WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992

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Com. Sub. Ch

HOUSE BILL No. H.76

(By Delegate)

Mr. Speaker, Mr. Chamber, and Delegate Burk

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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 EM-
PLOYMENT PROGRAMS.


1. The commissioner shall be the executive and adminis-
tration head of the bureau and shall have the power and
duty to:

(1) Exercise general supervision of and make regulat-
ions for the government of the bureau;

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

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

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

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

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

(7) Make available to any agency of the United States
charged with the administration of public works or
assistance through public employment, upon its request,
the name, address, ordinary occupation and employment
status of each recipient of unemployment compensation,
and a statement of the recipient’s rights to further
compensation under this chapter;

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

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

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

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

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

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

(14) Exercise any other power necessary to standardize administration, expedite bureau business, assure the establishment of fair rules and regulations and promote the efficiency of the service;

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

(16) Provide at bureau expense a program of continuing professional, technical and specialized instruction for the personnel of the bureau.

ARTICLE 6A. EXTENDED BENEFITS PROGRAM.


(1) Whenever an extended benefit period is to become effective in this state, or in all states, as a result of a
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3 state or a national “on” indicator, or an extended benefit period is to be terminated in this state as a result of a state “off” indicator or state and national “off” indicators, the commissioner shall make an appropriate public announcement.

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

(3) Whenever, during a period when emergency unemployment compensation benefits are being paid under the provisions of the Emergency Unemployment Compensation Act of 1991, as amended, or under any subsequent extension or reenactment thereof, the state “on” indicator as defined in subsection (3) of section one of this article triggers on a period of extended benefits, the governor of this state may elect to not implement the state statutory provision and continue the payment of benefits under the Emergency Unemployment Compensation Act of 1991, as amended, to those individuals who have exhausted their entitlement to 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 to be known as the employment security special administration fund, which shall consist of interest collected on delinquent payments pursuant to section seventeen, article five of this chapter. The moneys deposited with this fund are hereby appropriated and made available to the order of the commissioner for the purpose of (a) replacements in the employment security administration fund as provided in section eight of this article, (b) to meet special, extraordinary, and contingent expenses not provided for in the employment security administration fund, (c) refunds pursuant to section nineteen of article five, of interest erroneously collected, and (d) cover expenditures for which federal funds have been authorized but not yet received, subject
to repayment to the fund. This fund shall be administered and disbursed in the same manner and under the same conditions as other special funds of the state treasury. Balances to the credit of the special administration fund shall not lapse at any time but shall be continuously available to the commissioner for expenditures consistent with this chapter: Provided, That (1) not more than seven hundred fifty thousand dollars shall be expended from said fund in any fiscal year; (2) that at the beginning of each calendar quarter the commissioner shall estimate the amount that may be required in that quarter for refunds of interest erroneously collected; (3) that thereupon the excess, if any, over the amounts provided to be expended under this section shall be paid into the unemployment compensation trust fund.

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

Notwithstanding the provision of subsection (2), section nine of this article to the contrary, the period during which money referred to therein may be obligated for the purposes specified in said section shall be extended hereby to three years from the effective date of said section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

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Governor
PRESENTED TO THE GOVERNOR

Date 3/19/92
Time 2:45 pm