

1 **H. B. 3208**

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3 (By Delegate Cowles)  
4 [Introduced February 21, 2011; referred to the  
5 Committee on Government Organization then Finance.]  
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10 A BILL to amend and reenact §29-25-22a of the Code of West  
11 Virginia, 1931, as amended, relating to the Human Resource  
12 Benefit Fund; requiring the allocation and distribution of  
13 state funds to other post employee benefits; providing duties  
14 for State Treasurer; and imposing requirements for the use of  
15 distributed allocations.

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

17 That §29-25-22a of the Code of West Virginia, 1931, as  
18 amended, be amended and reenacted to read as follows:

19 **ARTICLE 25. AUTHORIZED GAMING FACILITY.**

20 **§29-25-22a. Human Resource Benefit Fund.**

21 (a) There is ~~hereby created a~~ continued the special fund in  
22 the State Treasury ~~which shall be~~ designated and known as the Human  
23 Resource Benefit Fund. Seventeen percent of the gross terminal  
24 income received by the commission under section twenty of this

1 article and five percent of the adjusted gross receipts received by  
2 the commission under section twenty-one of this article shall be  
3 deposited with the State Treasurer and placed in the Human Resource  
4 Benefit Fund. The fund shall be an interest-bearing account with  
5 interest to be credited to and deposited in the Human Resource  
6 Benefit Fund.

7 (b) For each dollar expended by the historic resort hotel for  
8 fringe benefits for the employees of the historic resort hotel, the  
9 commission shall transfer to the historic resort hotel \$1 of  
10 recoupment from the Human Resource Benefit Fund: *Provided, That*  
11 the historic resort hotel is not entitled to recoupment for money  
12 spent on fringe benefits beyond the amount of money available to be  
13 expended from the Human Resource Benefit Fund at the time the  
14 request for recoupment is made by the historic resort hotel.

15 (c) The commission ~~shall have full rights and powers to~~ may  
16 audit the spending of money from the Human Resource Benefit Fund to  
17 ensure that the money is being used in the manner prescribed under  
18 this section. The commission ~~shall have the power and authority to~~  
19 may audit as frequently as it sees fit, so long as it conducts at  
20 least two audits each fiscal year.

21 (d) ~~There is hereby created~~ The Human Resource Benefit  
22 Advisory Board, ~~which~~ shall meet every six months to verify the  
23 commission's audit.

24 (1) The board ~~shall consist~~ consists of five members, all

1 residents and citizens of the State of West Virginia:

2 (A) One member shall be a representative of the collective  
3 bargaining unit that represents a majority of the employees of the  
4 historic resort hotel;

5 (B) One member shall be a representative of the historic  
6 resort hotel; and

7 (C) Three members shall be employees of the commission.

8 (2) The members shall be appointed or elected by the entity or  
9 persons that they represent. Establishment of terms for members  
10 shall be determined by the entity or persons that they represent,  
11 if the entity or persons choose to set terms.

12 (3) A majority of members constitutes a quorum for the  
13 transaction of business.

14 (4) The board shall meet every six months at the headquarters  
15 of the commission. Upon its own motion or upon the request of the  
16 commission, it may hold meetings in addition to the required  
17 meetings. The commission shall pay the travel expenses of members  
18 of the board who are not employed by the commission.

19 (5) All meetings of the board shall be open to the public.

20 (6) The board shall operate in an advisory capacity. Its  
21 functions shall include, but are not limited to, reviewing and  
22 verifying financial audits of the Human Resource Benefit Fund  
23 conducted by the commission and its employees and reviewing source  
24 documents associated with disbursements from the Human Resource

1 Benefit Fund.

2 (7) Within thirty days of any board meeting, the board shall  
3 report to the commission its findings and any recommendations it  
4 may have. The report to the commission shall be made at a  
5 commission meeting that is open to the public.

6 (e) In the event that an audit conducted by the commission, or  
7 suggested changes to the audit submitted by the board and adopted  
8 by the commission, reveals that the historic resort hotel has acted  
9 improperly or negligently in its claim for money from the Human  
10 Resource Benefit Fund, the commission may impose a civil penalty  
11 against the historic resort hotel of up to one hundred percent of  
12 the improperly claimed amount. Any civil penalty imposed on the  
13 historic resort hotel by the commission under this subsection shall  
14 be deposited by the commission into the Historic Resort Hotel Fund.

15 (f) On and after January 1, 2012, and each year after that,  
16 the State Treasurer shall distribute an amount equal to one third  
17 of the amount of money in the Human Resource Benefit Fund that was  
18 collected and deposited into the fund during the next preceding  
19 calendar year as provided in this subsection into the West Virginia  
20 Health Benefit Trust Fund - Other Post-Employment Benefit  
21 Contribution Accumulation Fund (fund 2541, org 0232).

NOTE: The purpose of this bill is to direct certain funds collected to be distributed into the trust fund for Other Post-Employment Benefits.

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