

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 205

BY SENATORS MARONEY, STOLLINGS, LINDSAY, NELSON,

JEFFRIES, AND PLYMALE

[Passed March 11, 2022; in effect 90 days from passage]

1 AN ACT to amend and reenact §5-16-4 of the Code of West Virginia, 1931, as amended, relating
2 to the expansion of membership of the Public Employees Insurance Agency Finance
3 Board; increasing number of appointed members on board; designating interests to be
4 represented by additional appointed members of board; and making technical changes
5 throughout.

Be it enacted by the Legislature of West Virginia:

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 Board is continued and consists of
2 the Secretary of the Department of Administration or his or her designee, as a voting member,
3 and 10 members appointed by the Governor, with the advice and consent of the Senate, for terms
4 of four years and each may serve until his or her successor is appointed and qualified. Members
5 may be reappointed for successive terms. No more than six members, including the Secretary of
6 the Department of Administration, may be of the same political party. Effective July 1, 2017,
7 members of the board shall satisfy the qualification requirements provided for by subsection (b)
8 of this section: *Provided*, That any member serving upon the effective date of this section who
9 does not satisfy a requirement of subsection (b) of this section may continue to serve until his or
10 her successor has been appointed and qualified. The Governor shall make appointments
11 necessary to satisfy the requirements of subsection (b) of this section to staggered terms as
12 determined by the Governor.

13 (b) (1) Of the 10 members appointed by the Governor with advice and consent of the
14 Senate:

15 (A) One member shall represent the interests of education employees. The member shall
16 hold a bachelor's degree, shall have obtained teacher certification, shall be employed as a teacher

17 for a period of at least three years prior to his or her appointment, and shall remain a teacher for
18 the duration of his or her appointment to remain eligible to serve on the board.

19 (B) One member shall represent the interests of public employees. The member shall be
20 employed to perform full- or part-time service for wages, salary, or remuneration for a public body
21 for a period of at least three years prior to his or her appointment and shall remain an employee
22 of a public body for the duration of his or her appointment to remain eligible to serve on the board.

23 (C) One member shall represent the interests of retired employees. The member shall
24 meet the definition of retired employee as provided in §5-16-2 of this code.

25 (D) One member shall represent the interests of a participating political subdivision. The
26 member shall have been employed by a political subdivision for a period of at least three years
27 prior to his or her appointment and shall remain an employee of a political subdivision for the
28 duration of his or her appointment to remain eligible to serve on the board. The member may not
29 be an elected official.

30 (E) One member shall represent the interests of hospitals. The member shall have been
31 employed by a hospital for a period of at least three years prior to his or her appointment and shall
32 remain an employee of a hospital for the duration of his or her appointment to remain eligible to
33 serve on the board.

34 (F) One member shall represent the interests of non-hospital health care providers. The
35 member shall have owned his or her non-hospital health care provider business for a period of at
36 least three years prior to his or her appointment and shall maintain ownership of his or her non-
37 hospital health care provider business for the duration of his or her appointment to remain eligible
38 to serve on the board.

39 (G) Four members shall be selected from the public at large, meeting the following
40 requirements:

41 (i) One member selected from the public at large shall generally have knowledge and
42 expertise relating to the financing, development, or management of employee benefit programs;

43 (ii) One member selected from the public at large shall have at least three years of
44 experience in the insurance benefits business;

45 (iii) One member selected from the public at large shall be a certified public accountant
46 with at least three years of experience with financial management and employee benefits program
47 experience; and

48 (iv) One member selected from the public at large shall be a health care actuary or certified
49 public accountant with at least three years of financial experience with the health care
50 marketplace.

51 (2) No member of the board may be a registered lobbyist.

52 (3) All appointments shall be selected to represent the different geographical areas within
53 the state and all members shall be residents of West Virginia. No member may be removed from
54 office by the Governor except for official misconduct, incompetence, neglect of duty, neglect of
55 fiduciary duty, or other specific responsibility imposed by this article or gross immorality.

56 (c) The Secretary of the Department of Administration shall serve as chair of the finance
57 board, which shall meet at times and places specified by the call of the chair or upon the written
58 request to the chair by at least two members. The Director of the Public Employees Insurance
59 Agency shall serve as staff to the board. Notice of each meeting shall be given in writing to each
60 member by the director at least three days in advance of the meeting. Six members shall
61 constitute a quorum. The board shall pay each member the same compensation and expense
62 reimbursement that is paid to members of the Legislature for their interim duties for each day or
63 portion of a day engaged in the discharge of official duties.

64 (d) Upon termination of the board and notwithstanding any provisions of this article to the
65 contrary, the director is authorized to assess monthly employee premium contributions and to
66 change the types and levels of costs to employees only in accordance with this subsection. Any
67 assessments or changes in costs imposed pursuant to this subsection shall be implemented by
68 legislative rule proposed by the director for promulgation pursuant to §29A-3-1 *et seq.* of this

69 code. Any employee assessments or costs previously authorized by the finance board shall then
70 remain in effect until amended by rule of the 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.

In effect 90 days 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

The within this the.....
Day of, 2022.

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Governor