a participating  
100 employer: *Provided*, That for the purposes of this article,  
101 the employees who are not covered by a state retirement  
102 system shall, in the case of education employees, meet the  
103 minimum eligibility requirements of the state teachers  
104 retirement system and in all other cases, meet the mini-  
105 mum eligibility requirements of the public employees  
106 retirement system.

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

*[Handwritten Signature]*  
.....  
Chairman Senate Committee

*[Handwritten Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*[Handwritten Signature]*  
.....  
Clerk of the Senate

*[Handwritten Signature]*  
.....  
Clerk of the House of Delegates

*[Handwritten Signature]*  
.....  
President of the Senate

*[Handwritten Signature]*  
.....  
Speaker House of Delegates

The within is approved this the 25<sup>th</sup>  
Day of March, 2002.

*[Handwritten Signature]*  
.....  
Governor

PRESENTED TO THE

COMMISSION

DATE 3/24/02

TIME 10:00 am