

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 398

BY SENATOR MARONEY

[Passed April 10, 2021; in effect from passage]

1 AN ACT 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 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.

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.

In effect from passage.

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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

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Day of, 2021.

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Governor