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HOUSE BILL 1289

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Conway, Clements, McIntire and Wood; by request of  
Employment Security Department

Read first time 01/20/1999. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to conforming unemployment compensation statutes  
2 with federal law; amending RCW 50.16.030, 50.40.020, and 50.44.050;  
3 adding a new section to chapter 50.40 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 50.40 RCW  
6 to read as follows:

7 (1) An individual filing a new claim for unemployment compensation  
8 shall, at the time of filing such claim, disclose whether he or she  
9 owes an uncollected overissuance of food stamp coupons. The  
10 commissioner shall notify the state food stamp agency enforcing such  
11 obligation of any such individual who is determined to be eligible for  
12 unemployment compensation.

13 (2) The commissioner shall deduct and withhold from any  
14 unemployment compensation payable to an individual who owes an  
15 uncollected overissuance:

16 (a) The amount specified by the individual to be deducted and  
17 withheld under this section;

1 (b) The amount determined pursuant to an agreement submitted to the  
2 state food stamp agency under section 13(c)(3)(A) of the food stamp act  
3 of 1977, as existing on the effective date of this section; or

4 (c) Any amount otherwise required to be deducted and withheld from  
5 unemployment compensation pursuant to section 13(c)(3)(B) of the food  
6 stamp act of 1977, as existing on the effective date of this section.

7 (3) Any amount deducted and withheld under this section shall be  
8 paid by the commissioner to the appropriate state food stamp agency.

9 (4) Any amount deducted and withheld under subsection (2) of this  
10 section shall for all purposes be treated as if it were paid to the  
11 individual as unemployment compensation and paid by such individual to  
12 the state food stamp agency as repayment of the individual's  
13 uncollected overissuance.

14 (5) For the purposes of this section, the term "unemployment  
15 compensation" means any compensation payable under this act including  
16 amounts payable by the commissioner pursuant to an agreement under any  
17 federal law providing for compensation, assistance, or allowances with  
18 respect to unemployment.

19 (6) This section applies only if arrangements have been made for  
20 reimbursement by the state food stamp agency for the administrative  
21 costs incurred by the commissioner under this section which are  
22 attributable to the repayment of uncollected overissuances to the state  
23 food stamp agency.

24 **Sec. 2.** RCW 50.16.030 and 1983 1st ex.s. c 7 s 1 are each amended  
25 to read as follows:

26 (1) Moneys shall be requisitioned from this state's account in the  
27 unemployment trust fund solely for the payment of benefits and  
28 repayment of loans from the federal government to guarantee solvency of  
29 the unemployment compensation fund in accordance with regulations  
30 prescribed by the commissioner, except that money credited to this  
31 state's account pursuant to section 903 of the social security act, as  
32 amended, shall be used exclusively as provided in RCW 50.16.030(5).  
33 The commissioner shall from time to time requisition from the  
34 unemployment trust fund such amounts, not exceeding the amounts  
35 standing to its account therein, as he deems necessary for the payment  
36 of benefits for a reasonable future period. Upon receipt thereof the  
37 treasurer shall deposit such moneys in the benefit account and shall

1 issue his or her warrants for the payment of benefits solely from such  
2 benefits account.

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

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

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

27 (a) Specifies the purposes for which such money is appropriated and  
28 the amounts appropriated therefor((τ))i

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

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

1 the account of this state during any of such thirty-five twelve-month  
2 periods. For the purposes of RCW 50.16.030(4), (5) and (6), amounts  
3 obligated during any such twelve-month period shall be charged against  
4 equivalent amounts which were first credited and which are not already  
5 so charged; except that no amount obligated for administration during  
6 any such twelve-month period may be charged against any amount credited  
7 during such a twelve-month period earlier than the thirty-fourth  
8 twelve-month period preceding such period: PROVIDED, That any amount  
9 credited to this state's account under section 903 of the social  
10 security act, as amended, which has been appropriated for expenses of  
11 administration, whether or not withdrawn from the trust fund shall be  
12 excluded from the unemployment compensation fund balance for the  
13 purpose of experience rating credit determination.

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

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

34 **Sec. 3.** RCW 50.40.020 and 1982 1st ex.s. c 18 s 10 are each  
35 amended to read as follows:

36 Any assignment, pledge, or encumbrance of any right to benefits  
37 which are or may become due or payable under this title shall be void.  
38 Such rights to benefits shall be exempt from levy, execution,

1 attachment, or any other remedy whatsoever provided for the collection  
2 of debts, except as provided in RCW 50.40.050 and section 1 of this  
3 act. Benefits received by any individual, so long as they are not  
4 commingled with other funds of the recipient, shall be exempt from any  
5 remedy whatsoever for collection of all debts except debts incurred for  
6 necessities furnished such individual or his spouse or dependents  
7 during the time when such individual was unemployed. Any waiver of any  
8 exemption provided for in this section shall be void.

9 **Sec. 4.** RCW 50.44.050 and 1998 c 233 s 2 are each amended to read  
10 as follows:

11 Except as otherwise provided in subsections (1) through (4) of this  
12 section, benefits based on services in employment covered by or  
13 pursuant to this chapter shall be payable on the same terms and subject  
14 to the same conditions as compensation payable on the basis of other  
15 service subject to this title.

16 (1) Benefits based on any service in an instructional, research, or  
17 principal administrative capacity for ~~((an))~~ any educational  
18 institution shall not be paid to an individual for any week of  
19 unemployment which commences during the period between two successive  
20 academic years or between two successive academic terms within an  
21 academic year (or, when an agreement provides instead for a similar  
22 period between two regular but not successive terms within an academic  
23 year, during such period) if such individual performs such services in  
24 the first of such academic years or terms and if there is a contract or  
25 reasonable assurance that such individual will perform services in any  
26 such capacity for any educational institution in the second of such  
27 academic years or terms. Any employee of a common school district who  
28 is presumed to be reemployed pursuant to RCW 28A.405.210 shall be  
29 deemed to have a contract for the ensuing term.

30 (2) Benefits shall not be paid based on any services in any other  
31 capacity for ~~((an))~~ any educational institution for any week of  
32 unemployment which commences during the period between two successive  
33 academic years or between two successive academic terms within an  
34 academic year, if such individual performs such services in the first  
35 of such academic years or terms and there is a reasonable assurance  
36 that such individual will perform such services in the second of such  
37 academic years or terms: PROVIDED, That if benefits are denied to any  
38 individual under this subsection and that individual was not offered an

1 opportunity to perform such services for the educational institution  
2 for the second of such academic years or terms, the individual is  
3 entitled to a retroactive payment of benefits for each week for which  
4 the individual filed a timely claim for benefits and for which benefits  
5 were denied solely by reason of this subsection.

6 (3) Benefits shall not be paid based on any services described in  
7 subsections (1) and (2) of this section for any week of unemployment  
8 which commences during an established and customary vacation period or  
9 holiday recess if such individual performs such services for any  
10 educational institution in the period immediately before such vacation  
11 period or holiday recess, and there is a reasonable assurance that such  
12 individual will perform such services for any educational institution  
13 in the period immediately following such vacation period or holiday  
14 recess.

15 (4) Benefits shall not be paid (as specified in subsections (1),  
16 (2), or (3) of this section) based on any services described in  
17 subsections (1) or (2) of this section to any individual who performed  
18 such services in (~~an~~) any educational institution while in the employ  
19 of an educational service district which is established pursuant to  
20 chapter 28A.310 RCW and exists to provide services to local school  
21 districts.

22 (5) As used in this section, "academic year" means: Fall, winter,  
23 spring, and summer quarters or comparable semesters unless, based upon  
24 objective criteria including enrollment and staffing, the quarter or  
25 comparable semester is not in fact a part of the academic year for the  
26 particular institution.

27 NEW SECTION. **Sec. 5.** If any part of this act is found to be in  
28 conflict with federal requirements that are a prescribed condition to  
29 the allocation of federal funds to the state or the eligibility of  
30 employers in this state for federal unemployment tax credits, the  
31 conflicting part of this act is inoperative solely to the extent of the  
32 conflict, and the finding or determination does not affect the  
33 operation of the remainder of this act. Rules adopted under this act  
34 must meet federal requirements that are a necessary condition to the  
35 receipt of federal funds by the state or the granting of federal  
36 unemployment tax credits to employers in this state.

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