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.]
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.

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

(1) All payments collected under this chapter.

(2) Interest earned upon money in the fund.

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

(4) Earnings of such property or securities.

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

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

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

All money in the funds shall be mingled and undivided.

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

§21A-8-10. Withdrawals.

Except as provided in section thirteen of this article, money shall be requisitioned from this state’s account in the unemployment trust fund solely for the payment of benefits and repayment of any loans outstanding from the Revenue Center Construction Fund as provided in section sixteen of this article. The commissioner may requisition from the unemployment trust fund such amounts, not exceeding the
amount of the account, as the commissioner determines to be necessary for the payment of benefits for a reasonable future period or to repay a loan outstanding from the Revenue Center Construction Fund as provided in section sixteen of this article.

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

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

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

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

(c) Any funds borrowed pursuant to this subsection shall be repaid from funds on deposit in the Unemployment Trust Fund in excess of $20 million or from other funds legally 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.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

Acting President of the Senate

Speaker of the House of Delegates

The within is approved this the 5th Day of April, 2011.

Governor
PRESENTED TO THE GOVERNOR

MAR 28 2011

Time 3:33 p.m.