WEST VIRGINIA LEGISLATURE
EXTRAORDINARY SESSION, 1958

ENROLLED

SENATE BILL NO. 2

(By Mr. Martin and Mr. Carrigan)

PASSED June 23, 1958

In Effect by passage
AN ACT to amend and reenact section ten-a, article five, chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter seventy-six, acts of the Legislature, regular session, one thousand nine hundred forty-three, and as last amended and re-enacted by chapter one hundred thirty-five, acts of the Legislature, regular session, one thousand nine hundred forty-nine, relating to the conditions on which the experience rate contribution formula for employers shall be modified or suspended under the unemployment compensation law.

Be it enacted by the Legislature of West Virginia:

That section ten-a, article five, chapter twenty-one-a of the
code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter seventy-six, acts of the Legislature, regular session, one thousand nine hundred forty-three, and as last amended and reenacted by chapter one hundred thirty-five, acts of the Legislature, regular session, one thousand nine hundred forty-nine, be amended and reenacted to read as follows:

Article 5. Employer Coverage and Responsibility.

Section 10-a. Modification or Suspension of Decreased Rates.—(1) As used in this section, unless the context clearly requires otherwise:

"Due date" means the last day of the month next following a calendar quarter. In determining the amount in the fund on any due date, contributions received, but not benefits paid, for such month next following the end of a calendar quarter shall be included.

(2) The director shall as of the due date for the payment of contributions for each calendar quarter determine the amount in the unemployment compensation fund, including the trust fund, the clearing account, and the benefit account; and if, at any such time or times the fund
is below the sum of sixty million dollars, the director shall, effective at the commencement of the next calendar quarter, increase each employer's rate one step, and if, at any such time or times the fund is below the sum of fifty-five million dollars, the director shall further increase each employer's rate one additional step; and if, at any such time or times the fund is below the sum of fifty million dollars, the director shall further increase each employer's rate one additional step; and if, at any such time or times the fund is below the sum of forty-five million dollars, the director shall further increase each employer's rate one additional step; and if, at any such time or times the fund is below the sum of forty million dollars, the director shall further increase each employer's rate one additional step.

Where the employer rates have been increased by virtue of the provisions of this section, they shall be correspondingly decreased in the same manner when the balance in the fund returns to the successive levels here-ina-above set forth.

For the purposes of this subsection the term "one step"
or "one additional step" shall mean two tenths of one per cent, except that for an employer whose rate is zero the term "one step" shall mean three tenths of one per cent: Provided, however, That under no circumstances shall any employer's rate be increased above the maximum rate of two and seven-tenths per cent.

(3) If, as of the due date for the payment of contributions for any calendar quarter, the unemployment compensation fund, including the trust fund, clearing account and benefit account, is below the sum of forty million dollars, the director shall, effective at the commencement of the next calendar quarter, suspend the decreased rates as provided in this chapter, and all contributions of employers due thereafter shall be paid at the rate of two and seven-tenths per cent: Provided, however, That for the period through and including the second calendar quarter of one thousand nine hundred fifty-nine such suspending of decreased rates shall not be made until the fund is below the sum of thirty-five million dollars.

(4) As of January first of the year next following the date on which the unemployment compensation fund, in-
cluding the trust fund, clearing account and benefit account, reaches and remains above the sum of forty-five million dollars, the director shall supersede the suspension of the decreased rates as provided for in subsection three:

*Provided, however, That in the event such suspending of the decreased rates was made when the fund was below thirty-five million dollars as also provided in subsection three, then such superseding of the suspension of the decreased rates shall occur when the fund reaches and remains above the sum of forty million dollars.*
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

W. C. Chilton
Chairman House Committee

Originated in the Senate.

Takes effect from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 27th day of

[Signature]
Governor