WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2004

ENROLLED

House Bill No. 4531
(By Delegates Beane, Ennis, Manuel and Yeager)

Passed March 12, 2004

In Effect Ninety Days from Passage
AN ACT to amend and reenact §5-16-4 of the code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5-16-4a, all relating to continuation 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; and that said code be amended by adding thereto a new section, designated §5-16-4a, all 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.

(a) There is hereby continued the public employees insurance agency finance board, which consists of the director and six members appointed by the governor with the advice and consent of the Senate for terms of four years and until the
appointment of their successors: Provided, That of the two members added to the board by the amendment of this section, enacted during the regular legislative session, one thousand nine hundred ninety-nine, the at-large member shall be appointed for an initial term of two years and the member representing organized labor shall be appointed for a term of four years. Members may be reappointed for successive terms. No more than four members (including the director) may be of the same political party.

(b) Of the six members appointed by the governor, one member shall represent the interests of education employees, one shall represent the interests of public employees, one shall represent the interests of organized labor and three shall be selected from the public at large. 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. 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. The three members appointed from the public shall each have experience in the financing, development or management of employee benefit programs. All new appointments made after the first day of July, one thousand nine hundred ninety-four, 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.

(c) The director shall serve as chairperson of the finance board, which shall meet at times and places specified by the call of the director or upon the written request to the director of at least two members. Notice of each meeting shall be given in
writing to each member by the director at least three days in advance of the meeting. Four members constitutes a quorum. The board shall pay each member the same compensation and expense reimbursement as is paid to members of the Legislature for their interim duties, as recommended by the citizens legislative compensation commission and authorized by law for each day or portion of a day engaged in the discharge of official duties.

(d) 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.

§5-16-4a. Continuation of the public employees insurance agency finance board.

The public employees insurance agency finance board shall continue to exist, pursuant to the provisions of article ten, chapter four of this code, until the first day of July, two thousand five, unless sooner terminated, continued or reestablished pursuant to the provisions of that article.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In 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 is approved this the ___th day of April, 2004.

Governor