

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 221

SENATORS BLAIR AND MARONEY, *original sponsors*

[Passed April 7, 2017; in effect 90 days from passage]

1 AN ACT 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 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 five members, including the Secretary of the
6 Department of Administration, may be of the same political party. Effective July 1, 2017, members
7 of the board shall satisfy the qualification requirements provided for by subsection (b) of this
8 section: *Provided*, That any member serving upon the effective date of this section who does not
9 satisfy a requirement of subsection (b) may continue to serve until his or her successor has been
10 appointed and qualified. The Governor shall make appointments necessary to satisfy the
11 requirements of subsection (b) to staggered terms as determined by the Governor.

12 (b) (1) Of the eight members appointed by the Governor with advice and consent of the
13 Senate:

14 (A) One member shall represent the interests of education employees. The member must
15 hold a bachelor's degree, must have obtained teacher certification, must be employed as a

16 teacher for a period of at least three years prior to his or her appointment and must remain a
17 teacher for the duration of his or her appointment to remain eligible to serve on the board.

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

22 (C) One member shall represent the interests of retired employees. The member must
23 meet the definition of retired employee as provided in section two of this article.

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

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

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

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

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

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

41 (2) No member of the board may be a registered lobbyist.

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

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

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2017.

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Governor