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2005 APR 18 P 5:46

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2005



# ENROLLED

## House Bill No. 3106

(By Delegates Michael, Stalnaker, Thompson, G. White,  
H. K. White, Border, Wakim, Hall, Anderson, Cann, Susman)



Passed April 5, 2005

In Effect Ninety Days from Passage

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### H. B. 3106

(BY DELEGATES MICHAEL, STALNAKER, THOMPSON, G. WHITE,  
H. K. WHITE, BORDER, WAKIM, HALL, ANDERSON, CANN, SUSMAN)

[Passed April 5, 2005; in effect ninety days from passage.]

AN ACT to amend and reenact §5-16-18 of the Code of West Virginia, 1931, as amended, relating to the ability of the Public Employees Insurance Agency to participate in the investment pools of the Investment Management Board.

*Be it enacted by the Legislature of West Virginia:*

That §5-16-18 of the Code of West Virginia, 1931, as amended, be amended 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
- 2 special revenue funds or federal funds or any combination of
- 3 those funds shall budget the cost of insurance coverage pro-

4 vided by the Public Employees Insurance Agency to current and  
5 retired employees of the employer as a separate line item, titled  
6 “PEIA”, in its respective annual budget and are responsible for  
7 the transfer of funds to the director for the cost of insurance for  
8 employees covered by the plan. Each spending unit shall pay to  
9 the director its proportionate share from each source of funds.  
10 Any agency wishing to charge general revenue funds for  
11 insurance benefits for retirees under section thirteen of this  
12 article shall provide documentation to the director that the  
13 benefits cannot be paid for by any special revenue account or  
14 that the retiring employee has been paid solely with general  
15 revenue funds for twelve months prior to retirement.

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

33 (c) All other employers not operating from the state general  
34 revenue fund shall pay to the director their share of premium  
35 costs from their respective budgets. The finance board shall  
36 establish the employers’ share of premium costs to reflect and

37 pay the actual costs of the coverage including incurred but not  
38 reported claims.

39 (d) The contribution of the other employers (namely: A  
40 county, city or town) in the state; any separate corporation or  
41 instrumentality established by one or more counties, cities or  
42 towns, as permitted by law; any corporation or instrumentality  
43 supported in most part by counties, cities or towns; any public  
44 corporation charged by law with the performance of a govern-  
45 mental function and whose jurisdiction is coextensive with one  
46 or more counties, cities or towns; any comprehensive commu-  
47 nity mental health center or comprehensive mental retardation  
48 facility established, operated or licensed by the Secretary of  
49 Health and Human Resources pursuant to section one, article  
50 two-a, chapter twenty-seven of this code, and which is sup-  
51 ported in part by state, county or municipal funds; and a  
52 combined city-county health department created pursuant to  
53 article two, chapter sixteen of this code for their employees  
54 shall be the percentage of the cost of the employees' insurance  
55 package as the employers determine reasonable and proper  
56 under their own particular circumstances.

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

62 (f) All moneys received by the Public Employees Insurance  
63 Agency shall be deposited in a special fund or funds as are  
64 necessary in the State Treasury and the treasurer of the state is  
65 custodian of the fund or funds and shall administer the fund or  
66 funds in accordance with the provisions of this article or as the  
67 director may from time to time direct. The Treasurer shall pay  
68 all warrants issued by the state auditor against the fund or funds  
69 as the director may direct in accordance with the provisions of

70 this article. All funds received by the agency, including, but not  
71 limited to, basic insurance premiums, administrative expenses  
72 and optional life insurance premiums, shall be deposited, as  
73 determined by the director, in any of the investment pools with  
74 the West Virginia Investment Management Board, including,  
75 but not limited to, the equity and fixed income pools, with the  
76 interest income or other earnings a proper credit to all such  
77 funds for the benefit of the public employees insurance agency.

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

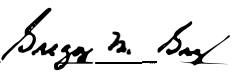
  
Chairman Senate Committee

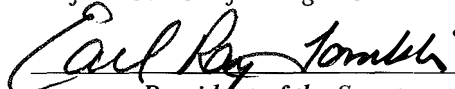
  
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

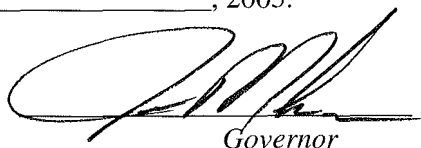
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within is approved this the 18th  
day of April, 2005.

  
Governor

PRESENTED TO THE  
GOVERNOR

Date 4/12/05

Time 3:10