

1 **H. B. 2345**

2
3 (By Delegates Manchin, Longstreth and D. Poling)
4 [Introduced January 12, 2011; referred to the
5 Committee on Political Subdivisions then Government
6 Organization.]
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10 A BILL to amend and reenact §5-16-4 of the Code of West Virginia,
11 1931, as amended, relating to replacing a citizen member with
12 a municipal or county representative on the Public Employees
13 Insurance Agency Finance Board.

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

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

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

18 **§5-16-4. Public Employees Insurance Agency Finance Board**
19 **continued; qualifications, terms and removal of**
20 **members; quorum; compensation and expenses;**
21 **termination date.**

22 (a) The Public Employees Insurance Agency Finance Board is
23 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 shall represent the interests of education
 10 employees;

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

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

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

14 (6) One shall represent the interest of a participating
 15 political subdivision; and

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

17 (b) The Governor shall appoint the member representing the
 18 interests of education employees from a list of three names
 19 submitted by the largest organization of education employees in this
 20 state.

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

24 (d) The ~~four~~ three members appointed from the public shall each

1 have experience in the financing, development or management of
2 employee benefit programs.

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

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

15 ~~(c)~~ (g) The Secretary of the Department of Administration shall
16 serve as Chair of the Finance Board, which shall meet at times and
17 places specified by the call of the chair or upon the written
18 request to the chair of at least two members. The Director of the
19 Public Employees Insurance Agency shall serve as staff to the board.
20 Notice of each meeting shall be given in writing to each member by
21 the director at least three days in advance of the meeting. Five
22 members constitute a quorum.

23 (h) The board shall pay each member the same compensation and
24 expense reimbursement that is paid to members of the Legislature for

1 their interim duties, ~~as recommended by the Citizens Legislative~~
2 ~~Compensation Commission and authorized by law,~~ for each day or
3 portion of a day engaged in the discharge of official duties.

4 ~~(d)~~ (i) Upon termination of the board and notwithstanding any
5 provisions in this article to the contrary, the director is
6 authorized to assess monthly employee premium contributions and to
7 change the types and levels of costs to employees only in accordance
8 with this subsection. Any assessments or changes in costs imposed
9 pursuant to this subsection shall be implemented by legislative rule
10 proposed by the director for promulgation pursuant to the provisions
11 of article three, chapter twenty-nine-a of this code. Any employee
12 assessments or costs previously authorized by the Finance Board
13 shall then remain in effect until amended by rule of the director
14 promulgated 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.