

1 **Senate Bill No. 365**

2 (By Senators Laird, Plymale, Beach and Miller)

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4 [Introduced January 20, 2012; referred to the Committee on
5 Banking and Insurance; and then to the Committee on Government
6 Organization.]
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11 A BILL to amend and reenact §5-16-4 of the Code of West Virginia,
12 1931, as amended, relating to the Public Employees Insurance
13 Agency Finance Board; increasing the membership of the board;
14 and changing the composition of the board.

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

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

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

19 **§5-16-4. Public Employees Insurance Agency Finance Board**
20 **continued; qualifications, terms and removal of**
21 **members; quorum; compensation and expenses;**
22 **termination date.**

23 (a) The Public Employees Insurance Agency Finance Board is

1 continued and consists of the Secretary of the Department of
2 Administration or his or her designee and ~~eight~~ ten members
3 appointed by the Governor, with the advice and consent of the
4 Senate, for terms of four years and each may serve until his or her
5 ~~the appointment of their successors~~ successor is appointed and
6 qualified. Members may be reappointed for successive terms. No
7 more than ~~five~~ six members, including the Secretary of the
8 Department of Administration, may be of the same political party.

9 (b) (1) Of the ~~eight~~ ten members appointed by the Governor with
10 advice and consent of the Senate, one member shall represent the
11 interests of education employees, one shall represent the interests
12 of public employees, one shall represent the interests of retired
13 employees, one shall represent the interests of organized labor,
14 one shall represent the interests of a participating political
15 subdivision and ~~four~~ five shall be selected from the public at
16 large. The Governor shall appoint the member representing the
17 interests of education employees from a list of three names
18 submitted by the largest organization of education employees in
19 this state. The Governor shall appoint the member representing the
20 interests of organized labor from a list of three names submitted
21 by the state's largest organization representing labor affiliates.
22 The ~~four~~ five members appointed from the public shall each have
23 experience in the financing, development or management of employee
24 benefit programs.

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

8 (c) 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
13 board. Notice of each meeting shall be given in writing to each
14 member by the director at least three days in advance of the
15 meeting. ~~Five~~ Six members constitute a quorum. The board shall
16 pay each member the same compensation and expense reimbursement
17 that is paid to members of the Legislature for their interim duties
18 ~~as recommended by the Citizens Legislative Compensation Commission~~
19 ~~and authorized by law,~~ for each day or portion of a day engaged in
20 the discharge of official duties.

21 (d) Upon termination of the board and notwithstanding any
22 provisions in this article to the contrary, the director is
23 authorized to assess monthly employee premium contributions and to
24 change the types and levels of costs to employees only in

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

(NOTE: The purpose of this bill is to increase the number of members on the Public Employees Insurance Agency Finance Board from nine to eleven by adding one representative of a political subdivision and one additional representative of the public having experience in the financing, development or management of employee benefit programs.

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

GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 365--A BILL to amend and reenact §5-16-4 of the Code of West Virginia, 1931, as amended, relating to the Public Employees Insurance Agency Finance Board; increasing the membership of the board; and changing the composition of the board.