

ENROLLED

Senate Bill No. 365

(BY SENATORS LAIRD, PLYMALE, BEACH AND MILLER)

[Passed March 6, 2012; to take effect July 1, 2012.]

AN ACT to amend and reenact §5-16-4 of the Code of West Virginia, 1931, as amended, relating to the Public Employees Insurance Agency Finance Board; increasing the membership of the board; and changing the composition of the board.

Be it enacted by the Legislature of West Virginia:

That §5-16-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted 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
2 Board is continued and consists of the Secretary of the
3 Department of Administration or his or her designee and ten
4 members appointed by the Governor, with the advice and
5 consent of the Senate, for terms of four years and each may
6 serve until his or her successor is appointed and qualified.
7 Members may be reappointed for successive terms. No more
8 than six members, including the Secretary of the Department
9 of Administration, may be of the same political party.

10 (b)(1) Of the ten members appointed by the Governor
11 with advice and consent of the Senate, one member shall
12 represent the interests of education employees, one shall
13 represent the interests of public employees, one shall
14 represent the interests of retired employees, one shall
15 represent the interests of organized labor, one shall represent
16 the interests of a participating political subdivision and five
17 shall be selected from the public at large. The Governor shall
18 appoint the member representing the interests of education
19 employees from a list of three names submitted by the largest
20 organization of education employees in this state. The
21 Governor shall appoint the member representing the inter-
22 ests of organized labor from a list of three names submitted
23 by the state's largest organization representing labor
24 affiliates. The five members appointed from the public shall
25 each have experience in the financing, development or
26 management of employee benefit programs.

27 (2) All appointments shall be selected to represent the
28 different geographical areas within the state and all mem-
29 bers shall be residents of West Virginia. No member may be
30 removed from office by the Governor except for official
31 misconduct, incompetence, neglect of duty, neglect of
32 fiduciary duty or other specific responsibility imposed by
33 this article or gross immorality.

34 (c) The Secretary of the Department of Administration
35 shall serve as chair of the finance board, which shall meet at
36 times and places specified by the call of the chair or upon the
37 written request to the chair of at least two members. The
38 Director of the Public Employees Insurance Agency shall
39 serve as staff to the board. Notice of each meeting shall be
40 given in writing to each member by the director at least
41 three days in advance of the meeting. Six members constitute
42 a quorum. The board shall pay each member the same
43 compensation and expense reimbursement that is paid to
44 members of the Legislature for their interim duties for each
45 day or portion of a day engaged in the discharge of official
46 duties.

47 (d) Upon termination of the board and notwithstanding
48 any provisions in this article to the contrary, the director is

49 authorized to assess monthly employee premium contribu-
50 tions and to change the types and levels of costs to employees
51 only in accordance with this subsection. Any assessments or
52 changes in costs imposed pursuant to this subsection shall be
53 implemented by legislative rule proposed by the director for
54 promulgation pursuant to the provisions of article three,
55 chapter twenty-nine-a of this code. Any employee assess-
56 ments or costs previously authorized by the finance board
57 shall then remain in effect until amended by rule of the
58 director 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.

To take effect July 1, 2012.

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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

The within this the
Day of, 2012.

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Governor