ENROLLED

SENATE BILL NO. 245

(BY MR....Jackson

PASSED...March 9, 1957

In Effect...Passage
ENROLLED

Senate Bill No. 245

(By Mr. Jackson, of Lincoln)

[Passed March 9, 1957; in effect from passage.]

AN ACT to amend and reenact section seven, article five, chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and that a new section be enacted and added to article eight of said chapter twenty-one-a, such new section to be designated section fifteen, all relating to separate and joint unemployment compensation accounts.

Be it enacted by the Legislature of West Virginia:

That section seven, article five, chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, and that a new section be enacted and added to article eight of said chapter twenty-
one-a, such new section to be designated section fifteen, all to read as follows:

Section 7. *Separate and Joint Accounts.*—(1) The director shall maintain a separate account for each employer, and shall credit his account with all contributions heretofore and hereafter paid by him. He shall also credit to all active employers' accounts which have a credit balance on a computation date in an amount equal to all interest credited to the West Virginia unemployment trust fund deposited with the secretary of the treasury of the United States for all periods prior to the computation date of June thirty, one thousand nine hundred fifty-three, and thereafter for the period that has intervened since the last preceding computation date. The proportionate share to be credited to each employer's account which has a credit balance on the computation date shall be at a ratio of his credit balance to the total of the credit balances of all employers: *Provided,* That any adjustment made in an employer's account after the computation date shall not be used in the computation of the credit balance of an employer until the next following com-
putation date: *Provided further*, That nothing in this chapter shall be construed to grant an employer or individual in his service prior claims or rights to the amounts paid by him into the fund, either on his own behalf or on behalf of such individuals. The account of any employer which has been inactive for a period of four consecutive calendar years shall be terminated for all purposes.

(2) Benefits paid to an eligible individual for total unemployment beginning after the effective date of this act shall be charged to the account of the last employer with whom he has had as much as three weeks of continuous employment: *Provided*, That no employer's account will be charged with benefits paid to any individual who has been separated from non-covered employment in which he was employed as much as three weeks: *And provided further*, That benefits paid to an eligible individual for partial unemployment beginning after the effective date of this act shall be charged to the account of the claimant's current employer.

(3) The director may prescribe regulations for the establishment, maintenance, and dissolution of joint ac-
counts by two or more employers, and shall, in accordance
with such regulations and upon application by two or
more employers to establish such an account, or to merge
their several individual accounts in a joint account, main-
tain such joint account as if it constituted a single em-
ployer’s account.

Article 8. Unemployment Compensation Fund

Section 15. Administrative Use of Money Credited to
Account of This State in Unemployment Trust Fund
Pursuant to Section 903 of the Social Security Act, as
amended.—(1) Money credited to the account of this
state in the unemployment trust fund by the secretary of
the treasury of the United States of America pursuant to
section nine hundred three of the Social Security Act, as
amended, may be requisitioned and used for the payment
of expenses incurred for the administration of this act
pursuant to a specific appropriation by the Legislature,
provided that the expenses are incurred and the money
is requisitioned after the enactment of an appropriation
law which:
(a) specifies the purposes for which such money is appropriated and the amounts appropriated therefor.

(b) limits the period within which such money may be expended to a period ending not more than two years after the date of the enactment of the appropriation law, and

(c) limits the amount which may be used during a twelve-month period beginning on July 1 and ending on the next June 30 to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to section nine hundred three of the Social Security Act, as amended, during the same twelve-month period and the four preceding twelve-month periods, exceeds (ii) the aggregate of the amounts used pursuant to this subsection and charged against the amounts credited to the account of this state during any of such five twelve-month periods.

For the purposes of this subsection, amounts used during any such twelve-month period shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount used
during any such twelve-month period may be charged against any amount credited during such a twelve-month period earlier than the fourth preceding such period.

(2) Money credited to the account of this state pursuant to section nine hundred three of the Social Security Act, as amended, may not be withdrawn or used except for the payment of benefits and for the payment of expenses for the administration of this act and of public employment offices pursuant to this section.

(3) Money requisitioned for the payment of expenses of administration pursuant to this section shall be deposited in the employment security administration fund, but, until expended, shall remain a part of the unemployment compensation fund. The director shall maintain a separate record of the deposit, obligation, expenditure, and return of funds so deposited. If any money so deposited is, for any reason, not to be expended for the purpose for which it was appropriated, or, if it remains unexpended at the end of the period specified by the law appropriating such money, it shall be withdrawn and returned to the secretary of the treasury of the United
States for credit to this state's account in the unemployment trust fund.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

E. V. McCourt
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

Takes effect upon passage.

Thom S. Brown
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

Ralph J. Bever
President of the Senate

[Signature]
Speaker House of Delegates

The within [approved] this the 15th day of March, 1957.

[Signature]
Governor

Filed in the Office of the Secretary of State of West Virginia, MAR 15, 1957

D. Pitt O'Brien
Secretary of State