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
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.

(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 pro-
vided 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 govern-
mental function and whose jurisdiction is coextensive with one
or more counties, cities or towns; any comprehensive commu-
nity 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 sup-
ported 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, as determined by the director, in any of the investment pools with the West Virginia Investment Management Board, including, but not limited to, the equity and fixed income pools, with the interest income or other earnings a proper credit to all such 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.

Randy White  
Chairman Senate Committee

D. Rubin  
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Darrell E. Hollins  
Clerk of the Senate

Clerk of the House of Delegates

Earl Ray Tomblin  
President of the Senate

Speaker of the House of Delegates

The within [signature] this the [signature] day of April, 2005.

Governor
PRESENTED TO THE GOVERNOR

Date 4/26/05
Time 3:10