

1 **ENROLLED**

2 **H. B. 2345**

3
4 (By Delegates Manchin, Longstreth and D. Poling)

5 [Passed March 11, 2011; in effect ninety days from passage.]

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7
8 AN ACT to amend and reenact §5-16-4 of the Code of West Virginia,
9 1931, as amended, relating to increasing the board membership
10 of the Public Employees Insurance Agency Finance Board.

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

12 That §5-16-4 of the Code of West Virginia, 1931, as amended,
13 be amended and reenacted to read as follows:

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

15 **§5-16-4. Public Employees Insurance Agency Finance Board**
16 **continued; qualifications, terms and removal of**
17 **members; quorum; compensation and expenses;**
18 **termination date.**

19 (a) The Public Employees Insurance Agency Finance Board is
20 continued and consists of the following members, effective July 1,
21 2012:

22 (1) The Secretary of the Department of Administration or his
23 or her designee;

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2 (2) One member shall represent the interests of education
3 employees;

4 (3) One shall represent the interests of public employees;

5 (4) One shall represent the interests of retired employees;

6 (5) One shall represent the interests of organized labor;

7 (6) One shall represent the interest of a participating
8 political subdivision; and

9 (7) Five shall be selected from the public at large.

10 (b) The Governor shall appoint the member representing the
11 interests of education employees from a list of three names
12 submitted by the largest organization of education employees in this
13 state.

14 (c) The Governor shall appoint the member representing the
15 interests of organized labor from a list of three names submitted
16 by the state's largest organization representing labor affiliates.

17 (d) The three members appointed from the public shall each have
18 experience in the financing, development or management of employee
19 benefit programs.

20 (e) The members shall be appointed by the Governor, with the
21 advice and consent of the Senate, for terms of four years and
22 members may serve until the successors are appointed and qualified.
23 Members may be reappointed for successive terms. No more than five
24 members, including the Secretary of the Department of

1 Administration, may be of the same political party.

2 (f) All appointments shall be selected to represent the
3 different geographical areas within the state and all members shall
4 be residents of West Virginia. No member may be removed from office
5 by the Governor except for official misconduct, incompetence,
6 neglect of duty, neglect of fiduciary duty or other specific
7 responsibility imposed by this article or gross immorality.

8 (g) The Secretary of the Department of Administration shall
9 serve as Chair of the Finance Board, which shall meet at times and
10 places specified by the call of the chair or upon the written
11 request to the chair of at least two members. The Director of the
12 Public Employees Insurance Agency shall serve as staff to the board.
13 Notice of each meeting shall be given in writing to each member by
14 the director at least three days in advance of the meeting. Five
15 members constitute a quorum.

16 (h) The board shall pay each member the same compensation and
17 expense reimbursement that is paid to members of the Legislature for
18 their interim duties, for each day or portion of a day engaged in
19 the discharge of official duties.

20 (i) Upon termination of the board and notwithstanding any
21 provisions in this article to the contrary, the director is
22 authorized to assess monthly employee premium contributions and to
23 change the types and levels of costs to employees only in accordance
24 with this subsection. Any assessments or changes in costs imposed

1 pursuant to this subsection shall be implemented by legislative rule
2 proposed by the director for promulgation pursuant to the provisions
3 of article three, chapter twenty-nine-a of this code. Any employee
4 assessments or costs previously authorized by the Finance Board
5 shall then remain in effect until amended by rule of the director
6 promulgated pursuant to this subsection.