

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 219**

5 (BY SENATORS KESSLER (ACTING PRESIDENT) AND HALL,

6 BY REQUEST OF THE EXECUTIVE)

7 \_\_\_\_\_  
8 [Passed March 12, 2011; in effect ninety days from passage.]  
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11  
12 AN ACT to amend and reenact §21A-8-1 and §21A-8-10 of the Code of  
13 West Virginia, 1931, as amended; and to amend said code by  
14 adding thereto a new section, designated §21A-8-16, all  
15 relating to maintaining solvency of the Unemployment  
16 Compensation Fund; providing a mechanism for the Governor to  
17 borrow funds from the Revenue Center Construction Fund for a  
18 limited period of time and deposit those funds into the  
19 Unemployment Compensation Fund if the balance of the  
20 Unemployment Compensation Fund drops below \$20 million;  
21 providing that no amount borrowed shall exceed \$20 million;  
22 and providing for repayment of such borrowed amounts.

23 *Be it enacted by the Legislature of West Virginia:*

24 That §21A-8-1 and §21A-8-10 of the Code of West Virginia,  
25 1931, as amended, be amended and reenacted; and to amend said code  
26 by adding thereto a new section, designated §21A-8-16, all to read

1 as follows:

2 **ARTICLE 8. UNEMPLOYMENT COMPENSATION FUND.**

3 **§21A-8-1. Establishment.**

4 There is hereby established as a special fund, separate and  
5 apart from all public moneys or funds of the state, an Unemployment  
6 Compensation Fund. The fund shall consist of:

7 (1) All payments collected under this chapter.

8 (2) Interest earned upon money in the fund.

9 (3) Property or securities acquired through the use of the  
10 fund.

11 (4) Earnings of such property or securities.

12 (5) Amounts transferred from the Employment Security Special  
13 Administration Fund.

14 (6) Any moneys loaned to the fund pursuant to section sixteen  
15 of this article.

16 (7) Any moneys received from the federal unemployment account  
17 in the Unemployment Trust Fund in accordance with Title XII of the  
18 Social Security Act, as amended.

19 All money in the funds shall be mingled and undivided.

20 Any interest required to be paid on advances under Title XII  
21 of the Social Security Act, as amended, shall be paid by the date  
22 on which such interest is due. No interest shall be paid directly  
23 or indirectly from amounts in the Unemployment Compensation Trust  
24 Fund.

25 **§21A-8-10. Withdrawals.**

26 Except as provided in section thirteen of this article, money

1 shall be requisitioned from this state's account in the  
2 unemployment trust fund solely for the payment of benefits and  
3 repayment of any loans outstanding from the Revenue Center  
4 Construction Fund as provided in section sixteen of this article.  
5 The commissioner may requisition from the unemployment trust fund  
6 such amounts, not exceeding the amount of the account, as the  
7 commissioner determines to be necessary for the payment of benefits  
8 for a reasonable future period or to repay a loan outstanding from  
9 the Revenue Center Construction Fund as provided in section sixteen  
10 of this article.

11       Upon receipt of the money the commissioner shall deposit it in  
12 the benefit account.

13 **§21A-8-16. Loans to Unemployment Compensation Fund from Revenue**  
14 **Center Construction Fund.**

15       (a) Notwithstanding any provision of this code to the contrary  
16 and subject to the provisions of this section, the Governor is  
17 hereby authorized, by executive order, after first notifying the  
18 presiding officers of both houses of the Legislature in writing, to  
19 borrow funds from the Revenue Center Construction Fund created by  
20 chapter nineteen, acts of the Legislature, first extraordinary  
21 session, two thousand six, for deposit into the Unemployment  
22 Compensation Fund, created in section one of this article, to be  
23 expended in accordance with this code. The amount of funds  
24 borrowed and outstanding under this section may not exceed \$20  
25 million at any one time, or the amount the Governor determines is  
26 necessary to adequately sustain the balance in the Unemployment

1 Compensation Fund at a minimum of \$20 million, whichever is less.

2       (b) Notwithstanding the provisions of subsection (a) of this  
3 section, the Governor may not borrow funds from the Revenue Center  
4 Construction Fund unless the Executive Director of Workforce West  
5 Virginia has projected that the balance in the state's Unemployment  
6 Compensation Fund will be less than \$20 million at any time during  
7 the next thirty days.

8       (c) Any funds borrowed pursuant to this subsection shall be  
9 repaid from funds on deposit in the Unemployment Trust Fund in  
10 excess of \$20 million or from other funds legally available for  
11 such purpose, without interest, and redeposited to the credit of  
12 the Revenue Center Construction Fund within one-hundred-eighty days  
13 of their withdrawal.

14       (d) No amounts may be borrowed pursuant to the provisions of  
15 this section after September 1, 2011.