

2011 APR -5 PM 3: 10

**WEST VIRGINIA LEGISLATURE**  
EIGHTIETH LEGISLATURE  
REGULAR SESSION, 2011

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 219**

(BY SENATORS KESSLER (ACTING PRESIDENT)  
AND HALL, BY REQUEST OF THE EXECUTIVE)

[PASSED MARCH 18, 2011; IN EFFECT FROM PASSAGE.]

SB 219

FILED

2011 APR -5 PM 3: 10

OFFICE OF THE CLERK  
SECRETARY OF STATE

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 219**

(BY SENATORS KESSLER (ACTING PRESIDENT) AND HALL,  
BY REQUEST OF THE EXECUTIVE)

---

[Passed March 18, 2011; in effect from passage.]

---

AN ACT to amend and reenact §21A-8-1 and §21A-8-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21A-8-16, all relating to maintaining solvency of the Unemployment Compensation Fund; providing a mechanism for the Governor to borrow funds from the Revenue Center Construction Fund for a limited period of time and deposit those funds into the Unemployment Compensation Fund if the balance of the Unemployment Compensation Fund drops below \$20 million; providing that no amount borrowed shall exceed \$20 million; and providing for repayment of such borrowed amounts.

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

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

**ARTICLE 8. UNEMPLOYMENT COMPENSATION FUND.**

**§21A-8-1. Establishment.**

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

5 (1) All payments collected under this chapter.

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

7 (3) Property or securities acquired through the use of the  
8 fund.

9 (4) Earnings of such property or securities.

10 (5) Amounts transferred from the Employment Security  
11 Special Administration Fund.

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

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

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

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

**§21A-8-10. Withdrawals.**

1 Except as provided in section thirteen of this article,  
2 money shall be requisitioned from this state's account in the  
3 unemployment trust fund solely for the payment of benefits  
4 and repayment of any loans outstanding from the Revenue  
5 Center Construction Fund as provided in section sixteen of  
6 this article. The commissioner may requisition from the  
7 unemployment trust fund such amounts, not exceeding the

8 amount of the account, as the commissioner determines to be  
9 necessary for the payment of benefits for a reasonable future  
10 period or to repay a loan outstanding from the Revenue  
11 Center Construction Fund as provided in section sixteen of  
12 this article.

13 Upon receipt of the money the commissioner shall deposit  
14 it in the benefit account.

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

1 (a) Notwithstanding any provision of this code to the  
2 contrary and subject to the provisions of this section, the  
3 Governor is hereby authorized, by executive order, after first  
4 notifying the presiding officers of both houses of the Legisla-  
5 ture in writing, to borrow funds from the Revenue Center  
6 Construction Fund created by chapter nineteen, acts of the  
7 Legislature, first extraordinary session, two thousand six, for  
8 deposit into the Unemployment Compensation Fund, created  
9 in section one of this article, to be expended in accordance  
10 with this code. The amount of funds borrowed and outstand-  
11 ing under this section may not exceed \$20 million at any one  
12 time, or the amount the Governor determines is necessary to  
13 adequately sustain the balance in the Unemployment  
14 Compensation Fund at a minimum of \$20 million, whichever  
15 is less.

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

23 (c) Any funds borrowed pursuant to this subsection shall  
24 be repaid from funds on deposit in the Unemployment Trust  
25 Fund in excess of \$20 million or from other funds legally  
26 available for such purpose, without interest, and redeposited

27 to the credit of the Revenue Center Construction Fund  
28 within one-hundred-eighty days of their withdrawal.

29 (d) No amounts may be borrowed pursuant to the provi-  
30 sions of this section after September 1, 2011.

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

*[Handwritten Signature]*

.....  
Chairman Senate Committee

*[Handwritten Signature]*

.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*[Handwritten Signature]*

.....  
Clerk of the Senate

*[Handwritten Signature]*

.....  
Clerk of the House of Delegates

*[Handwritten Signature]*

.....  
Acting President of the Senate

*[Handwritten Signature]*

.....  
Speaker of the House of Delegates

2011 APR -5 PM 3:10  
OFFICE OF THE CLERK OF THE SENATE  
SECRETARY OF STATE  
F-1

The within *is appended* ..... this the *5<sup>th</sup>* .....

Day of *April* ....., 2011.

*[Handwritten Signature]*  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 28 2011

Time 3:33 pm