
SUBSTITUTE HOUSE BILL 2914

State of Washington

52nd Legislature

1992 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Heavey, Sprenkle, Fuhrman, Wineberry, Jones, Vance, Lisk, Silver and O'Brien; by request of Employment Security Department)

Read first time 02/07/92.

1 AN ACT Relating to unemployment compensation administration;
2 amending RCW 50.13.040 and 50.16.010; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 50.13.040 and 1977 ex.s. c 153 s 4 are each amended to
5 read as follows:

6 (1) An individual shall have access to all records and information
7 concerning that individual held by the department of employment
8 security, unless the information is exempt from disclosure under RCW
9 42.17.310.

10 (2) An employing unit shall have access to its own records and to
11 any records and information relating to a benefit claim by an
12 individual if the employing unit is either the individual's last
13 employer or is the individual's base year employer.

1 (3) The commissioner may grant an employer access to claimant
2 information or a claimant access to employer information if the access
3 is necessary for the administration of this title.

4 (4) An employing unit shall have access to general summaries of
5 benefit claims by individuals whose benefits are chargeable to the
6 employing unit's experience rating or reimbursement account.

7 **Sec. 2.** RCW 50.16.010 and 1991 sp.s. c 13 s 59 are each amended to
8 read as follows:

9 There shall be maintained as special funds, separate and apart from
10 all public moneys or funds of this state an unemployment compensation
11 fund, an administrative contingency fund, and a federal interest
12 payment fund, which shall be administered by the commissioner
13 exclusively for the purposes of this title, and to which RCW 43.01.050
14 shall not be applicable. The unemployment compensation fund shall
15 consist of

16 (1) all contributions and payments in lieu of contributions
17 collected pursuant to the provisions of this title,

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

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

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

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

26 (6) all money credited to this state's account in the unemployment
27 trust fund pursuant to section 903 of the social security act, as
28 amended,

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

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

5 All moneys in the unemployment compensation fund shall be
6 commingled and undivided.

7 The administrative contingency fund shall consist of all interest
8 on delinquent contributions collected pursuant to this title, all fines
9 and penalties collected pursuant to the provisions of this title, all
10 sums recovered on official bonds for losses sustained by the fund, and
11 revenue received under RCW 50.24.014: PROVIDED, That all fees, fines,
12 forfeitures and penalties collected or assessed by a district court
13 because of the violation of a state law shall be remitted as provided
14 in chapter 3.62 RCW as now exists or is later amended. Moneys
15 available in the administrative contingency fund, other than money in
16 the special account created under RCW 50.24.014, shall be expended upon
17 the direction of the commissioner, with the approval of the governor,
18 whenever it appears to him or her that such expenditure is necessary
19 for:

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

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

29 (c) The proper administration of this title for which compliance
30 and audit issues have been identified that establish federal claims

1 requiring the expenditure of state resources and that do not allow the
2 use of federal resources for the resolution of compliance and audit
3 issues. This compliance resource shall be used to resolve federal
4 claims by: Substitution of existing nonfederal program resources, the
5 provision of services for eligible participants to federal grant
6 programs, or direct payment to the federal government.

7 First priority for the use of the compliance resource shall be to
8 provide services to eligible participants within the state. Second
9 priority shall be to provide nonfederal substitution costs through the
10 operation of programs with administrative contingency fund resources.
11 Last priority shall be the direct payment of funds to the federal
12 government for the resolution of audit or compliance issues.

13 Money in the special account created under RCW 50.24.014 may only
14 be expended, after appropriation, for the purposes specified in RCW
15 74.09.035, 74.09.510, 74.09.520, and 74.09.700.

16 NEW SECTION. Sec. 3. If any part of this act is found to be
17 in conflict with federal requirements that are a prescribed condition
18 to the allocation of federal funds to the state, the conflicting part
19 of this act is inoperative solely to the extent of the conflict and
20 with respect to the agencies directly affected, and this finding does
21 not affect the operation of the remainder of this act in its
22 application to the agencies concerned. The rules under this act shall
23 meet federal requirements that are a necessary condition to the receipt
24 of federal funds by the state.