

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 622

BY SENATORS WALTERS, BLAIR, MULLINS, TAKUBO AND

CARMICHAEL

[Introduced February 18, 2016;

Referred to the Committee on Government Organization.]

1 A BILL to amend and reenact §5-16-4 of the Code of West Virginia, 1931, as amended, relating
 2 to the composition of the Public Employees Insurance Agency Finance Board; reducing
 3 the number of members; and changing the experience requirements for members.

Be it enacted by the Legislature of West Virginia:

1 That §5-16-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted
 2 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 Board is continued and consists of
 2 the Secretary of the Department of Administration or his or her designee and ~~ten~~ eight members
 3 appointed by the Governor, with the advice and consent of the Senate, for terms of four years
 4 and each may serve until his or her successor is appointed and qualified. Members may be
 5 reappointed for successive terms. No more than ~~six~~ five members, including the Secretary of the
 6 Department of Administration, may be of the same political party. Any member of the board in
 7 office on July 1, 2016, may continue to serve until his or her successor has been appointed and
 8 qualified. Commencing July 1, 2016, the board consists of eight members with staggered terms.

9 (b) (1) Of the ~~ten~~ eight members appointed by the Governor with advice and consent of
 10 the Senate: ~~one member shall represent the interests of education employees, one shall~~
 11 ~~represent the interests of public employees, one shall represent the interests of retired~~
 12 ~~employees, one shall represent the interests of organized labor, one shall represent the interests~~
 13 ~~of a participating political subdivision and five shall be selected from the public at large. The~~
 14 ~~Governor shall appoint the member representing the interests of education employees from a list~~
 15 ~~of three names submitted by the largest organization of education employees in this state. The~~
 16 ~~Governor shall appoint the member representing the interests of organized labor from a list of~~

17 ~~three names submitted by the state's largest organization representing labor affiliates. The five~~
18 ~~members appointed from the public shall each have experience in the financing, development or~~
19 ~~management of employee benefit programs.~~

20 (A) One member shall represent the interests of education employees. The member must
21 hold a bachelor's degree, must have obtained teacher certification, must be employed as a
22 teacher for a period of at least three years prior to his or her appointment, and must remain a
23 teacher for the duration of his or her appointment to remain eligible to serve on the board.

24 (B) One member shall represent the interests of public employees. The member must be
25 employed to perform full or part time service for wages, salary, or remuneration for a public body
26 for a period of at least three years prior to his or her appointment and must remain an employee
27 of a public body for the duration of his or her appointment to remain eligible to serve on the board.

28 (C) One member shall represent the interests of retired employees. The member must
29 meet the definitions of retired employee as defined in article sixteen, section two of this chapter.

30 (D) One member shall represent the interests of a participating political subdivision. The
31 member must have been employed by a political subdivision for a period of at least three years
32 prior to his or her appointment and must remain an employee of a political subdivision for the
33 duration of his or her appointment to remain eligible to serve on the board. The member may not
34 be an elected official.

35 (E) Four members must be selected from the public at large, meeting the following
36 requirements:

37 (i) One member selected from the public at large must generally have knowledge and
38 expertise relating to the financing, development or management of employee benefit programs;

39 (ii) One member selected from the public at large must have at least three years of
40 experience in the insurance benefits business;

41 (iii) One member selected from the public at large must be a certified public accountant
42 with at least three years of experience with financial management and employee benefits program

43 experience; and

44 (iv) One member selected from the public at large must be a health care actuary or certified
45 public accountant with at least three years of financial experience with the healthcare
46 marketplace.

47 (F) No member may be a registered lobbyist.

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

52 (c) The Secretary of the Department of Administration shall serve as chair of the finance
53 board, which shall meet at times and places specified by the call of the chair or upon the written
54 request to the chair of at least two members. The Director of the Public Employees Insurance
55 Agency shall serve as staff to the board. Notice of each meeting shall be given in writing to each
56 member by the director at least three days in advance of the meeting. ~~Six~~ five members ~~constitute~~
57 is a quorum. The board shall pay each member the same compensation and expense
58 reimbursement that is paid to members of the Legislature for their interim duties for each day or
59 portion of a day engaged in the discharge of official duties.

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

NOTE: The purpose of this bill is to change the experience requirements for members and reduce the number of members of the Public Employees Insurance Agency Finance Board.

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