

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1289

Chapter 36, Laws of 1999

56th Legislature
1999 Regular Session

FEDERAL UNEMPLOYMENT TRUST FUND--USE OF EXCESS MONEYS

EFFECTIVE DATE: 7/25/99

Passed by the House March 11, 1999
Yeas 96 Nays 0

CLYDE BALLARD
**Speaker of the House of
Representatives**

FRANK CHOPP
**Speaker of the House of
Representatives**

Passed by the Senate April 6, 1999
Yeas 41 Nays 0

BRAD OWEN
President of the Senate

Approved April 19, 1999

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1289** as passed by the House of Representatives and the Senate on the dates hereon set forth.

DEAN R. FOSTER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

April 19, 1999 - 3:16 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1289

Passed Legislature - 1999 Regular Session

State of Washington

56th Legislature

1999 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Clements, McIntire and Wood; by request of Employment Security Department)

Read first time 02/26/1999.

1 AN ACT Relating to conforming unemployment compensation statutes
2 with federal law; amending RCW 50.16.030; and creating a new section.

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

4 **Sec. 1.** RCW 50.16.030 and 1983 1st ex.s. c 7 s 1 are each amended
5 to read as follows:

6 (1) Moneys shall be requisitioned from this state's account in the
7 unemployment trust fund solely for the payment of benefits and
8 repayment of loans from the federal government to guarantee solvency of
9 the unemployment compensation fund in accordance with regulations
10 prescribed by the commissioner, except that money credited to this
11 state's account pursuant to section 903 of the social security act, as
12 amended, shall be used exclusively as provided in RCW 50.16.030(5).
13 The commissioner shall from time to time requisition from the
14 unemployment trust fund such amounts, not exceeding the amounts
15 standing to its account therein, as he or she deems necessary for the
16 payment of benefits for a reasonable future period. Upon receipt
17 thereof the treasurer shall deposit such moneys in the benefit account
18 and shall issue his or her warrants for the payment of benefits solely
19 from such benefits account.

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

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

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

25 (a) Specifies the purposes for which such money is appropriated and
26 the amounts appropriated therefor((7))i

27 (b) Limits the period within which such money may be obligated to
28 a period ending not more than two years after the date of the enactment
29 of the appropriation law((7))i and

30 (c) Limits the amount which may be obligated during a twelve-month
31 period beginning on July 1st and ending on the next June 30th to an
32 amount which does not exceed the amount by which (i) the aggregate of
33 the amounts credited to the account of this state pursuant to section
34 903 of the social security act, as amended, during the same twelve-
35 month period and the thirty-four preceding twelve-month periods,
36 exceeds (ii) the aggregate of the amounts obligated pursuant to RCW
37 50.16.030 (4), (5) and (6) and charged against the amounts credited to
38 the account of this state during any of such thirty-five twelve-month
39 periods. For the purposes of RCW 50.16.030 (4), (5) and (6), amounts

1 obligated during any such twelve-month period shall be charged against
2 equivalent amounts which were first credited and which are not already
3 so charged; except that no amount obligated for administration during
4 any such twelve-month period may be charged against any amount credited
5 during such a twelve-month period earlier than the thirty-fourth
6 twelve-month period preceding such period: PROVIDED, That any amount
7 credited to this state's account under section 903 of the social
8 security act, as amended, which has been appropriated for expenses of
9 administration, whether or not withdrawn from the trust fund shall be
10 excluded from the unemployment compensation fund balance for the
11 purpose of experience rating credit determination.

12 (5) Money credited to the account of this state pursuant to section
13 903 of the social security act, as amended, may not be withdrawn or
14 used except for the payment of benefits and for the payment of expenses
15 of administration and of public employment offices pursuant to RCW
16 50.16.030 (4), (5) and (6). However, moneys credited because of excess
17 amounts in federal accounts in federal fiscal years 1999, 2000, and
18 2001 shall be used solely for the administration of the unemployment
19 compensation program and are not subject to appropriation by the
20 legislature for any other purpose.

21 (6) Money requisitioned as provided in RCW 50.16.030 (4), (5) and
22 (6) for the payment of expenses of administration shall be deposited in
23 the unemployment compensation fund, but until expended, shall remain a
24 part of the unemployment compensation fund. The commissioner shall
25 maintain a separate record of the deposit, obligation, expenditure and
26 return of funds so deposited. Any money so deposited which either will
27 not be obligated within the period specified by the appropriation law
28 or remains unobligated at the end of the period, and any money which
29 has been obligated within the period but will not be expended, shall be
30 returned promptly to the account of this state in the unemployment
31 trust fund.

32 NEW SECTION. **Sec. 2.** If any part of this act is found to be in
33 conflict with federal requirements that are a prescribed condition to
34 the allocation of federal funds to the state or the eligibility of
35 employers in this state for federal unemployment tax credits, the
36 conflicting part of this act is inoperative solely to the extent of the
37 conflict, and the finding or determination does not affect the
38 operation of the remainder of this act. Rules adopted under this act

1 must meet federal requirements that are a necessary condition to the
2 receipt of federal funds by the state or the granting of federal
3 unemployment tax credits to employers in this state.

Passed the House March 11, 1999.

Passed the Senate April 6, 1999.

Approved by the Governor April 19, 1999.

Filed in Office of Secretary of State April 19, 1999.