

# **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]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §5-16-29, relating to limiting employer eligibility for participation in plans by the  
3 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.**

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

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

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

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