House Bill No. 4694

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

Passed March 14, 1998

In Effect Ninety Days from Passage
ENROLLED

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 revenue or special revenue funds or federal funds or any combination of those funds shall budget the cost of insurance coverage provided by the public employees insurance agency to current and retired employees of the employer as a separate line item, titled “PEIA”, in its
respective annual budget and are responsible for the
transfer of funds to the director for the cost of insurance
for employees covered by the plan. Each spending unit
shall pay to the director its proportionate share from each
source of funds. Any agency wishing to charge general
revenue funds for insurance benefits for retirees under
section thirteen of this article shall provide documentation
to the director that the benefits cannot be paid for by any
special revenue account or that the retiring employee has
been paid solely with general revenue funds for twelve
months prior to retirement.

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

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

(d) The contribution of the other employers (namely:
A county, city or town) in the state; any separate
corporation or instrumentality established by one or more
counties, cities or towns, as permitted by law; any
corporation or instrumentality supported in most part by
counties, cities or towns; any public corporation charged
by law with the performance of a governmental function
and whose jurisdiction is coextensive with one or more
counties, cities or towns; any comprehensive community
mental health center or comprehensive mental retardation
facility established, operated or licensed by the secretary
of health and human resources pursuant to section one,
article two-a, chapter twenty-seven of this code, and which
is supported in part by state, county or municipal funds;
and a combined city-county health department created
pursuant to article two, chapter sixteen of this code for
their employees shall be the percentage of the cost of the
employees' insurance package as the employers
determine reasonable and proper under their own
particular circumstances.

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

(f) All moneys received by the public employees
insurance agency shall be deposited in a special fund or
funds as are necessary in the state treasury and the
treasurer of the state is custodian of the fund or funds and
shall administer the fund or funds in accordance with the
provisions of this article or as the director may from time
to time direct. The treasurer shall pay all warrants issued
by the state auditor against the fund or funds as the
director may direct in accordance with the provisions of
this article. All funds received by the agency, including,
but not limited to, basic insurance premiums,
administrative expenses and optional life insurance
premiums, shall be deposited in the West Virginia
consolidated investment pool with the West Virginia
investment management board, with the interest income a
proper credit to all such funds.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

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

Governor