

ENROLLED

H. B. 2345

(By Delegates Manchin, Longstreth and D. Poling)

[Passed March 11, 2011; in effect ninety days from passage.]

AN ACT to amend and reenact §5-16-4 of the Code of West Virginia, 1931, as amended, relating to increasing the board membership of the Public Employees Insurance Agency Finance Board.

Be it enacted by the Legislature of West Virginia:

That §5-16-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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.

(a) The Public Employees Insurance Agency Finance Board is continued and consists of the following members, effective July 1, 2012:

(1) The Secretary of the Department of Administration or his or her designee;

(2) One member shall represent the interests of education employees;

(3) One shall represent the interests of public employees;

(4) One shall represent the interests of retired employees;

(5) One shall represent the interests of organized labor;

(6) One shall represent the interest of a participating political subdivision; and

(7) Five shall be selected from the public at large.

(b) The Governor shall appoint the member representing the interests of education employees from a list of three names submitted by the largest organization of education employees in this state.

(c) The Governor shall appoint the member representing the interests of organized labor from a list of three names submitted by the state's largest organization representing labor affiliates.

(d) The three members appointed from the public shall each have experience in the financing, development or management of employee benefit programs.

(e) The members shall be appointed by the Governor, with the advice and consent of the Senate, for terms of four years and members may serve until the successors are appointed and qualified. Members may be reappointed for successive terms. No more than five members, including the Secretary of the Department of Administration, may be of the same political party.

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

(g) The Secretary of the Department of Administration shall serve as Chair of the Finance Board, which shall meet at times and places specified by the call of the chair or upon the written request to the chair of at least two members. The Director of the Public Employees Insurance Agency shall serve as staff to the board. Notice of each meeting shall be given in writing to each member by the director at least three days in advance of the meeting. Five members constitute a quorum.

(h) The board shall pay each member the same compensation and expense reimbursement that is paid to members of the Legislature for their interim duties, for each day or portion of a day engaged in the discharge of official duties.

(i) Upon termination of the board and notwithstanding any provisions in this article to the contrary, the director is authorized to assess monthly employee premium contributions and to change the types and levels of costs to employees only in accordance with this subsection. Any assessments or changes in costs imposed pursuant to this subsection shall be implemented by

legislative rule proposed by the director for promulgation pursuant to the provisions of article three, chapter twenty-nine-a of this code. Any employee assessments or costs previously authorized by the Finance Board shall then remain in effect until amended by rule of the director promulgated pursuant to this subsection.