

H. B. 2345

(BY DELEGATES MANCHIN, LONGSTRETH AND D. POLING)

[Introduced January 12, 2011; referred to the
Committee on Political Subdivisions then Government
Organization.]

A BILL to amend and reenact §5-16-4 of the Code of West Virginia, 1931, as amended, relating to replacing a citizen member with a municipal or county representative on 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 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; termination date.

1 (a) The Public Employees Insurance Agency Finance

2 Board is continued and consists of:

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

11 ~~(b) Of the eight members appointed by the Governor;~~

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

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

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

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

19 (6) One shall represent the interest of a participating
20 political subdivision; and

21 (7) four Three shall be selected from the public at large.

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

26 **(c)** The Governor shall appoint the member representing
27 the interests of organized labor from a list of three names
28 submitted by the state's largest organization representing labor
29 affiliates.

30 **(d)** The ~~four~~ three members appointed from the public
31 shall each have experience in the financing, development or
32 management of employee benefit programs.

33 **(e)** The members shall be appointed by the Governor,
34 with the advice and consent of the Senate, for terms of four
35 years and members may serve until the successors are
36 appointed and qualified. Members may be reappointed for
37 successive terms. No more than five members, including the
38 Secretary of the Department of Administration, may be of
39 the same political party.

40 (f) All appointments shall be selected to represent the
41 different geographical areas within the state and all
42 members shall be residents of West Virginia. No member
43 may be removed from office by the Governor except for
44 official misconduct, incompetence, neglect of duty, neglect
45 of fiduciary duty or other specific responsibility imposed by
46 this article or gross immorality.

47 (c) (g) The Secretary of the Department of Administration
48 shall serve as Chair of the Finance Board, which shall meet at
49 times and places specified by the call of the chair or upon the
50 written request to the chair of at least two members. The
51 Director of the Public Employees Insurance Agency shall serve
52 as staff to the board. Notice of each meeting shall be given in
53 writing to each member by the director at least three days in
54 advance of the meeting. Five members constitute a quorum.

55 (h) The board shall pay each member the same
56 compensation and expense reimbursement that is paid to
57 members of the Legislature for their interim duties, as
58 ~~recommended by the Citizens Legislative Compensation~~

59 ~~Commission and authorized by law~~, for each day or portion
60 of a day engaged in the discharge of official duties.

61 ~~(d)~~ (i) Upon termination of the board and notwithstanding
62 any provisions in this article to the contrary, the director is
63 authorized to assess monthly employee premium contributions
64 and to change the types and levels of costs to employees only
65 in accordance with this subsection. Any assessments or changes
66 in costs imposed pursuant to this subsection shall be
67 implemented by legislative rule proposed by the director for
68 promulgation pursuant to the provisions of article three, chapter
69 twenty-nine-a of this code. Any employee assessments or costs
70 previously authorized by the Finance Board shall then remain
71 in effect until amended by rule of the director promulgated
72 pursuant to this subsection.

NOTE: The purpose of this bill is to change the membership of the PEIA Financial Board by changing the number of citizen members from four to three, and requiring the position of the former citizen member be taken by a person who is an interested person from a participating political subdivision.

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