

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 205**

BY SENATORS MARONEY, STOLLINGS, LINDSAY, AND

PLYMALE

[Originating in the Committee on Government

Organization; reported on February 25, 2022]



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

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

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

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

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

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

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

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

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

41 ~~(E)~~(G) Four members ~~must~~ shall be selected from the public at large, meeting the following  
42 requirements:

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

46 (ii) One member selected from the public at large ~~must~~ shall have at least three years of  
47 experience in the insurance benefits business;

48 (iii) One member selected from the public at large ~~must~~ shall be a certified public  
49 accountant with at least three years of experience with financial management and employee  
50 benefits program experience; and

51 (iv) One member selected from the public at large ~~must~~ shall be a health care actuary or  
52 certified public accountant with at least three years of financial experience with the health care  
53 marketplace.

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

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

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

67 (d) Upon termination of the board and notwithstanding any provisions ~~in~~ of this article to  
68 the contrary, the director is authorized to assess monthly employee premium contributions and to

69 change the types and levels of costs to employees only in accordance with this subsection. Any  
70 assessments or changes in costs imposed pursuant to this subsection shall be implemented by  
71 legislative rule proposed by the director for promulgation pursuant to ~~the provisions of §29A-3-1~~  
72 *et seq.* of this code. Any employee assessments or costs previously authorized by the finance  
73 board shall then remain in effect until amended by rule of the director promulgated pursuant to  
74 this subsection.