

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #5

Do Not Mark In this Box

FILED IN THE OFFICE OF  
THE SECRETARY OF STATE  
THIS DATE Nov 13, 1990  
ADMINISTRATIVE LAW DIVISION

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Public Employees Insurance Agency TITLE NUMBER: 151

CITE AUTHORITY: W. Va. Code §6-9A-3; 5-16-3(c); 5-16-24

RULE TYPE: PROCEDURAL X INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE \_\_\_\_\_  
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES\_\_\_\_, NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: 4

TITLE OF RULE BEING ADOPTED: Procedural Rules for the Public

Employees Insurance Agency Finance Board

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS December 13, 1990

Sally K Richardson



# Public Employees Insurance Agency

Capitol Complex  
Building 5  
Tenth Floor  
Charleston,  
WV 25305  
304-348-7850

November 7, 1990

Gaston Caperton  
Governor  
Sally K. Richardson  
Director

The Honorable Ken Hechler  
Secretary of State  
State Capitol Building, Suite 157-K  
Charleston, West Virginia 25305

Dear Secretary Hechler:

Enclosed please find a "Notice of Agency Adoption of a Procedural rule," together with the final version of a procedural rule entitled "Procedural Rules for the Public Employees Insurance Agency Finance Board." These rules will be codified at 151 C.S.R., Series 4.

A public hearing was conducted on the proposed rule on November 2, 1990. No persons attended the hearing and no comments were offered. The Public Employees Insurance Agency Finance Board adopted the rule in final form at its November 6, 1990 regular meeting.

As always, thank you for your cooperation and assistance in filing this rule.

Sincerely,

Sally K. Richardson  
Director

SKR:DPL:trs

Enclosure

Title 151, Series 4  
Procedural Rule

BRIEF SUMMARY

Proposed Procedural Rule: "Procedural Rules For The Public Employees Insurance Agency Finance Board."

This proposed procedural rule establishes procedures for operation of the West Virginia Public Employees Insurance Agency Finance Board. The rule establishes procedures by which the time, place and purpose of all meetings will be made available to the public and news media, as required by the Open Governmental Proceedings Act, W. Va. Code §6-9A-3.

The rule includes all provisions required by the Open Governmental Proceedings Act, regarding notice of meetings, a requirement that meetings be open except where law authorizes an executive session, reasonable restrictions on attendance and presentation at meetings by members of the public, and keeping of minutes. In addition, the rule establishes the number of members necessary to constitute a quorum and to vote on a decision, and authorizes participation at a meeting by means of telephone conference call.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Procedural Rules for the Public Employees Insurance Agency Finance Board

Type of Rule:      Legislative      Interpretive   X   Procedural

Agency: Public Employees Insurance Agency Address Building 5, Room 1025,  
State Capitol Complex, Charleston, West Virginia 25305

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Personal Services	0	0	0	0	0
Current Expense	0	0	0	0	0
Repairs and Alterations	0	0	0	0	0
Equipment	0	0	0	0	0
Other	0	0	0	0	0

2. Explanation of above estimates:

Rules simply establish procedures for filing notice of meetings and conduct of meetings. Will impose no additional costs to agency.

3. Objectives of these rules:

Compliance with Open Governmental Proceedings Act; notice to public of meetings of PEIA Finance Board; establish meeting procedures for Finance Board.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

None.

C. Economic Impact on Citizens/Public at Large.

None.

Date: September 27, 1990

Signature of Agency Head or Authorized Representative

*W. K. Robertson*

151 CSR 4

TITLE 151  
PROCEDURAL RULES  
PUBLIC EMPLOYEES INSURANCE AGENCY

SERIES 4  
PROCEDURAL RULES FOR THE PUBLIC EMPLOYEES INSURANCE AGENCY FINANCE BOARD

**§151-4-1. General.**

1.1. Scope. -- This procedural rule establishes procedures for operation of the West Virginia Public Employees Insurance Agency Finance Board. The rule establishes procedures by which the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings of the Finance Board will be made available, in advance, to the public and news media, as required by W. Va. Code §6-9A-3.

1.2. Authority. -- W. Va. Code §§6-9A-3; 5-16-3(c); 5-16-24.

1.3. Filing Date. --

1.4. Effective Date. --

**§151-4-2. Definitions.**

2.1. "Chairperson" means the Director of the West Virginia Public Employees Insurance Agency.

2.2. "Decision" means any determination, action, vote or final disposition of a motion, proposal, resolution, order or measure on which a vote of the Finance Board is required at any meeting at which a quorum is present.

2.3. "Executive session" means any meeting or part of a meeting of the Finance Board which is closed to the public.

2.4. "Finance Board" means the West Virginia Public Employees Insurance Agency Finance Board, created by W. Va. Code §5-16-4.

2.5. "Meeting" means the convening of the Finance Board for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter, but such term does not include: (a) any meeting for the purpose of making an adjudicatory decision in any quasi-judicial or administrative proceeding; (b) any on-site inspection of any project or program, or (c) any public hearing conducted solely for the purpose of receiving public comment or making information available to the public, and at which no decision or deliberation toward a decision will be made by the Finance Board.

2.6. "Quorum" means three members of the Finance Board.

§151-4-3. Meetings.

3.1. Meetings of the Finance Board may be called by the chairperson or upon the written request to the chairperson of at least two members.

3.2. The chairperson shall notify each Finance Board member in writing at least three (3) days in advance of a meeting. The notice shall set forth the time and place of a regularly scheduled meeting and the time, place and purpose of a special meeting.

3.3. Except in the event of an emergency requiring immediate official action, the chairperson shall notify the public and news media of a meeting by filing a notice with the Secretary of State for publication in the state register. The notice shall state the time, place and purpose of the meeting. Each notice shall be filed in a manner to allow it to appear in the state register at least five (5) days prior to the date of the meeting.

3.4. In the event of an emergency requiring immediate official action, the Finance Board may file an emergency meeting notice at any time prior to the meeting. The notice shall state the time, place and purpose of the meeting and the facts and circumstances of the emergency.

3.5. Meetings may be continued to a set time and place by a majority vote of the Finance Board members at a meeting at which a quorum is present, without further notice to the members and without further publication, unless such continued meeting is scheduled for more than fourteen (14) days after the date of the vote to continue.

3.6. Meetings of the Finance Board shall be conducted in accordance with the most recent edition of Robert's Rules of Order, including specifically the less formal procedures contained therein for small boards.

3.7. One or more members of the Finance Board may participate in a regular or special meeting by means of conference telephone or similar electronic communications equipment, provided that all persons participating in the meeting, including members of the public and news media if present, can hear each other. Participation by conference telephone or similar electronic means shall constitute presence in person at the meeting.

3.8. Whenever a vote of the Finance Board is required or permitted, this vote may be taken orally during a telephone or other electronic conference conducted in conformance with subsection 3.7 of this rule. Any agreement reached shall be reduced to writing and approved by the Finance Board members at their next regular meeting after the conference.

**§151-4-4. Public hearings.**

4.1. The presence of a quorum of Finance Board members shall not be required at any public hearing conducted solely for the purpose of receiving public comment or making information available to the public, and at which no decision or deliberation toward a decision will be made by the Finance Board.

4.2. The Finance Board, in its discretion, may designate one or more of its members or any other appropriate person to preside over and conduct any public hearing which the Finance Board is required or elects to conduct.

4.3. At any public hearing at which a quorum of Finance Board members is not present, arrangements shall be made to prepare a verbatim record, by either stenographic notes or mechanical recording device, of all public comments offered at the hearing.

**§151-4-5. Meetings generally open to public; executive session.**

5.1. All meetings of the Finance Board shall be open to the public. Provided, that the Finance Board may hold an executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under W. Va. Code chapter six, article nine-a for the holding of such executive session and has presented it to the Finance Board and to the general public. No decision shall be made in an executive session.

5.2. An executive session may be held only upon a majority affirmative vote of the Finance Board at a meeting at which a quorum is present, for one of the reasons enumerated in W. Va. Code §6-9A-4 or as expressly and specifically otherwise provided by law.

5.3. The Finance Board may adopt and enforce reasonable restrictions on attendance and presentation at any meeting or public hearing where there is not sufficient room to accommodate all members of the public who wish to attend. Such restrictions may include, but are not limited to, limiting the number of people who may be present in the meeting room at one time, limiting the length of time individual members of the public may remain in the room, and limiting the length of remarks by individual members of the public at a meeting or public hearing at which the public is invited to address the Finance Board. The Finance Board may also invite and encourage individuals to submit written comments in lieu of speaking at a meeting or public hearing. The Finance Board shall make every reasonable effort to accommodate as many members of the public who wish to attend a meeting or public hearing as possible.

5.4. The chairperson may order the removal from a meeting or public hearing of any member of the public who is disrupting the proceeding to the extent that orderly conduct of the proceeding is compromised.

5.5. All members of the public who attend a meeting or public hearing of the Finance Board may indicate their presence by signing a register of attendance. The register may provide a place for members of the public to indicate whether or not they wish to address the Finance Board. Persons who desire to speak shall not be required to register more than fifteen (15) minutes prior to the time the scheduled meeting or public hearing is to commence.

**§151-4-6. Decisions.**

6.1. All decisions of the Finance Board shall require the affirmative vote of a majority of the members present and voting at a meeting at which a quorum is present.

**§151-4-7. Minutes; records.**

7.1. The Finance Board shall provide for the preparation of written minutes of all of its meetings. All such minutes shall be available to the public within a reasonable time after the meeting and shall include at least the following:

7.1.1. The date, time and place of the meeting;

7.1.2. The name of each member of the Finance Board present and absent;

7.1.3. All motions, proposals, resolutions, orders and measures proposed, the name of the person proposing the same and their disposition; and

7.1.4. The results of all votes and, upon the request of a member, the vote of each member, by name.

7.2. Minutes of executive sessions may be limited to material the disclosure of which is not inconsistent with the provisions of W. Va. Code §6-9A-4.

7.3. Records of the Finance Board are official records of the West Virginia Public Employees Insurance Agency and shall be maintained, made available for public inspection and copying, and preserved by the chairperson in accordance with all applicable laws, rules and regulations.



# Public Employees Insurance Agency

Capitol Complex  
Building 5  
Tenth Floor  
Charleston,  
WV 25305  
304-348-7850

November 7, 1990

Gaston Caperton  
Governor  
Sally K. Richardson  
Director

The Honorable Ken Hechler  
Secretary of State  
State Capitol Building, Suite 157-K  
Charleston, West Virginia 25305

Dear Secretary Hechler:

Enclosed please find a "Notice of Agency Adoption of a Procedural rule," together with the final version of a procedural rule entitled "Procedural Rules for the Public Employees Insurance Agency Finance Board." These rules will be codified at 151 C.S.R., Series 4.

A public hearing was conducted on the proposed rule on November 2, 1990. No persons attended the hearing and no comments were offered. The Public Employees Insurance Agency Finance Board adopted the rule in final form at its November 6, 1990 regular meeting.

As always, thank you for your cooperation and assistance in filing this rule.

Sincerely,

Sally K. Richardson  
Director

SKR:DPL:trs

Enclosure

151 CSR 4

TITLE 151  
PROCEDURAL RULES  
PUBLIC EMPLOYEES INSURANCE AGENCY

SERIES 4  
PROCEDURAL RULES FOR THE PUBLIC EMPLOYEES INSURANCE AGENCY FINANCE BOARD

**\$151-4-1. General.**

1.1. Scope. -- This procedural rule establishes procedures for operation of the West Virginia Public Employees Insurance Agency Finance Board. The rule establishes procedures by which the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings of the Finance Board will be made available, in advance, to the public and news media, as required by W. Va. Code §6-9A-3.

1.2. Authority. -- W. Va. Code §§6-9A-3; 5-16-3(c); 5-16-24.

1.3. Filing Date. --

1.4. Effective Date. --

**\$151-4-2. Definitions.**

2.1. "Chairperson" means the Director of the West Virginia Public Employees Insurance Agency.

2.2. "Decision" means any determination, action, vote or final disposition of a motion, proposal, resolution, order or measure on which a vote of the Finance Board is required at any meeting at which a quorum is present.

2.3. "Executive session" means any meeting or part of a meeting of the Finance Board which is closed to the public.

2.4. "Finance Board" means the West Virginia Public Employees Insurance Agency Finance Board, created by W. Va. Code §5-16-4.

2.5. "Meeting" means the convening of the Finance Board for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter, but such term does not include: (a) any meeting for the purpose of making an adjudicatory decision in any quasi-judicial or administrative proceeding; (b) any on-site inspection of any project or program, or (c) any public hearing conducted solely for the purpose of receiving public comment or making information available to the public, and at which no decision or deliberation toward a decision will be made by the Finance Board.

2.6. "Quorum" means three members of the Finance Board.

**§151-4-3. Meetings.**

3.1. Meetings of the Finance Board may be called by the chairperson or upon the written request to the chairperson of at least two members.

3.2. The chairperson shall notify each Finance Board member in writing at least three (3) days in advance of a meeting. The notice shall set forth the time and place of a regularly scheduled meeting and the time, place and purpose of a special meeting.

3.3. Except in the event of an emergency requiring immediate official action, the chairperson shall notify the public and news media of a meeting by filing a notice with the Secretary of State for publication in the state register. The notice shall state the time, place and purpose of the meeting. Each notice shall be filed in a manner to allow it to appear in the state register at least five (5) days prior to the date of the meeting.

3.4. In the event of an emergency requiring immediate official action, the Finance Board may file an emergency meeting notice at any time prior to the meeting. The notice shall state the time, place and purpose of the meeting and the facts and circumstances of the emergency.

3.5. Meetings may be continued to a set time and place by a majority vote of the Finance Board members at a meeting at which a quorum is present, without further notice to the members and without further publication, unless such continued meeting is scheduled for more than fourteen (14) days after the date of the vote to continue.

3.6. Meetings of the Finance Board shall be conducted in accordance with the most recent edition of Robert's Rules of Order, including specifically the less formal procedures contained therein for small boards.

3.7. One or more members of the Finance Board may participate in a regular or special meeting by means of conference telephone or similar electronic communications equipment, provided that all persons participating in the meeting, including members of the public and news media if present, can hear each other. Participation by conference telephone or similar electronic means shall constitute presence in person at the meeting.

3.8. Whenever a vote of the Finance Board is required or permitted, this vote may be taken orally during a telephone or other electronic conference conducted in conformance with subsection 3.7 of this rule. Any agreement reached shall be reduced to writing and approved by the Finance Board members at their next regular meeting after the conference.

**§151-4-4. Public hearings.**

4.1. The presence of a quorum of Finance Board members shall not be required at any public hearing conducted solely for the purpose of receiving public comment or making information available to the public, and at which no decision or deliberation toward a decision will be made by the Finance Board.

4.2. The Finance Board, in its discretion, may designate one or more of its members or any other appropriate person to preside over and conduct any public hearing which the Finance Board is required or elects to conduct.

4.3. At any public hearing at which a quorum of Finance Board members is not present, arrangements shall be made to prepare a verbatim record, by either stenographic notes or mechanical recording device, of all public comments offered at the hearing.

**§151-4-5. Meetings generally open to public; executive session.**

5.1. All meetings of the Finance Board shall be open to the public. Provided, that the Finance Board may hold an executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under W. Va. Code chapter six, article nine-a for the holding of such executive session and has presented it to the Finance Board and to the general public. No decision shall be made in an executive session.

5.2. An executive session may be held only upon a majority affirmative vote of the Finance Board at a meeting at which a quorum is present, for one of the reasons enumerated in W. Va. Code §6-9A-4 or as expressly and specifically otherwise provided by law.

5.3. The Finance Board may adopt and enforce reasonable restrictions on attendance and presentation at any meeting or public hearing where there is not sufficient room to accommodate all members of the public who wish to attend. Such restrictions may include, but are not limited to, limiting the number of people who may be present in the meeting room at one time, limiting the length of time individual members of the public may remain in the room, and limiting the length of remarks by individual members of the public at a meeting or public hearing at which the public is invited to address the Finance Board. The Finance Board may also invite and encourage individuals to submit written comments in lieu of speaking at a meeting or public hearing. The Finance Board shall make every reasonable effort to accommodate as many members of the public who wish to attend a meeting or public hearing as possible.

5.4. The chairperson may order the removal from a meeting or public hearing of any member of the public who is disrupting the proceeding to the extent that orderly conduct of the proceeding is compromised.

151 CSR 4

5.5. All members of the public who attend a meeting or public hearing of the Finance Board may indicate their presence by signing a register of attendance. The register may provide a place for members of the public to indicate whether or not they wish to address the Finance Board. Persons who desire to speak shall not be required to register more than fifteen (15) minutes prior to the time the scheduled meeting or public hearing is to commence.

**§151-4-6. Decisions.**

6.1. All decisions of the Finance Board shall require the affirmative vote of a majority of the members present and voting at a meeting at which a quorum is present.

**§151-4-7. Minutes; records.**

7.1. The Finance Board shall provide for the preparation of written minutes of all of its meetings. All such minutes shall be available to the public within a reasonable time after the meeting and shall include at least the following:

7.1.1. The date, time and place of the meeting;

7.1.2. The name of each member of the Finance Board present and absent;

7.1.3. All motions, proposals, resolutions, orders and measures proposed, the name of the person proposing the same and their disposition; and

7.1.4. The results of all votes and, upon the request of a member, the vote of each member, by name.

7.2. Minutes of executive sessions may be limited to material the disclosure of which is not inconsistent with the provisions of W. Va. Code §6-9A-4.

7.3. Records of the Finance Board are official records of the West Virginia Public Employees Insurance Agency and shall be maintained, made available for public inspection and copying, and preserved by the chairperson in accordance with all applicable laws, rules and regulations.

7-8-92  
JES



KEN HECHLER  
Secretary of State

WILLIAM H. HARRINGTON  
Chief of Staff

MARY P. RATLIFF  
Deputy Secretary of State

JUDY COOPER  
Director, Administrative Law

A. RENEE OOE  
Deputy Secretary of State

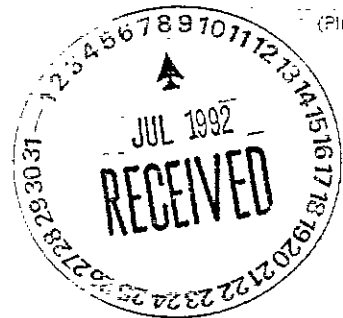
DONALD R. WILKES  
Director, Corporations

CATHERINE FREROTTE  
Executive Assistant

(Plus all the volunteer help we can get)

Telephone (304) 558-6000  
Corporations: (304) 558-8000

STATE OF WEST VIRGINIA  
SECRETARY OF STATE  
Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770



TO: David Lambert

AGENCY: Public Employees Insurance Agency

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: July 6, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 4 TITLE: 151 Public Employees Insurance Agency

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_

\*\*\*\*\*

\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Janet E. James

TITLE OF PERSON SIGNING: Associate Counsel

DATE: July 9, 1992

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.