

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

ENROLLED

House Bill 3139

BY DELEGATES CRISS, ELLINGTON, HARTMAN, BATES AND

BARRETT

[Passed March 9, 2019; in effect from passage.]

1 AN ACT to amend and reenact §5-16-25 of the Code of West Virginia, 1931, as amended; and to
2 amend said code by adding thereto a new section, designated §11B-2-15a, all relating
3 generally to funding of Public Employees Health Insurance Program; requiring the finance
4 board to maintain a reserve fund at actuarially recommended amounts of at least 10 percent
5 of plan costs; removing requirement to transfer moneys resulting from plan savings into
6 reserve fund; removing requirement that excess funds be transferred to West Virginia
7 Retiree Health Benefit Trust Fund; establishing PEIA Rainy Day Fund as special,
8 nonexpiring, interest-bearing revenue account in the State Treasury; providing funding for
9 the Fund from appropriations, investment income and other sources; providing for the
10 administration of the fund, including investment of funds, transfer of funds, and purposes
11 for which the fund can be used; and authorizing the promulgation of emergency and
12 legislative rules.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE
GOVERNOR, SECRETARY OF STATE, AND ATTORNEY GENERAL;
BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,
COMMISSIONS, OFFICES, PROGRAMS, ETC.**

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-25. Reserve fund.

1 Upon the effective date of this section, the finance board shall establish and maintain a
2 reserve fund for the purposes of offsetting unanticipated claim losses in any fiscal year. Beginning
3 with the fiscal year 2002 plan and for each succeeding fiscal year plan, the finance board shall
4 maintain the actuarially recommended reserve in an amount no less than 10 percent of the
5 projected total plan costs for that fiscal year in the reserve fund, which is to be certified by the

6 actuary and included in the final, approved financial plan submitted to the Governor and
7 Legislature in accordance with the provisions of this article.

CHAPTER 11B. DEPARTMENT OF REVENUE.

ARTICLE 2. STATE BUDGET OFFICE.

§11B-2-15a. PEIA Rainy Day Fund.

1 (a) There is hereby created in the State Treasury a special account, designated the PEIA
2 Rainy Day Fund, which is an interest-bearing account administered by the Secretary of Revenue
3 in accordance with the provisions of this section.

4 (b) The PEIA Rainy Day Fund may consist of moneys appropriated by the Legislature,
5 income from investment of moneys held in the special revenue account, and all other sums
6 available for deposit to the account, public or private. Any balance remaining in the special
7 revenue account at the end of the fiscal year does not revert to the General Revenue Fund but
8 remains in the special revenue account and may be used in a manner consistent with this article.

9 (c) The Secretary of Revenue, upon the written approval of the Governor, may transfer
10 moneys from the PEIA Rainy Day Fund to the Public Employees Insurance Agency only to (1)
11 reduce or prevent benefit cuts, (2) reduce premium increases, or (3) any combination thereof. The
12 amount of moneys transferred may be included in the calculation of any plan year aggregate
13 premium cost-sharing percentages between employers and employees.

14 (d) The Secretary of Revenue may contract with the West Virginia Investment
15 Management Board, or the West Virginia Board of Treasury Investments, for any services with
16 respect to fund investments which the secretary considers necessary.

17 (e) The Secretary of Revenue may promulgate legislative rules, and emergency rules as
18 provided in §29A-3-15 of this code, as the secretary considers necessary to implement and
19 administer the provisions of this section.

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

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2019.

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Governor