WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2044

By Delegate Burkhammer

[Introduced February 12, 2025; referred

to the Committee on Finance]

1 A BILL to amend and reenact §5-16-29 of the Code of West Virginia, 1931, as amended, relating to

2 providing employers that withdraw from participation in a plan a five-year grace period

3 within which to rejoin.

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 Notwithstanding any other provision of this article to the contrary, the director may not

2 consider any employer eligible for participation in a plan except for the following:

3 (1) All mandatory participants, including the State of West Virginia, its boards, agencies,

4 commissions, departments, institutions, or spending units.

5 (2) Any county board of education or public charter school established pursuant to §18-

6 5G-1 *et seq*. of this code, if the charter school includes in its charter contract entered into pursuant

7 to §18-5G-7 of this code a determination to participate in the Public Employees Insurance

8 program: *Provided,* That as it relates to eligible public charter schools, only employees directly

9 employed by a charter school that is exempt from the payment of taxes under the United States

10 Internal Revenue Code, Title 26 U.S.C. § 501(c)(3), may participate in a plan.

11 (3) Any employer participating in a plan as of the effective date of the enactment of this

12 section in the regular session of the Legislature, 2021: *Provided*, That if an employer participating

13 in a plan as of July 1, 2025, withdraws from the plan, said employer shall be eligible for

14 participation in a plan within five (5) years from the date of withdrawal.

NOTE: The purpose of this bill relates to providing employers that withdraw from participation in a PEIA plan a five-year grace period within which to rejoin.

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