

1 **H. B. 2667**

2
3 (By Delegates Moye, Staggers, Manchin, Shaver,
4 Stephens, Barker and Doyle)

5
6 [Introduced January 20, 2011; referred to the
7 Committee on Government Organization.]

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9
10 A BILL to amend and reenact §5-16-4 of the Code of West Virginia,
11 1931, as amended, relating to the Public Employees Insurance
12 Agency Finance Board; changing the board's composition;
13 requiring a quorum of five members to be present at any public
14 hearing conducted by the board; and making stylistic and
15 technical changes.

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

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

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

20 **§5-16-4. Public Employees Insurance Agency Finance Board**
21 **continued; qualifications, terms and removal of**
22 **members; quorum; compensation and expenses;**
23 **termination date.**

24 (a) The Public Employees Insurance Agency Finance Board is
25 continued and consists of:

1 (1) The Secretary of the Department of Administration or his
2 or her designee; ~~and eight members appointed by the Governor, with~~
3 ~~the advice and consent of the Senate, for terms of four years and~~
4 ~~until the appointment of their successors. Members may be~~
5 ~~reappointed for successive terms. No more than five members,~~
6 ~~including the Secretary of the Department of Administration, may be~~
7 ~~of the same political party.~~

8 ~~(b) Of the eight members appointed by the Governor,~~

9 (2) One member who shall represent the interests of education
10 employees;

11 (3) One member who shall represent the interests of public
12 employees;

13 (4) One member who shall represent the interests of retired
14 employees;

15 (5) One member who shall represent the interests of organized
16 labor; ~~and,~~

17 (6) One member who shall represent the interests of a
18 participating political subdivision; and

19 (7) ~~Four~~ Three members who shall be selected from the public
20 at large.

21 (b) The Governor shall appoint the member representing the
22 interests of education employees from a list of three names
23 submitted by the largest organization of education employees in
24 this state.

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

4 (d) The ~~four~~ three members appointed from the public shall
5 each have experience in the financing, development or management of
6 employee benefit programs.

7 (e) The members shall be appointed by the Governor, with the
8 advice and consent of the Senate, for terms of four years and
9 members may serve until the successors are appointed and qualified.
10 Members may be reappointed for successive terms. No more than five
11 members, including the Secretary of the Department of
12 Administration, may be of the same political party.

13 (f) All appointments shall be selected to represent the
14 different geographical areas within the state and all members shall
15 be residents of West Virginia. No member may be removed from
16 office by the Governor except for official misconduct,
17 incompetence, neglect of duty, neglect of fiduciary duty or other
18 specific responsibility imposed by this article or gross
19 immorality.

20 ~~(e)~~ (g) The Secretary of the Department of Administration
21 ~~shall serve~~ serves as chair of the Finance Board. ~~which~~ the board
22 shall meet at times and places specified by the call of the chair
23 or upon the written request to the chair of at least two members.
24 The Director of the Public Employees Insurance Agency shall serve

1 as staff to the board. Notice of each meeting shall be given in
2 writing to each member by the director at least three days in
3 advance of the meeting. Five members constitute a quorum.

4 (h) A quorum shall be present at a public hearing conducted by
5 the board.

6 (i) The board shall pay each member the same compensation and
7 expense reimbursement that is paid to members of the Legislature
8 for their interim duties, ~~as recommended by the Citizens~~
9 ~~Legislative Compensation Commission and authorized by law,~~ for each
10 day or portion of a day engaged in the discharge of official
11 duties.

12 ~~(d)~~ (j) Upon termination of the board and notwithstanding any
13 provisions in this article to the contrary, the director is
14 authorized to assess monthly employee premium contributions and to
15 change the types and levels of costs to employees only in
16 accordance with this subsection. Any assessments or changes in
17 costs imposed pursuant to this subsection shall be implemented by
18 legislative rule proposed by the director for promulgation pursuant
19 to the provisions of article three, chapter twenty-nine-a of this
20 code. Any employee assessments or costs previously authorized by
21 the Finance Board shall then remain in effect until amended by rule
22 of the director promulgated pursuant to this subsection.

NOTE: The purpose of this bill is to change the composition of the Public Employees Insurance Agency Finance Board and to require the board to have a quorum of five members present at any public hearing conducted by the board.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.