Enrolled

Senate Bill 558

By Senators Cole (Mr. President) and Kessler

(By Request of the Executive)

[Passed March 1, 2016;

in effect from passage]
WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Enrolled

Senate Bill 558

BY SENATORS COLE (MR. PRESIDENT) AND KESSLER

(BY REQUEST OF THE EXECUTIVE)

[Passed March 1, 2016;

in effect from passage]
AN ACT to amend and reenact §21A-8-10 and §21A-8-16 of the Code of West Virginia, 1931, as amended, all relating to maintaining the solvency of the Unemployment Compensation Fund; providing a mechanism for the Governor to borrow funds from the Revenue Shortfall Reserve Fund for a limited period and deposit those funds into the Unemployment Compensation Fund if the balance of the Unemployment Compensation Fund drops below $50 million; providing that borrowed funds may only be used to pay benefits; providing that no amount borrowed may exceed $50 million; and providing for repayment of borrowed amounts.

Be it enacted by the Legislature of West Virginia:

That §21A-8-10 and §21A-8-16 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 8. UNEMPLOYMENT COMPENSATION 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 Shortfall Reserve Fund, created in section twenty, article two, chapter eleven-b of this code, 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 Shortfall Reserve 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 Shortfall Reserve Fund.

(a) Notwithstanding any provision of this code to the contrary and subject to the provisions of this section, the Governor may, by executive order, after first notifying the presiding officers of
both houses of the Legislature in writing, borrow funds from the Revenue Shortfall Reserve Fund
created in section twenty, article two, chapter eleven-b of this code 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 $50 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
$50 million, whichever is less.

(b) Notwithstanding the provisions of subsection (a) of this section, the Governor may not
borrow funds from the Revenue Shortfall Reserve 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 $50 million at any time during the next thirty days.

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

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

(e) No amounts may be borrowed pursuant to the provisions of this section after
September 1, 2017.
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

President of the Senate

Speaker of the House of Delegates

The within is approved this the 3rd Day of __________________, 2016.

Governor