

HB 4299

FILED

2010 MAR 19 PM 4: 48

OFFICE OF THE CLERK
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2010



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 4299**

(By Delegates White, Campbell, Michael and Ross)



Passed March 11, 2010

In Effect Ninety Days From Passage

E N R O L L E D

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COMMITTEE SUBSTITUTE

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H. B. 4299

(BY DELEGATES WHITE, CAMPBELL, MICHAEL AND ROSS)

[Passed March 11, 2010; in effect ninety days from passage]

AN ACT to amend and reenact §5-16-22 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Public Employees Insurance Agency; providing that retired employees who retire on or after July 1, 2010, who have participated in the plan as active employees for less than five years and who were employed by an employer that is not participating in the Public Employees Insurance Agency insurance program are responsible for the entire premium cost for coverage; providing an exception.

Be it enacted by the Legislature of West Virginia:

That §5-16-22 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.

§5-16-22. Permissive participation; exemptions.

1 The provisions of this article are not mandatory upon any
2 employee or employer who is not an employee of or is not the
3 State of West Virginia, its boards, agencies, commissions,
4 departments, institutions or spending units or a county board
5 of education, and nothing contained in this article may be
6 construed so as to compel any employee or employer to enroll
7 in or subscribe to any insurance plan authorized by the
8 provisions of this article.

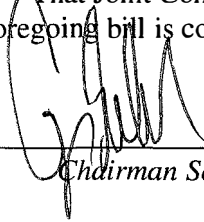
9 Those employees enrolled in the insurance program
10 authorized under the provisions of article two-b, chapter
11 twenty-one-a of this code may not be required to enroll in or
12 subscribe to an insurance plan or plans authorized by the
13 provisions of this article, and the employees of any department
14 which has an existing insurance program for its employees to
15 which the government of the United States contributes any part
16 or all of the premium or cost of the premium may be exempted
17 from the provisions of this article. Any employee or employer
18 exempted under the provisions of this paragraph may enroll in
19 any insurance program authorized by the provisions of this
20 article at any time, to the same extent as any other qualified
21 employee or employer, but employee or employer may not
22 remain enrolled in both programs. The provisions of articles
23 fourteen, fifteen and sixteen, chapter thirty-three of this code,
24 relating to group life insurance, accident and sickness
25 insurance, and group accident and sickness insurance, are not
26 applicable to the provisions of this article whenever the
27 provisions of articles fourteen, fifteen and sixteen, chapter
28 thirty-three of this code are in conflict with or contrary to any
29 provision set forth in this article or to any plan or plans
30 established by the Public Employees Insurance Agency.

31 Employers, other than the State of West Virginia, its
32 boards, agencies, commissions, departments, institutions,
33 spending units or a county board of education are exempt from
34 participating in the insurance program provided for by the

35 provisions of this article unless participation by the employer
36 has been approved by a majority vote of the employer's
37 governing body. It is the duty of the clerk or secretary of the
38 governing body of an employer who by majority vote becomes
39 a participant in the insurance program to notify the director not
40 later than ten days after the vote.

41 Any employer, whether the employer participates in the
42 Public Employees Insurance Agency insurance program as a
43 group or not, which has retired employees, their dependents or
44 surviving dependents of deceased retired employees who
45 participate in the Public Employees Insurance Agency insurance
46 program as authorized by this article, shall pay to the agency the
47 same contribution toward the cost of coverage for its retired
48 employees, their dependents or surviving dependents of
49 deceased retired employees as the State of West Virginia, its
50 boards, agencies, commissions, departments, institutions,
51 spending units or a county board of education pay for their
52 retired employees, their dependents and surviving dependents of
53 deceased retired employees, as determined by the finance board:
54 *Provided*, That after June 30, 1996, an employer not mandated
55 to participate in the plan is only required to pay a contribution
56 toward the cost of coverage for its retired employees, their
57 dependents or the surviving dependents of deceased retired
58 employees who elect coverage when the retired employee
59 participated in the plan as an active employee of the employer
60 for at least five years: *Provided, however*, That those retired
61 employees of an employer not participating in the plan who
62 retire on or after July 1, 2010, who have participated in the plan
63 as active employees of the employer for less than five years are
64 responsible for the entire premium cost for coverage and the
65 Public Employees Insurance Agency shall bill for and collect the
66 entire premium from the retired employees, unless the employer
67 elects to pay the employer share of the premium. Each
68 employer is hereby authorized and required to budget for and
69 make such payments as are required by this section.

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




Chairman Senate Committee



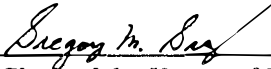
Chairman House Committee

Originating in the House.

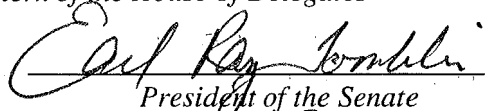
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

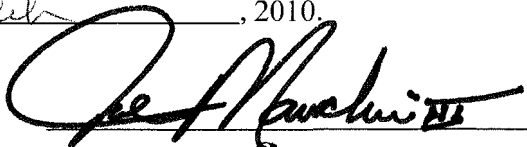


President of the Senate



Speaker of the House of Delegates

The within is appended this the 19th
day of March, 2010.



Governor

PRESENTED TO THE
GOVERNOR

MAR 19 2010

Time 10:40am