

SB 82

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

SENATE BILL NO. 82

(By Senators Holliday and Boley)



PASSED March 5, 1994

In Effect July 1, 1994 ~~Passage~~

E N R O L L E D

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.

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
13 for a term of one year, one for two years, one for three
14 years and one for four years. Members may be
15 reappointed for successive terms. No more than three
16 members (including the director) may be of the same
17 political 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
23 shall each have experience in the financing, develop-
24 ment or management of employee benefit programs.
25 All new appointments made subsequent to the first
26 day of July, one thousand nine hundred ninety-four,
27 shall be selected to represent the different geograph-
28 ical areas within the state and all members shall be
29 residents of West Virginia. No member may be
30 removed from office by the governor except for
31 official misconduct, incompetence, neglect of duty,
32 neglect of fiduciary duty or other specific responsibil-
33 ity imposed by this article or gross 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 mem-
42 ber the same compensation and expense reimburse-

43 ment as is paid to members of the Legislature for their
44 interim duties as recommended by the citizens legisla-
45 tive compensation commission and authorized by law
46 for each day or portion thereof engaged in the dis-
47 charge of 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, one thousand nine hundred
51 ninety-five, unless extended by legislation enacted
52 before the termination date.

53 (e) Upon termination of the board and notwithstand-
54 ing any provisions in this article to the contrary, the
55 director is authorized to assess monthly employee
56 premium contributions and to change the types and
57 levels of costs to employees only in accordance with
58 this subsection. Any assessments or changes in costs
59 imposed pursuant to this subsection shall be imple-
60 mented by rules and regulations of the director
61 promulgated pursuant to the provisions of chapter
62 twenty-nine-a of this code. Any employee assessments
63 or costs authorized by the finance board shall remain
64 in effect until amended by rule or regulation of the
65 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
2 board is hereby created and established to provide
3 advice and make recommendations to the director
4 concerning group hospital and surgical insurance,
5 group major medical insurance and group life and
6 accidental death insurance for all employees in the
7 manner as hereinafter provided. All business of the
8 advisory board shall be transacted in the name of West
9 Virginia public employees insurance agency advisory
10 board. The advisory board members shall receive
11 notice of all finance board meetings and be given the
12 opportunity to offer advice and recommendations to
13 the finance board.

14 (b) The advisory board shall consist of fifteen
15 members who are citizens of the United States and

16 residents of this state as follows: Three members
17 representing licensed health care professionals, health
18 care facilities or other types of health care providers,
19 one of whom shall be a physician, appointed by the
20 governor, with the advice and consent of the Senate;
21 five members either covered by the public employees
22 insurance plans or from organizations representing
23 such employees, one of whom shall represent either
24 retired public employees or retired educators and one
25 of whom shall represent county or municipal public
26 employees, appointed by the governor, with the advice
27 and consent of the Senate, and selected so as to
28 represent as broadly as possible all elements of the
29 employees covered by the plan: *Provided*, That such
30 members shall not be: (1) Employees of or contractors
31 to any health care facility; (2) licensed health care
32 professionals; (3) members of the immediate family of
33 licensed health care professionals; or (4) an employee
34 of or contractor to any such licensed health care
35 professionals; the insurance commissioner or his or
36 her designee; one representative of the West Virginia
37 health care cost review authority, appointed by the
38 governor, with the advice and consent of the Senate;
39 five members from the public at large appointed by
40 the governor, with the advice and consent of the
41 Senate. Members of the board shall be selected to
42 represent, as broadly as possible, the different geo-
43 graphical areas within the state. No more than ten of
44 the fifteen members of the board shall be of the same
45 political party.

46 Of the members first appointed by the governor to
47 the advisory board, one health care provider member
48 shall be appointed for a term of two years; one health
49 care provider member shall be appointed for a term of
50 four years and one health care provider member shall
51 be appointed for a term of five years; the member who
52 is the representative of the West Virginia health care
53 cost review authority shall be appointed for a term of
54 three years; the five members who are participants in
55 the public employees insurance plan shall be appoint-
56 ed to terms of one, two, three, four and five years
57 respectively; and the five members who are the public

58 at large shall be appointed to terms of one, two, three,
59 four and five years respectively. Subsequent appointed
60 members shall be appointed to five-year terms except
61 for members appointed to fill vacancies who shall
62 serve for the remainder of the vacant term. Members
63 of the advisory board are eligible for reappointment
64 upon the expiration of their terms but may not serve
65 more than two full five-year terms consecutively.
66 Members' terms shall commence on the first day of
67 September of the year of appointment and end on the
68 thirty-first day of August in the year in which the
69 term expires.

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

80 The board shall elect one of its members as chair-
81 person and shall meet at such time and place as shall
82 be specified by the call of the chairman. All meetings
83 shall be open to the public. Notice of each meeting
84 shall be given in writing to each member by the
85 director at least three days in advance of the meeting
86 period.

87 The advisory board shall be responsible for advising
88 and making recommendations to the director regard-
89 ing the administration and management of the public
90 employees insurance agency as provided for in this
91 article. Under no circumstances, however, will the
92 decisions, advice or recommendations of the advisory
93 board be controlling or binding on the director.

94 The board shall pay each member the same compen-
95 sation and expense reimbursement as is paid to
96 members of the Legislature for their interim duties as
97 recommended by the citizens legislative compensation

98 commission and authorized by law for each day or
99 portion thereof engaged in the discharge of official
100 duties.

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

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

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

Originated in the Senate.

To take effect July 1, 1994.

[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 *14th*
day of *May*, 1994.

[Handwritten Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3-8-94

Time 2:40 p.m.
CS