

1 **HB 1248** - H AMD **0152 Failed 2-16-02**
2 By Representative Clements

3 On page 2, line 27, after "9A.46.110" insert the following:

4 ", and the claimant or the family member filed a police report or
5 obtained a restraining order against the perpetrator within two years
6 before the date on which the claimant applied for benefits"

7 On page 7, after line 12, insert the following:

8 "NEW SECTION. **Sec. 5.** A new section is added to chapter 50.24
9 RCW to read as follows:

10 (1) For the purposes of this section:

11 (a) Individual benefits- means benefits paid to individuals who
12 are not considered to have left work voluntarily without good cause
13 under RCW 50.20.050(2)(d).

14 (b) Individual contributions- means the money payments due to the
15 state unemployment compensation fund as provided under this section.

16 (2) Beginning on January 1, 2004, individual contributions to the
17 state unemployment compensation fund shall accrue and become payable by
18 each employer in accordance with such rules as the commissioner may
19 adopt.

20 (3) Beginning on September 30, 2003, and continuing on September
21 30 of each year thereafter, the commissioner shall determine the rate
22 of individual contributions. The individual contribution rate shall
23 be the lowest rate necessary to collect a total amount of individual
24 contributions in the next rate year equal to the total amount of
25 individual benefits paid in the last completed state fiscal year.

26 (4) The commissioner shall determine the amount of wages subject
27 to the individual contribution rate under RCW 50.24.010.

28 (5) An employer may deduct individual contributions, in whole or
29 in part, from the remuneration of individuals in employment of the
30 employer.

31 (6) In the payment of any individual contributions, a fractional

1 part of a cent shall be disregarded unless it amounts to one-half cent
2 or more, in which case it shall be increased to one cent.

3 (7) This section does not apply to: (a) Employers who are required
4 to make payments in lieu of contributions; (b) employers described in
5 RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to
6 make payments in lieu of contributions; and (c) taxable local
7 government employers described in RCW 50.44.035.

8 **Sec. 6.** RCW 50.04.072 and 1985 ex.s. c 5 s 5 are each amended to
9 read as follows:

10 The terms "contributions," "individual contributions," and
11 "payments in lieu of contributions" used in this title, whether
12 singular or plural, designate the money payments to be made to the
13 state unemployment compensation fund, to the federal interest payment
14 fund under RCW 50.16.070, or to the special account in the
15 administrative contingency fund under RCW 50.24.014 and are deemed to
16 be taxes due to the state of Washington.

17 **Sec. 7.** RCW 50.16.010 and 1993 c 483 s 7 and 1993 c 226 s 10 are
18 each reenacted and amended to read as follows:

19 There shall be maintained as special funds, separate and apart
20 from all public moneys or funds of this state an unemployment
21 compensation fund, an administrative contingency fund, and a federal
22 interest payment fund, which shall be administered by the commissioner
23 exclusively for the purposes of this title, and to which RCW 43.01.050
24 shall not be applicable.

25 The unemployment compensation fund shall consist of

26 (1) all contributions, individual contributions, and payments in
27 lieu of contributions collected pursuant to the provisions of this
28 title,

29 (2) any property or securities acquired through the use of moneys
30 belonging to the fund,

31 (3) all earnings of such property or securities,

32 (4) any moneys received from the federal unemployment account in
33 the unemployment trust fund in accordance with Title XII of the social
34 security act, as amended,

35 (5) all money recovered on official bonds for losses sustained by
36 the fund,

37 (6) all money credited to this state's account in the unemployment

1 trust fund pursuant to section 903 of the social security act, as
2 amended,

3 (7) all money received from the federal government as
4 reimbursement pursuant to section 204 of the federal-state extended
5 compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and

6 (8) all moneys received for the fund from any other source.

7 All moneys in the unemployment compensation fund shall be
8 commingled and undivided.

9 The administrative contingency fund shall consist of all interest
10 on delinquent contributions collected pursuant to this title, all fines
11 and penalties collected pursuant to the provisions of this title, all
12 sums recovered on official bonds for losses sustained by the fund, and
13 revenue received under RCW 50.24.014: PROVIDED, That all fees, fines,
14 forfeitures and penalties collected or assessed by a district court
15 because of the violation of a state law shall be remitted as provided
16 in chapter 3.62 RCW as now exists or is later amended.

17 Moneys available in the administrative contingency fund, other
18 than money in the special account created under RCW 50.24.014, shall be
19 expended upon the direction of the commissioner, with the approval of
20 the governor, whenever it appears to him or her that such expenditure
21 is necessary for:

22 (a) The proper administration of this title and no federal funds
23 are available for the specific purpose to which such expenditure is to
24 be made, provided, the moneys are not substituted for appropriations
25 from federal funds which, in the absence of such moneys, would be made
26 available.

27 (b) The proper administration of this title for which purpose
28 appropriations from federal funds have been requested but not yet
29 received, provided, the administrative contingency fund will be
30 reimbursed upon receipt of the requested federal appropriation.

31 (c) The proper administration of this title for which compliance
32 and audit issues have been identified that establish federal claims
33 requiring the expenditure of state resources in resolution. Claims
34 must be resolved in the following priority: First priority is to
35 provide services to eligible participants within the state; second
36 priority is to provide substitute services or program support; and last
37 priority is the direct payment of funds to the federal government.

38 Money in the special account created under RCW 50.24.014 may only
39 be expended, after appropriation, for the purposes specified in RCW

1 50.62.010, 50.62.020, 50.62.030, 50.04.070, 50.04.072, 50.16.010,
2 50.29.025, 50.24.014, 50.44.053, and 50.22.010.

3 NEW SECTION. **Sec. 8.** If any part of this act is found to be in
4 conflict with federal requirements that are a prescribed condition to
5 the allocation of federal funds to the state or the eligibility of
6 employers in this state for federal unemployment tax credits, the
7 conflicting part of this act is inoperative solely to the extent of the
8 conflict, and the finding or determination does not affect the
9 operation of the remainder of this act. Rules adopted under this act
10 must meet federal requirements that are a necessary condition to the
11 receipt of federal funds by the state or the granting of federal
12 unemployment tax credits to employers in this state.

13 NEW SECTION. **Sec. 9.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 10.** This act applies to claims that are
18 effective on or after June 30, 2002."

19 Correct the title.

EFFECT:

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Modifies proposed eligibility requirements for individuals whose separations from employment were related to domestic violence or stalking. Such individuals also must have filed police reports or obtained restraining orders within two years of applying for benefits.

ì Defines "individual benefits" as benefits that are paid to such individuals.

ì Requires employers to pay "individual contributions" to the Unemployment Insurance Trust Fund, and permits employers to deduct "individual contributions" from employee wages.

ì Directs the Commissioner of the Employment Security Department to set the rate of individual contributions at the lowest rate necessary to collect a total amount of individual contributions in the next rate (calendar) year equal to the total amount of individual benefits paid in the last completed fiscal year.

ì Makes the act applicable to claims effective on or after
June 30, 2002.