

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5237

By Delegates Hornbuckle, Lewis, and Garcia

[Introduced February 05, 2026; referred to the
Committee on Finance]

1 A BILL to amend and reenact §21A-8-16 of the Code of West Virginia, 1931, as amended, all
2 relating to maintaining the solvency of the Unemployment Compensation Fund; providing
3 a mechanism for the Governor to borrow funds from the Revenue Shortfall Reserve Fund
4 for a limited period and deposit those funds into the Unemployment Compensation Fund if
5 the balance of the Unemployment Compensation Fund drops below \$50 million.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. UNEMPLOYMENT COMPENSATION FUND.
§21A-8-16. Loans to Unemployment Compensation Fund from Revenue Shortfall Reserve Fund.

1 (a) Notwithstanding any provision of this code to the contrary and subject to the provisions
2 of this section, the Governor may, by executive order, after first notifying the presiding officers of
3 both houses of the Legislature in writing, borrow funds from the Revenue Shortfall Reserve Fund
4 created in §11B-2-20 of this code for deposit into the Unemployment Compensation Fund, created
5 in section one of this article, to be expended in accordance with this code. The amount of funds
6 borrowed and outstanding under this section may not exceed \$50 million at any one time, or the
7 amount the Governor determines is necessary to adequately sustain the balance in the
8 Unemployment Compensation Fund at a minimum of \$50 million, whichever is less.

9 (b) Notwithstanding the provisions of subsection (a) of this section, the Governor may not
10 borrow funds from the Revenue Shortfall Reserve Fund unless the Executive Director of
11 Workforce West Virginia has projected that the balance in the state's Unemployment
12 Compensation Fund will be less than \$50 million at any time during the next 30 days.

13 (c) Any funds borrowed pursuant to this section shall be used to pay benefits only.

14 (d) Any funds borrowed pursuant to this subsection shall be repaid from funds on deposit in
15 the Unemployment Trust Fund in excess of \$50 million or from other funds legally available for
16 such purpose, without interest, and redeposited to the credit of the Revenue Shortfall Reserve
17 Fund within 180 days of their withdrawal.

18 (e) No amounts may be borrowed pursuant to the provisions of this section after
19 September 1, ~~2018~~ 2027.

NOTE: The purpose of this bill is to authorize the Governor to borrow money from the Revenue Shortfall Reserve Fund to fund the Unemployment Compensation Fund when federal layoffs deplete the Unemployment Compensation Fund.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.