

**ESSB 5061 - H AMD 22**

By Representative MacEwen

**NOT ADOPTED 01/29/2021**

1 On page 49, after line 25, insert the following:

2 "Sec. 22. RCW 50.29.100 and 2020 c 7 s 5 are each amended to read  
3 as follows:

4 (1) By (~~September 30, 2020~~) April 1, 2022, a contribution  
5 paying employer may submit an application to the employment security  
6 department to have the approved benefits paid to approved employees  
7 be reimbursed by the COVID-19 unemployment account instead of  
8 charged to the employer's experience rating account. The application  
9 must be submitted in a form and manner approved by the department  
10 through rule.

11 (2) The department should not approve an application if the  
12 benefits paid will not otherwise be charged to the employer's  
13 experience rating account or if the employer was otherwise eligible  
14 to receive relief of benefit charges.

15 (3) If the department approves an employer's application, the  
16 department will not charge the forgiven benefits to the employer's  
17 experience rating account. The commissioner shall instead transfer  
18 from the COVID-19 unemployment account to the unemployment trust  
19 fund account an amount equal to the forgiven benefits.

20 (4) If the department rejects an employer's application, the  
21 department shall present the employer with the reasons why the  
22 application was rejected. The reasons for the rejection are final  
23 and nonappealable.

24 (5) For purposes of this section, the following definitions apply:

25 (a) "Approved employee" means an employee who:

26 (i) Was (~~temporarily~~) laid off as a direct or indirect  
27 consequence of (~~an outbreak of COVID-19;~~

1 ~~(ii) Was approved by the department to be on standby pursuant to~~  
2 ~~rules adopted by the department;~~

3 ~~(iii) Has returned to the same employment with the employer the~~  
4 ~~employee had prior to the temporary unemployment; and~~

5 ~~(iv))~~ a gubernatorial declaration of emergency or related  
6 executive order; and

7 (ii) Meets other criteria the department may establish by rule.

8 (b) "Approved benefits" means benefits paid to an approved  
9 employee (~~while the approved employee was on standby~~) for an  
10 eligible claim pursuant to rules adopted by the department.

11 (c) "Total approved benefits" means the sum total of all  
12 approved benefits paid to all approved employees.

13 (d) "Eligible claim" means a claim for weeks of unemployment on  
14 or after February 29, 2020, and before March 1, 2022, or 30 days  
15 after the expiration of the gubernatorial declaration of emergency,  
16 whichever is earlier.

17 (e) "Forgiveness ratio" is computed by dividing the amount of  
18 money in the COVID-19 unemployment account by the total approved  
19 benefits. The forgiveness ratio cannot be more than 1.

20 ~~((e))~~ (f) "Forgiven benefits" means the approved benefits for  
21 an individual employer multiplied by the forgiveness ratio.

22 (6) The department shall adopt such rules as are necessary to  
23 carry out the purposes of this section.

24 (7) This section expires (~~July 30, 2021~~) December 1, 2022."

25  
26 Renumber the remaining sections consecutively and correct any  
27 internal references accordingly.

28  
29 On page 54, after line 27, insert the following:

30 "**Sec. 26.** RCW 50.16.100 and 2020 c 7 s 4 are each amended to  
31 read as follows:

32 (1) The COVID-19 unemployment account is created in the custody  
33 of the state treasurer. Revenues to the account shall consist of  
34 appropriations and transfers by the legislature and all other

1 funding directed for deposit into the account. Only the commissioner  
2 of the employment security department or the commissioner's designee  
3 may authorize expenditures from the account. Expenditures from the  
4 account may be used only for reimbursing the unemployment trust fund  
5 account for unemployment benefits paid to the approved employees of  
6 employers approved for such reimbursement pursuant to RCW 50.29.100.  
7 The account is subject to the allotment procedures under chapter  
8 43.88 RCW, but an appropriation is not required for expenditures.

9 (2) Any federal funding or relief for novel coronavirus that  
10 could be used for the purposes of RCW 50.29.100 must be used first  
11 before spending from the account. Additionally, if the employment  
12 security department subsequently receives reimbursements from  
13 federal sources for amounts spent from the account, the department  
14 must remit the federal funding to the state treasurer for  
15 reimbursement to the budget stabilization account. If federal law or  
16 rules would prevent such remittance, the department must notify the  
17 office of financial management and the fiscal committees of the  
18 legislature within thirty days of receipt of the reimbursement.

19 ~~(3) ((By July 1, 2021, the commissioner must certify to the~~  
20 ~~state treasurer the amount of any unobligated moneys in the COVID-19~~  
21 ~~unemployment account that are attributable to the budget~~  
22 ~~stabilization account appropriation in section 3, chapter 7, Laws of~~  
23 ~~2020, and the treasurer must transfer those moneys back to the~~  
24 ~~budget stabilization account.)) By July 1, 2022, the commissioner~~  
25 ~~must certify to the state treasurer the amount of any unobligated~~  
26 ~~moneys in the COVID-19 unemployment account that are attributable to~~  
27 ~~the budget stabilization account appropriation in section 27 of this~~  
28 ~~act, and the treasurer must transfer those moneys back to the budget~~  
29 ~~stabilization account.~~

30  
31 **NEW SECTION. Sec. 27.** The sum of \$500,000,000 is appropriated  
32 from the budget stabilization account for the fiscal year ending  
33 June 30, 2021, and is provided solely for expenditure into the  
34

1 COVID-19 unemployment account for the purposes described in section  
2 22 of this act."

3

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

6

7       Correct the title.

8

9

EFFECT:   Provides limited employer relief of unemployment  
insurance benefit charges for layoffs due to Governor declarations  
of emergency and related executive orders.  Makes a \$500,000,000  
appropriation from the Budget Stabilization Account to the COVID-19  
account for reimbursement of the relief of charges to the  
unemployment trust fund.

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