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SENATE BILL 5608

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State of Washington                      58th Legislature                      2003 Regular Session

By Senators Franklin, Prentice, Thibaudeau, Keiser, Shin and Kohl-  
Welles

Read first time 02/03/2003.      Referred to Committee on Commerce &  
Trade.

1            AN ACT Relating to dependent allowances; amending RCW 50.20.120;  
2      creating new sections; and declaring an emergency.

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

4            **Sec. 1.** RCW 50.20.120 and 2002 c 149 s 4 are each amended to read  
5      as follows:

6            (1) Subject to the other provisions of this title, benefits shall  
7      be payable to any eligible individual during the individual's benefit  
8      year in a maximum amount equal to the lesser of thirty times the weekly  
9      benefit amount (determined hereinafter) or one-third of the  
10     individual's base year wages under this title: PROVIDED, That as to  
11     any week (~~beginning on and after March 31, 1981,~~) which falls in an  
12     extended benefit period as defined in RCW 50.22.010(1), as now or  
13     hereafter amended, an individual's eligibility for maximum benefits in  
14     excess of twenty-six times his or her weekly benefit amount will be  
15     subject to the terms and conditions set forth in RCW 50.22.020, as now  
16     or hereafter amended.

17            (2) An individual's weekly benefit amount shall be an amount equal  
18     to one twenty-fifth of the average quarterly wages of the individual's  
19     total wages during the two quarters of the individual's base year in

1 which such total wages were highest. The maximum and minimum amounts  
2 payable weekly shall be determined as of each June 30th to apply to  
3 benefit years beginning in the twelve-month period immediately  
4 following such June 30th. Except as provided in RCW 50.20.125, the  
5 maximum amount payable weekly shall be seventy percent of the "average  
6 weekly wage" for the calendar year preceding such June 30th. The  
7 minimum amount payable weekly shall be fifteen percent of the "average  
8 weekly wage" for the calendar year preceding such June 30th. If any  
9 weekly benefit, maximum benefit, or minimum benefit amount computed  
10 herein is not a multiple of one dollar, it shall be reduced to the next  
11 lower multiple of one dollar.

12 (3)(a) In addition to the amount payable weekly under subsection  
13 (2) of this section, an individual shall be paid a dependent allowance  
14 of twenty-five dollars weekly for: (i) Each child who is a dependent  
15 of the individual for federal income tax exemptions; and (ii) each  
16 child for whom the individual owes child support obligations and for  
17 whom no other person is receiving dependent allowances under this  
18 subsection.

19 (b) For the purposes of this subsection:

20 (i) "Child" means a biological, adopted, or foster child, a  
21 stepchild, a legal ward, or a child of a person standing in loco  
22 parentis who is: (A) Under eighteen years of age; (B) eighteen years  
23 of age or older and incapable of self-care because of a mental or  
24 physical disability; or (C) under twenty-four years of age, enrolled as  
25 a student, and regularly attending classes, or is between two  
26 successive academic years or terms, at an institution of higher  
27 education.

28 (ii) "Institution of higher education" means an educational  
29 institution that: (A) Admits as regular students only individuals  
30 having a certificate of graduation from a high school, or the  
31 recognized equivalent of such a certificate; (B) is legally authorized  
32 to provide a program of education beyond high school; (C) provides an  
33 educational program for which it awards a bachelor's or higher degree,  
34 or provides a program which is acceptable for full credit toward such  
35 a degree, or offers a program of training to prepare students for  
36 gainful employment in a recognized occupation; and (D) is a public or  
37 other nonprofit institution.

1        NEW SECTION.    **Sec. 2.** If any part of this act is found to be in  
2 conflict with federal requirements that are a prescribed condition to  
3 the allocation of federal funds to the state or the eligibility of  
4 employers in this state for federal unemployment tax credits, the  
5 conflicting part of this act is inoperative solely to the extent of the  
6 conflict, and the finding or determination does not affect the  
7 operation of the remainder of this act. Rules adopted under this act  
8 must meet federal requirements that are a necessary condition to the  
9 receipt of federal funds by the state or the granting of federal  
10 unemployment tax credits to employers in this state.

11        NEW SECTION.    **Sec. 3.** If any provision of this act or its  
12 application to any person or circumstance is held invalid, the  
13 remainder of the act or the application of the provision to other  
14 persons or circumstances is not affected.

15        NEW SECTION.    **Sec. 4.** This act applies to claims that have an  
16 effective date after May 1, 2003.

17        NEW SECTION.    **Sec. 5.** This act is necessary for the immediate  
18 preservation of the public peace, health, or safety, or support of the  
19 state government and its existing public institutions, and takes effect  
20 immediately.

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