

FILED

2004 APR -6 A 11:48

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004



# ENROLLED

## House Bill No. 4531

(By Delegates Beane, Ennis, Manuel and Yeager)



Passed March 12, 2004

In Effect Ninety Days from Passage

FILED

2004 APR -6 A 11:48

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**

## **H. B. 4531**

(BY DELEGATES BEANE, ENNIS, MANUEL AND YEAGER)

---

[Passed March 12, 2004; in effect ninety days from passage.]

---

AN ACT to amend and reenact §5-16-4 of the code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5-16-4a, all relating to continuation of the public employees insurance agency finance board.

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

That §5-16-4 of the code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §5-16-4a, all to read as follows:

**ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.**

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

- 1 (a) There is hereby continued the public employees
- 2 insurance agency finance board, which consists of the director
- 3 and six members appointed by the governor with the advice and
- 4 consent of the Senate for terms of four years and until the

5 appointment of their successors: *Provided*, That of the two  
6 members added to the board by the amendment of this section,  
7 enacted during the regular legislative session, one thousand  
8 nine hundred ninety-nine, the at-large member shall be ap-  
9 pointed for an initial term of two years and the member  
10 representing organized labor shall be appointed for a term of  
11 four years. Members may be reappointed for successive terms.  
12 No more than four members (including the director) may be of  
13 the same political party.

14 (b) Of the six members appointed by the governor, one  
15 member shall represent the interests of education employees,  
16 one shall represent the interests of public employees, one shall  
17 represent the interests of organized labor and three shall be  
18 selected from the public at large. The governor shall appoint the  
19 member representing the interests of education employees from  
20 a list of three names submitted by the largest organization of  
21 education employees in this state. The governor shall appoint  
22 the member representing the interests of organized labor from  
23 a list of three names submitted by the state's largest organiza-  
24 tion representing labor affiliates. The three members appointed  
25 from the public shall each have experience in the financing,  
26 development or management of employee benefit programs. All  
27 new appointments made after the first day of July, one thousand  
28 nine hundred ninety-four, shall be selected to represent the  
29 different geographical areas within the state and all members  
30 shall be residents of West Virginia. No member may be  
31 removed from office by the governor except for official  
32 misconduct, incompetence, neglect of duty, neglect of fiduciary  
33 duty or other specific responsibility imposed by this article, or  
34 gross immorality.

35 (c) The director shall serve as chairperson of the finance  
36 board, which shall meet at times and places specified by the call  
37 of the director or upon the written request to the director of at  
38 least two members. Notice of each meeting shall be given in

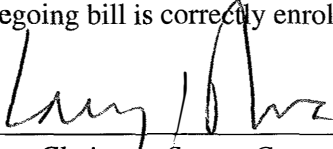
39 writing to each member by the director at least three days in  
40 advance of the meeting. Four members constitutes a quorum.  
41 The board shall pay each member the same compensation and  
42 expense reimbursement as is paid to members of the Legislature  
43 for their interim duties, as recommended by the citizens  
44 legislative compensation commission and authorized by law for  
45 each day or portion of a day engaged in the discharge of official  
46 duties.

47 (d) Upon termination of the board and notwithstanding any  
48 provisions in this article to the contrary, the director is autho-  
49 rized to assess monthly employee premium contributions and  
50 to change the types and levels of costs to employees only in  
51 accordance with this subsection. Any assessments or changes  
52 in costs imposed pursuant to this subsection shall be imple-  
53 mented by legislative rule proposed by the director for promul-  
54 gation pursuant to the provisions of article three, chapter  
55 twenty-nine-a of this code; any employee assessments or costs  
56 previously authorized by the finance board shall then remain in  
57 effect until amended by rule of the director promulgated  
58 pursuant to this subsection.

**§5-16-4a. Continuation of the public employees insurance agency  
finance board.**

1 The public employees insurance agency finance board shall  
2 continue to exist, pursuant to the provisions of article ten,  
3 chapter four of this code, until the first day of July, two  
4 thousand five, unless sooner terminated, continued or reestab-  
5 lished pursuant to the provisions of that article.

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



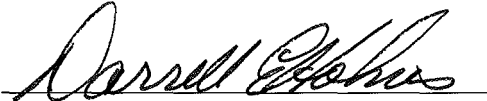
*Chairman Senate Committee*



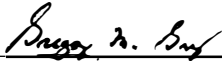
*Chairman House Committee*

Originating in the House.

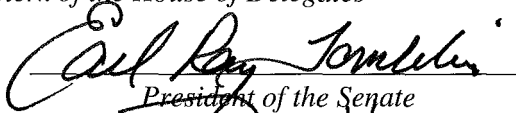
In effect ninety days from passage.



*Clerk of the Senate*



*Clerk of the House of Delegates*

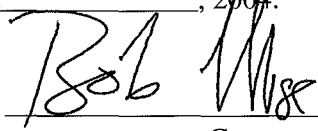


*President of the Senate*



*Speaker of the House of Delegates*

The within is approved this the 10th  
day of April, 2004.



*Governor*

PRESENTED TO THE  
GOVERNOR

DATE 7/1/04

TIME 4:30