

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



ENROLLED

House Bill No. 4694

(By Delegates Michael, Doyle, Campbell,
Border, Leach, Kelley and Laird)



Passed March 14, 1998

In Effect Ninety Days from Passage



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H. B. 4694

(BY DELEGATES MICHAEL, DOYLE, CAMPBELL,
BORDER, LEACH, KELLEY AND LAIRD)

[Passed March 14, 1998; in effect ninety days from passage.]

AN ACT to amend and reenact section eighteen, article sixteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to public employees insurance program funds and authorizing receipt and retainment of interest on those funds.

Be it enacted by the Legislature of West Virginia:

That section eighteen, article sixteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-18. Payment of costs by employer; schedule of insurance; special funds created; duties of treasurer with respect thereto.

- 1 (a) All employers operating from state general
- 2 revenue or special revenue funds or federal funds or any
- 3 combination of those funds shall budget the cost of
- 4 insurance coverage provided by the public employees
- 5 insurance agency to current and retired employees of the
- 6 employer as a separate line item, titled "PEIA", in its

7 respective annual budget and are responsible for the
8 transfer of funds to the director for the cost of insurance
9 for employees covered by the plan. Each spending unit
10 shall pay to the director its proportionate share from each
11 source of funds. Any agency wishing to charge general
12 revenue funds for insurance benefits for retirees under
13 section thirteen of this article shall provide documentation
14 to the director that the benefits cannot be paid for by any
15 special revenue account or that the retiring employee has
16 been paid solely with general revenue funds for twelve
17 months prior to retirement.

18 (b) If the general revenue appropriation for any
19 employer, excluding county boards of education is
20 insufficient to cover the cost of insurance coverage for the
21 employer's participating employees, retired employees
22 and surviving dependents, the employer shall pay the
23 remainder of the cost from its "personal services" or
24 "unclassified" line items. The amount of the payments
25 for county boards of education shall be determined by the
26 method set forth in section twenty-four, article nine-a,
27 chapter eighteen of this code: *Provided*, That local excess
28 levy funds shall be used only for the purposes for which
29 they were raised: *Provided, however*, That after approval
30 of its annual financial plan, but in no event later than the
31 thirty-first day of December of each year, the finance
32 board shall notify the Legislature and county boards of
33 education of the maximum amount of employer
34 premiums that the county boards of education shall pay
35 for covered employees during the following fiscal year.

36 (c) All other employers not operating from the state
37 general revenue fund shall pay to the director their share
38 of premium costs from their respective budgets. The
39 finance board shall establish the employers' share of
40 premium costs to reflect and pay the actual costs of the
41 coverage including incurred but not reported claims.

42 (d) The contribution of the other employers (namely:
43 A county, city or town) in the state; any separate
44 corporation or instrumentality established by one or more
45 counties, cities or towns, as permitted by law; any
46 corporation or instrumentality supported in most part by

47 counties, cities or towns; any public corporation charged
48 by law with the performance of a governmental function
49 and whose jurisdiction is coextensive with one or more
50 counties, cities or towns; any comprehensive community
51 mental health center or comprehensive mental retardation
52 facility established, operated or licensed by the secretary
53 of health and human resources pursuant to section one,
54 article two-a, chapter twenty-seven of this code, and which
55 is supported in part by state, county or municipal funds;
56 and a combined city-county health department created
57 pursuant to article two, chapter sixteen of this code for
58 their employees shall be the percentage of the cost of the
59 employees' insurance package as the employers
60 determine reasonable and proper under their own
61 particular circumstances.

62 (e) The employee's proportionate share of the
63 premium or cost shall be withheld or deducted by the
64 employer from the employee's salary or wages as and
65 when paid and the sums shall be forwarded to the director
66 with any supporting data as the director may require.

67 (f) All moneys received by the public employees
68 insurance agency shall be deposited in a special fund or
69 funds as are necessary in the state treasury and the
70 treasurer of the state is custodian of the fund or funds and
71 shall administer the fund or funds in accordance with the
72 provisions of this article or as the director may from time
73 to time direct. The treasurer shall pay all warrants issued
74 by the state auditor against the fund or funds as the
75 director may direct in accordance with the provisions of
76 this article. All funds received by the agency, including,
77 but not limited to, basic insurance premiums,
78 administrative expenses and optional life insurance
79 premiums, shall be deposited in the West Virginia
80 consolidated investment pool with the West Virginia
81 investment management board, with the interest income a
82 proper credit to all such funds.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

The within approved this the 24
day of April, 1998.

[Signature]
Governor

PRESENTED TO THE

GOVERNOR

Date 4/6/98

Time 10:15pm