

HB 1091 - H AMD TO H AMD (H-1500.4/11) **16**

By Representative Sells

1 On page 1, beginning on line 3 of the striking amendment, strike
2 all of section 1

3
4 Renumber the remaining sections consecutively and correct any
5 internal references accordingly.

6
7 On page 1, at the beginning of line 26 of the striking amendment,
8 strike "January 1, 2012" and insert "November 6, 2011"

9
10 On page 2, beginning on line 20 of the striking amendment, after
11 "equals" strike "ninety million" and insert "sixty-eight million"

12
13 On page 6, after line 31 of the striking amendment, insert the
14 following:

15
16 **"Sec. 5.** RCW 50.16.030 and 2006 c 13 s 7 are each amended to read
17 as follows:

18 (1)(a) Except as provided in (b) and (c) of this subsection,
19 moneys shall be requisitioned from this state's account in the
20 unemployment trust fund solely for the payment of benefits and
21 repayment of loans from the federal government to guarantee solvency
22 of the unemployment compensation fund in accordance with regulations
23 prescribed by the commissioner, except that money credited to this
24 state's account pursuant to section 903 of the social security act, as
25 amended, shall be used exclusively as provided in (~~RCW 50.16.030(5)~~)
26 subsection (5) of this section. The commissioner shall from time to
27 time requisition from the unemployment trust fund such amounts, not

1 exceeding the amounts standing to its account therein, as he or she
2 deems necessary for the payment of benefits for a reasonable future
3 period. Upon receipt thereof the treasurer shall deposit such moneys
4 in the benefit account and shall issue his or her warrants for the
5 payment of benefits solely from such benefits account.

6 (b) During fiscal year 2006, moneys for the payment of regular
7 benefits as defined in RCW 50.22.010 shall be requisitioned ((during
8 fiscal year 2006)) in the following order:

9 (i) First, from the moneys credited to this state's account in the
10 unemployment trust fund pursuant to section 903 of the social security
11 act, as amended in section 209 of the temporary extended unemployment
12 compensation act of 2002 (42 U.S.C. Sec. 1103(d)), the amount equal to
13 the amount of benefits charged that exceed the contributions paid in
14 the four consecutive calendar quarters ending on June 30, 2006,
15 because the social cost factor contributions that employers are
16 subject to under RCW 50.29.025(2)(b)(ii)(B) are less than the social
17 cost factor contributions that these employers would have been subject
18 to if RCW 50.29.025(2)(b)(ii)(A) had applied to these employers; and

19 (ii) Second, after the requisitioning required under (b)(i) of
20 this subsection, from all other moneys credited to this state's
21 account in the unemployment trust fund.

22 (c) During fiscal years 2012 and 2013, if moneys are credited to
23 this state's account in the unemployment trust fund pursuant to
24 section 903(f)(3) of the social security act, as amended in section
25 2003 of the American recovery and reinvestment act of 2009 (42 U.S.C.
26 Sec. 1103(f)(3)), moneys for the payment of regular benefits as
27 defined in RCW 50.22.010 shall be requisitioned in the following
28 order:

29 (i) First, from the moneys credited to this state's account in the
30 unemployment trust fund pursuant to section 903 of the social security
31 act, as amended in section 2003 of the American recovery and
32 reinvestment act of 2009 (42 U.S.C. Sec. 1103(f)), a total amount
33 during the two-year period consisting of fiscal years 2012 and 2013
34 that is equal to the total amount of temporary benefit increases under

1 section 2 of this act. This subsection shall not be construed as
2 requiring that the total amount be requisitioned in each of these
3 fiscal years; and

4 (ii) Second, after the requisitioning required under (c)(i) of
5 this subsection, from all other moneys credited to this state's
6 account in the unemployment trust fund.

7 (2) Expenditures of such moneys in the benefit account and refunds
8 from the clearing account shall not be subject to any provisions of
9 law requiring specific appropriations or other formal release by state
10 officers of money in their custody, and RCW 43.01.050, as amended,
11 shall not apply. All warrants issued by the treasurer for the payment
12 of benefits and refunds shall bear the signature of the treasurer and
13 the countersignature of the commissioner, or his or her duly
14 authorized agent for that purpose.

15 (3) Any balance of moneys requisitioned from the unemployment
16 trust fund which remains unclaimed or unpaid in the benefit account
17 after the expiration of the period for which sums were requisitioned
18 shall either be deducted from estimates for, and may be utilized for
19 the payment of, benefits during succeeding periods, or in the
20 discretion of the commissioner, shall be redeposited with the
21 secretary of the treasury of the United States of America to the
22 credit of this state's account in the unemployment trust fund.

23 (4) Money credited to the account of this state in the
24 unemployment trust fund by the secretary of the treasury of the United
25 States of America pursuant to section 903 of the social security act,
26 as amended, may be requisitioned and used for the payment of expenses
27 incurred for the administration of this title pursuant to a specific
28 appropriation by the legislature, provided that the expenses are
29 incurred and the money is requisitioned after the enactment of an
30 appropriation law which:

31 (a) Specifies the purposes for which such money is appropriated
32 and the amounts appropriated therefor;

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1 (b) Limits the period within which such money may be obligated to
2 a period ending not more than two years after the date of the
3 enactment of the appropriation law; and

4 (c) Limits the amount which may be obligated during a twelve-month
5 period beginning on July 1st and ending on the next June 30th to an
6 amount which does not exceed the amount by which (i) the aggregate of
7 the amounts credited to the account of this state pursuant to section
8 903 of the social security act, as amended, during the same twelve-
9 month period and the thirty-four preceding twelve-month periods,
10 exceeds (ii) the aggregate of the amounts obligated pursuant to ((~~RCW~~
11 ~~50.16.030 (4), (5) and~~)) subsections (4) through (6) of this section
12 and charged against the amounts credited to the account of this state
13 during any of such thirty-five twelve-month periods. For the purposes
14 of ((~~RCW 50.16.030 (4), (5) and~~)) subsections (4) through (6) of this
15 section, amounts obligated during any such twelve-month period shall
16 be charged against equivalent amounts which were first credited and
17 which are not already so charged; except that no amount obligated for
18 administration during any such twelve-month period may be charged
19 against any amount credited during such a twelve-month period earlier
20 than the thirty-fourth twelve-month period preceding such period:
21 PROVIDED, That any amount credited to this state's account under
22 section 903 of the social security act, as amended, which has been
23 appropriated for expenses of administration, whether or not withdrawn
24 from the trust fund shall be excluded from the unemployment
25 compensation fund balance for the purpose of experience rating credit
26 determination.

27 (5) Money credited to the account of this state pursuant to
28 section 903 of the social security act, as amended, may not be
29 withdrawn or used except for the payment of benefits and for the
30 payment of expenses of administration and of public employment offices
31 pursuant to ((~~RCW 50.16.030 (4), (5) and~~)) subsections (4) through (6)
32 of this section. However, moneys credited because of excess amounts
33 in federal accounts in federal fiscal years 1999, 2000, and 2001 shall
34 be used solely for the administration of the unemployment compensation

1 program and are not subject to appropriation by the legislature for
2 any other purpose.

3 (6) Money requisitioned as provided in (~~RCW 50.16.030 (4), (5)~~
4 ~~and~~) subsections (4) through (6) of this section for the payment of
5 expenses of administration shall be deposited in the unemployment
6 compensation fund, but until expended, shall remain a part of the
7 unemployment compensation fund. The commissioner shall maintain a
8 separate record of the deposit, obligation, expenditure and return of
9 funds so deposited. Any money so deposited which either will not be
10 obligated within the period specified by the appropriation law or
11 remains unobligated at the end of the period, and any money which has
12 been obligated within the period but will not be expended, shall be
13 returned promptly to the account of this state in the unemployment
14 trust fund."

15
16 Renumber the remaining sections consecutively and correct any
17 internal references accordingly.

18

EFFECT: Removes the intent section which expresses findings
and intent to use surplus funds in the Unemployment Insurance Trust
Fund that are not derived from experience-based charges to provide
temporary stimulus.

Makes the temporary benefit increase applicable to claims with an
effective date on or after March 6, 2011, and before November 6,
2011 (instead of January 1, 2012).

Caps the total amount of temporary benefit increases at \$68 million
(instead of \$90 million).

Provides that, during the two-year period consisting of FY 2012 and
2013, a total amount equal to the total amount of temporary benefit
increases is requisitioned first from the Unemployment Trust Fund,
if the Modernization Incentive Payment is credited to the Trust
Fund.

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