

WEST VIRGINIA LEGISLATURE

EXTRAORDINARY SESSION, 1958

---

**ENROLLED**

SENATE BILL NO. 2

(By Mr. *Martin* and Mr. *Carrigan*)

---

PASSED June 23, 1958

In Effect from Passage



**ENROLLED**

**Senate Bill No. 2**

(BY MR. MARTIN AND MR. CARRIGAN)

[Passed June 23, 1958; in effect from 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 reenacted 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*

2 *Rates.*—(1) As used in this section, unless the context  
3 clearly requires otherwise:

4 “Due date” means the last day of the month next fol-  
5 lowing a calendar quarter. In determining the amount in  
6 the fund on any due date, contributions received, but not  
7 benefits paid, for such month next following the end of  
8 a calendar quarter shall be included.

9 (2) The director shall as of the due date for the pay-  
10 ment of contributions for each calendar quarter determine  
11 the amount in the unemployment compensation fund,  
12 including the trust fund, the clearing account, and the  
13 benefit account; and if, at any such time or times the fund

14 is below the sum of sixty million dollars, the director  
15 shall, effective at the commencement of the next calendar  
16 quarter, increase each employer's rate one step, and if, at  
17 any such time or times the fund is below the sum of fifty-  
18 five million dollars, the director shall further increase  
19 each employer's rate one additional step; and if, at any  
20 such time or times the fund is below the sum of fifty  
21 million dollars, the director shall further increase each  
22 employer's rate one additional step; and if, at any such  
23 time or times the fund is below the sum of forty-five  
24 million dollars, the director shall further increase each  
25 employer's rate one additional step; and if, at any such  
26 time or times the fund is below the sum of forty million  
27 dollars, the director shall further increase each employer's  
28 rate one additional step.

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

34 For the purposes of this subsection the term "one step"

35 or "one additional step" shall mean two tenths of one  
36 per cent, except that for an employer whose rate is zero  
37 the term "one step" shall mean three tenths of one per  
38 cent: *Provided, however,* That under no circumstances  
39 shall any employer's rate be increased above the maxi-  
40 mum rate of two and seven-tenths per cent.

41 (3) If, as of the due date for the payment of contribu-  
42 tions for any calendar quarter, the unemployment com-  
43 pensation fund, including the trust fund, clearing account  
44 and benefit account, is below the sum of forty million  
45 dollars, the director shall, effective at the commencement  
46 of the next calendar quarter, suspend the decreased rates  
47 as provided in this chapter, and all contributions of em-  
48 ployers due thereafter shall be paid at the rate of two  
49 and seven-tenths per cent: *Provided, however,* That  
50 for the period through and including the second calendar  
51 quarter of one thousand nine hundred fifty-nine such  
52 suspending of decreased rates shall not be made until the  
53 fund is below the sum of thirty-five million dollars.

54 (4) As of January first of the year next following the  
55 date on which the unemployment compensation fund, in-

56 cluding the trust fund, clearing account and benefit ac-  
57 count, reaches and remains above the sum of forty-five  
58 million dollars, the director shall supersede the suspension  
59 of the decreased rates as provided for in subsection three:  
60 *Provided, however,* That in the event such suspending of  
61 the decreased rates was made when the fund was below  
62 thirty-five million dollars as also provided in subsection  
63 three, then such superseding of the suspension of the de-  
64 creased rates shall occur when the fund reaches and re-  
65 mains above the sum of forty million dollars.

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

*E. H. Court*  
Chairman Senate Committee

*W. E. Chilton*  
Chairman House Committee

Originated in the Senate.

Takes effect *from* passage.

*Howard Keyes*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Ralph Bean*  
President of the Senate

*Harry R. Bailey*  
Speaker House of Delegates

The within *approved* this the *27<sup>th</sup>*  
day of *June*, 1958.

*Geoff H. Underwood*  
Governor

