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

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

Employers, other than the State of West Virginia, its boards, agencies, commissions, departments, institutions, spending units or a county board of education are exempt from participating in the insurance program provided for by the
provisions of this article unless participation by the employer
has been approved by a majority vote of the employer's
governing body. It is the duty of the clerk or secretary of the
governing body of an employer who by majority vote becomes
a participant in the insurance program to notify the director not
later than ten days after the vote.

Any employer, whether the employer participates in the
Public Employees Insurance Agency insurance program as a
group or not, which has retired employees, their dependents or
surviving dependents of deceased retired employees who
participate in the Public Employees Insurance Agency insurance
program as authorized by this article, shall pay to the agency the
same contribution toward the cost of coverage for its retired
employees, their dependents or surviving dependents of
deceased retired employees as the State of West Virginia, its
boards, agencies, commissions, departments, institutions,
spending units or a county board of education pay for their
retired employees, their dependents and surviving dependents of
deceased retired employees, as determined by the finance board:

Provided, That after June 30, 1996, an employer not mandated
to participate in the plan is only required to pay a contribution
toward the cost of coverage for its retired employees, their
dependents or the surviving dependents of deceased retired
employees who elect coverage when the retired employee
participated in the plan as an active employee of the employer
for at least five years: Provided, however, That those retired
employees of an employer not participating in the plan who
retire on or after July 1, 2010, who have participated in the plan
as active employees of the employer for less than five years are
responsible for the entire premium cost for coverage and the
Public Employees Insurance Agency shall bill for and collect the
entire premium from the retired employees, unless the employer
elects to pay the employer share of the premium. Each
employer is hereby authorized and required to budget for and
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 approved this the 19th day of , 2010.

Governor