WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2008

ENROLLED

House Bill No. 4670

(By Delegates White, Kominar and Iaquinta)

Passed March 8, 2008

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 authorizing the Public Employees Insurance Agency to charge interest to employers on amounts not paid timely.

Be it enacted by the Legislature of West Virginia:

That §5-16-18 of the Code of West Virginia, 1931, 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.

(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, 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.

(g) The Public Employees Insurance Agency may recover
an additional interest amount from any employer that fails to
pay in a timely manner any premium or minimum annual
employer payment, as defined in article sixteen-d of this
chapter, which is due and payable to the Public Employees
Insurance Agency or the Retiree Health Benefit Trust. The
agency may recover the amount due plus an additional
amount equal to two and one half percent per annum of the
amount due. Accrual of interest owed by the delinquent
employer commences upon the thirty-first day following the
due date for the amount owed and shall continue until receipt
by the Public Employees Insurance Agency of the delinquent
payment. Interest shall compound every thirty days.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

[Signatures]

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within bill approved this the 31st day of ___, 2008.

Governor
PRESENTED TO THE GOVERNOR

MAR 26 2008

Time 3:05 PM