WEST virginia legislature

2021 regular session

Committee Substitute

for

Senate Bill 398

By Senator Maroney

[Originating in the Committee on Banking and Insurance; reported on March 9, 2021]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-29, relating to limiting employer eligibility for participation in plans by the Public Employees Insurance Agency.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-29. Limitation on PEIA participation.

Beginning July 1, 2021, notwithstanding any other provision of this article to the contrary, the director may not consider any employer eligible for participation in a plan except for the following:

(1) All mandatory participants, including the State of West Virginia, its boards, agencies, commissions, departments, institutions, or spending units.

(2) Any county board of education or public charter school established pursuant to §18- 5G-1 *et seq.* of this code, if the charter school includes in its charter contract entered into pursuant to §18-5G-7 of this code a determination to participate in the Public Employees Insurance program: *Provided*, That as it relates to eligible public charter schools, only employees directly employed by a charter school that is exempt from the payment of taxes under the United States Internal Revenue Code, Title 26 U.S.C. §501(c)(3), may participate in a plan.

(3) Any employer participating in a plan as of June 30, 2021: *Provided*, That such employer must have an agency participation agreement signed with the agency before May 1, 2021, with an effective coverage date before June 1, 2021.