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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992



ENROLLED

Com. Sub. Ca

HOUSE BILL No. *4176*

(By ~~Delegate~~ *Mr. Speaker, Mr. Chambers,*
and Delegate Burk



Passed *March 7* 1992

In Effect *From* Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4176

(By MR. SPEAKER, MR. CHAMBERS, AND DELEGATE BURK)

[Passed March 7, 1992; in effect from passage.]

AN ACT to amend and reenact section six, article two, chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section six, article six-a of said chapter; to amend and reenact section five-a, article nine of said chapter; and to further amend said article nine by adding thereto a new section, designated section nine-a, all relating to providing a program of continuing instruction for personnel of the bureau of employment programs; permitting the governor to elect to pay certain unemployment benefits pursuant to the provisions of a certain federal act rather than through certain provisions of the state code; increasing the amount of a certain fund of money which may be expended by the commissioner of said bureau; and extending the period of time during which money appropriated out of funds made available to the state by a certain federal act may be obligated by said bureau.

Be it enacted by the Legislature of West Virginia:

That section six, article two, chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section six, article six-a of said chapter be amended and reenacted; that

section five-a, article nine of said chapter be amended and reenacted; and that said article nine of said chapter be further amended by adding thereto a new section, designated section nine-a, all to read as follows:

ARTICLE 2. THE COMMISSIONER OF THE BUREAU OF EMPLOYMENT PROGRAMS.

§21A-2-6. Powers and duties generally.

1 The commissioner shall be the executive and adminis-
2 trative head of the bureau and shall have the power and
3 duty to:

4 (1) Exercise general supervision of and make regula-
5 tions for the government of the bureau;

6 (2) Prescribe uniform rules pertaining to investiga-
7 tions, departmental hearings, and promulgate rules and
8 regulations;

9 (3) Supervise fiscal affairs and responsibilities of the
10 bureau;

11 (4) Prescribe the qualifications of, appoint, remove,
12 and fix the compensation of the officers and employees
13 of the bureau, subject to the provisions of section ten,
14 article four of this chapter, relating to the board of
15 review;

16 (5) Organize and administer the bureau so as to
17 comply with the requirements of this chapter and
18 chapter twenty-three of this code and to satisfy any
19 conditions established in applicable federal legislation;

20 (6) Make reports in such form and containing such
21 information as the United States department of labor
22 may from time to time require, and comply with such
23 provisions as the United States department of labor may
24 from time to time find necessary to assure the correct-
25 ness and verification of such reports;

26 (7) Make available to any agency of the United States
27 charged with the administration of public works or
28 assistance through public employment, upon its request,
29 the name, address, ordinary occupation and employment
30 status of each recipient of unemployment compensation,
31 and a statement of the recipient's rights to further

32 compensation under this chapter;

33 (8) Keep an accurate and complete record of all
34 bureau proceedings; record and file all bonds and
35 contracts and assume responsibility for the custody and
36 preservation of all papers and documents of the bureau;

37 (9) Sign and execute in the name of the state, by "The
38 Bureau of Employment Programs", any contract or
39 agreement with the federal government, its agencies,
40 other states, their subdivisions, or private persons;

41 (10) Prescribe a salary scale to govern compensation
42 of appointees and employees of the bureau;

43 (11) Make the original determination of right in
44 claims for benefits;

45 (12) Make recommendations and an annual report to
46 the governor concerning the condition, operation, and
47 functioning of the bureau;

48 (13) Invoke any legal or special remedy for the
49 enforcement of orders or the provisions of this chapter
50 and chapter twenty-three of this code;

51 (14) Exercise any other power necessary to standard-
52 ize administration, expedite bureau business, assure the
53 establishment of fair rules and regulations and promote
54 the efficiency of the service;

55 (15) Keep an accurate and complete record and
56 prepare a monthly report of the number of persons
57 employed and unemployed in the state, which report
58 shall be made available upon request to members of the
59 public and press; and

60 (16) Provide at bureau expense a program of contin-
61 uing professional, technical and specialized instruction
62 for the personnel of the bureau.

ARTICLE 6A. EXTENDED BENEFITS PROGRAM.

**§21A-6A-6. Beginning and termination of extended
benefit period.**

1 (1) Whenever an extended benefit period is to become
2 effective in this state, or in all states, as a result of a

3 state or a national “on” indicator, or an extended benefit
4 period is to be terminated in this state as a result of a
5 state “off” indicator or state and national “off” indica-
6 tors, the commissioner shall make an appropriate public
7 announcement.

8 (2) Computations required by the provisions of
9 subdivision (6), section one of this article shall be made
10 by the commissioner, in accordance with regulations
11 prescribed by the United States secretary of labor.

12 (3) Whenever, during a period when emergency
13 unemployment compensation benefits are being paid
14 under the provisions of the Emergency Unemployment
15 Compensation Act of 1991, as amended, or under any
16 subsequent extension or reenactment thereof, the state
17 “on” indicator as defined in subsection (3) of section one
18 of this article triggers on a period of extended benefits,
19 the governor of this state may elect to not implement
20 the state statutory provision and continue the payment
21 of benefits under the Emergency Unemployment
22 Compensation Act of 1991, as amended, to those
23 individuals who have exhausted their entitlement to
24 regular unemployment compensation under state law.

**ARTICLE 9. EMPLOYMENT SECURITY ADMINISTRATION
FUND.**

§21A-9-5a. Special administration fund.

1 There is hereby created in the state treasury a fund
2 to be known as the employment security special
3 administration fund, which shall consist of interest
4 collected on delinquent payments pursuant to section
5 seventeen, article five of this chapter. The moneys
6 deposited with this fund are hereby appropriated and
7 made available to the order of the commissioner for the
8 purpose of (a) replacements in the employment security
9 administration fund as provided in section eight of this
10 article, (b) to meet special, extraordinary, and conting-
11 ent expenses not provided for in the employment
12 security administration fund, (c) refunds pursuant to
13 section nineteen of article five, of interest erroneously
14 collected, and (d) cover expenditures for which federal
15 funds have been authorized but not yet received, subject

16 to repayment to the fund. This fund shall be adminis-
17 tered and disbursed in the same manner and under the
18 same conditions as other special funds of the state
19 treasury. Balances to the credit of the special adminis-
20 tration fund shall not lapse at any time but shall be
21 continuously available to the commissioner for expendi-
22 tures consistent with this chapter: *Provided*, That (1) not
23 more than seven hundred fifty thousand dollars shall be
24 expended from said fund in any fiscal year; (2) that at
25 the beginning of each calendar quarter the commis-
26 sioner shall estimate the amount that may be required
27 in that quarter for refunds of interest erroneously
28 collected; (3) that thereupon the excess, if any, over the
29 amounts provided to be expended under this section
30 shall be paid into the unemployment compensation trust
31 fund.

**§21A-9-9a. Reed Act appropriations — Extension of
period within which to obligate money.**

1 Notwithstanding the provision of subsection (2),
2 section nine of this article to the contrary, the period
3 during which money referred to therein may be
4 obligated for the purposes specified in said section shall
5 be extended hereby to three years from the effective
6 date of said section.

Enr. Com. Sub. for H. B. 4176] 6

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

Somer Seck

Chairman Senate Committee

Ernest C. Moore

Chairman House Committee

Originating in the House.

Takes effect from passage.

Harrell Edelman

Clerk of the Senate

Donald L. Hoop

Clerk of the House of Delegates

Paul Fardette

President of the Senate

Robert C. Coker

Speaker of the House of Delegates

The within *is approved* this the *30th*
day of *March* 1992.

Yastin Caperton

Governor

PRESENTED TO THE

GOVERNOR

Date 3/12/92

Time 2:45 pm