

# WEST VIRGINIA LEGISLATURE

## 2021 REGULAR SESSION

Introduced

### House Bill 2153

FISCAL  
NOTE

BY DELEGATES HOWELL, HANNA, AND MARTIN

[Introduced February 10, 2021; Referred to the  
Committee on Banking and Insurance then the  
Judiciary]

1 A BILL to amend and reenact §5-16-23 of the Code of West Virginia, 1931, as amended, relating  
2 to permitting former members of the Legislature to remain eligible for insurance plans  
3 offered to state officers or employees; providing for certain conditions to remain eligible;  
4 and providing that the former member's continued participation in the insurance plans  
5 offered to state officers and employees does not require the state to bear, absorb or  
6 otherwise raise costs associated with a former member's continued participation.

*Be it enacted by the Legislature of West Virginia:*

#### **ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.**

**§5-16-23. Members of Legislature may be covered, if cost of the entire coverage is paid by such members.**

1 (a) Notwithstanding the definition of the term "employee" contained in section two of this  
2 article and notwithstanding any other provision of this article to the contrary, members of the  
3 Legislature may participate in and be covered by any insurance plan or plans authorized  
4 hereunder for state officers and employees, except that all members of the Legislature who elect  
5 to participate in or to be covered by any such plan or plans shall pay their proportionate individual  
6 share of the full cost for all group coverage on themselves and their spouses and dependents, so  
7 that there will be no cost to the state for the coverage of any such members, spouses and  
8 dependents.

9 (b) Any member of the Legislature may remain eligible for any insurance plan or plans  
10 authorized for state officers or employees after the member separates or is otherwise no longer  
11 a member of the Legislature so long as: (1) Beginning on January 1, 2021, and continuing  
12 thereafter, the former member was currently enrolled in an insurance plan or plans authorized for  
13 state officers or employees on the date of separation; and (2) the former member shall continue  
14 to pay his or her proportionate individual share of the full cost for all group coverage on themselves  
15 and their spouses and dependents so that there will be no cost to the state for the coverage of  
16 any such former members, their spouses and dependents.

NOTE: The purpose of this bill is to permit legislative members to retain eligibility for state insurance plans after leaving the Legislature so long as the former member pays his or her share of the full cost and no burden is placed on the state to absorb costs.

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