

WEST VIRGINIA LEGISLATURE

2022 SECOND EXTRAORDINARY SESSION

ENROLLED

House Bill 215

BY DELEGATES HANSHAW (MR. SPEAKER) AND SKAFF

(BY REQUEST OF THE EXECUTIVE)

[Passed April 25, 2022; in effect from passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §15-1J-6; to amend and reenact §18-19-2 of said code; and to amend and
3 reenact §36-8-13 of said code, as contained in Chapter 282, Acts of the Legislature,
4 Regular Session 2022; all relating generally to state military and service member
5 programs; creating a special revenue account known as the Military Authority
6 Reimbursable Expenditure Fund; establishing the fund; providing that the Adjutant
7 General shall administer the fund; authorizing the Adjutant General to invest moneys in
8 the fund; setting forth the permissible contents of the fund; authorizing the Adjutant
9 General to make certain expenditures from the fund; requiring the Adjutant General to
10 reimburse the fund after receiving federal reimbursement moneys; providing that moneys
11 in the fund will revert to the Unclaimed Property Fund at the end of each fiscal year;
12 expanding eligibility of an active-duty service member's child or spouse for certain
13 benefits; and authorizing transfers up to a certain amount from the Unclaimed Property
14 Trust Fund to the Military Authority Reimbursable Expenditure Fund.

Be it enacted by the Legislature of West Virginia:

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 1J. THE WEST VIRGINIA MILITARY AUTHORITY ACT.

§15-1J-6. Military Authority Reimbursable Expenditure Fund.

- 1 (a) A special revenue account known as the "Military Authority Reimbursable Expenditure
2 Fund" is hereby established in the state treasury. The purpose of the fund is to make moneys
3 available to the Military Authority for expenditures that qualify for cost reimbursement pursuant to
4 a cooperative agreement, grant, or other legal agreement with the federal government.
5 (b) The Adjutant General shall administer the fund.

6 (c) The fund shall receive all moneys transferred to the fund pursuant to §36-8-13(e) of
7 this code, any income from the investment of moneys held in the fund, and all moneys reimbursed
8 into the fund pursuant to subsection (e) of this section.

9 (d) The Adjutant General may authorize expenditures from the fund that qualify for cost
10 reimbursement pursuant to a cooperative agreement, grant, or other legal agreement with the
11 federal government, including but not limited to the following:

12 (1) Expenditures for operations and maintenance of all facilities;
13 (2) Expenditures for major and minor construction;
14 (3) Any other types of expenditures related to homeland and national security missions;

15 and

16 (4) Any other types of expenditures to support missions of the West Virginia National
17 Guard.

18 (e) Upon receiving moneys from the federal government to reimburse the Military Authority
19 for expenditures authorized by this section, the Adjutant General shall reimburse the fund in an
20 amount equal to the moneys received from the federal government.

21 (f) Any balance, including accrued interest and other returns, remaining in the fund at the
22 end of each fiscal year shall be transferred to the Unclaimed Property Fund.

CHAPTER 18. EDUCATION.

ARTICLE 19. EDUCATIONAL OPPORTUNITIES FOR CHILDREN OF DECEASED SOLDIERS, SAILORS, MARINES AND AIRMEN.

§18-19-2. Eligibility of applicant for benefits; application forms; preference.

1 (a) To be eligible for the benefits of this article, a child or spouse as set forth in §18-19-1
2 of this code shall meet the following conditions:

3 (1) In the case of a child, is at least 16 and not more than 25 years of age;

4 (2) Is enrolled in a post-secondary education or training institution in this state; and

5 (3) Is the child or spouse of an enlisted or commissioned service member who designated
6 West Virginia as his or her state of record.

7 (b) The application shall be made to, and upon forms provided by, the West
8 Virginia Department of Veterans Assistance. The department shall determine the eligibility of
9 those who apply and the yearly amount to be allotted each applicant. The amount, in the discretion
10 of the department, may vary from year to year, but may not exceed the sum of \$1,000 in any one
11 semester or a total of \$2,000 in any one year. In selecting those to receive the benefits of this
12 article, preference shall be given those who are otherwise financially unable to secure the
13 educational opportunities.

CHAPTER 36. UNIFORM UNCLAIMED PROPERTY ACT.

ARTICLE 8. UNIFORM UNCLAIMED PROPERTY ACT.

§36-8-13. Deposit of funds.

1 (a) The administrator shall record the name and last known address of each person
2 appearing from the holders reports to be entitled to the property and the name and last known
3 address of each insured person or annuitant and beneficiary and with respect to each policy or
4 annuity listed in the report of an insurance company, its number, the name of the company, and
5 the amount due.

6 (b) The Unclaimed Property Fund is continued. The administrator shall deposit all funds
7 received pursuant to this article in the Unclaimed Property Fund, including the proceeds from the
8 sale of abandoned property under §36-8-12 of this code. The administrator may invest the
9 Unclaimed Property Fund with the West Virginia Board of Treasury Investments or the Investment
10 Management Board and all earnings shall accrue to the fund and are available for expenditure in
11 accordance with the article. In addition to paying claims of unclaimed property duly allowed, the
12 administrator may deduct the following expenses from the Unclaimed Property Fund:

13 (1) Expenses of the sale of abandoned property;

14 (2) Expenses incurred in returning the property to owners, including without limitation the

15 costs of mailing and publication to locate owners;

16 (3) Reasonable service charge; and

17 (4) Expenses incurred in examining records of holders of property and in collecting the

18 property from those holders.

19 (c) The Unclaimed Property Trust Fund is continued within the State Treasury. The

20 administrator may invest the Unclaimed Property Trust Fund with the West Virginia Board of

21 Treasury Investments and all earnings shall accrue to the fund and are available for expenditure

22 in accordance with this article. After deducting the expenses specified in subsection (b) of this

23 section and maintaining a sum of money from which to pay claims duly allowed, the administrator

24 shall transfer the remaining moneys in the Unclaimed Property Fund to the Unclaimed Property

25 Trust Fund.

26 (d) On or before December 15 of each year, notwithstanding any provision of this code to

27 the contrary, the administrator may transfer the sum of \$1 million from the Unclaimed Property

28 Trust Fund to the Jumpstart Savings Trust Fund, until an actuary certifies there are sufficient

29 funds to satisfy all obligations and administrative expenses of the Jumpstart Savings Program.

30 (e) Subject to a liquidity determination and cash availability, effective July 1, 2022, the

31 unclaimed property administrator may transfer an amount in any fiscal year from the Unclaimed

32 Property Trust Fund to the Military Authority Reimbursable Expenditure Fund: *Provided*, That the

33 aggregate amount that may be transferred under this subsection may not exceed \$10,000,000.

34 (f) After transferring any money required by subsections (d) and (e) of this section, the

35 administrator shall transfer moneys remaining in the Unclaimed Property Trust Fund to the

36 General Revenue Fund.

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

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

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The within this the
day of, 2022.

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Governor