

Senate Bill No. 365

(By Senators Laird, Plymale, Beach and Miller)

[Introduced January 20, 2012; referred to
the Committee on Banking and Insurance; and then to
the Committee on Government Organization.]

A BILL 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; 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

4 ~~eight~~ ten members appointed by the Governor, with the
5 advice and consent of the Senate, for terms of four years and
6 ~~each may serve until his or her the appointment of their~~
7 ~~successors~~ successor is appointed and qualified. Members
8 may be reappointed for successive terms. No more than ~~five~~
9 six members, including the Secretary of the Department of
10 Administration, may be of the same political party.

11 (b)(1) Of the ~~eight~~ ten members appointed by the Gover-
12 nor ~~with advice and consent of the Senate,~~ one member shall
13 represent the interests of education employees, one shall
14 represent the interests of public employees, one shall
15 represent the interests of retired employees, one shall
16 represent the interests of organized labor, one shall represent
17 the interests of a participating political subdivision and ~~four~~
18 five shall be selected from the public at large. The Governor
19 shall appoint the member representing the interests of
20 education employees from a list of three names submitted by
21 the largest organization of education employees in this state.
22 The Governor shall appoint the member representing the
23 interests of organized labor from a list of three names
24 submitted by the state's largest organization representing
25 labor affiliates. The ~~four~~ five members appointed from the
26 public shall each have experience in the financing, develop-
27 ment or management of employee benefit programs.

28 (2) All appointments shall be selected to represent the
29 different geographical areas within the state and all mem-

30 bers shall be residents of West Virginia. No member may be
31 removed from office by the Governor except for official
32 misconduct, incompetence, neglect of duty, neglect of
33 fiduciary duty or other specific responsibility imposed by
34 this article or gross immorality.

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

49 (d) Upon termination of the board and notwithstanding
50 any provisions in this article to the contrary, the director is
51 authorized to assess monthly employee premium contribu-
52 tions and to change the types and levels of costs to employees
53 only in accordance with this subsection. Any assessments or
54 changes in costs imposed pursuant to this subsection shall be
55 implemented by legislative rule proposed by the director for

56 promulgation pursuant to the provisions of article three,
57 chapter twenty-nine-a of this code. Any employee assess-
58 ments or costs previously authorized by the finance board
59 shall then remain in effect until amended by rule of the
60 director promulgated pursuant to this subsection.

(NOTE: The purpose of this bill is to increase the number of members on the Public Employees Insurance Agency Finance Board from nine to eleven by adding one representative of a political subdivision and one additional representative of the public having experience in the financing, development or management of employee benefit programs.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)

GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 365—A BILL 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.