
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5069

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Kohl-Welles, Franklin, Thibaudeau, Brown, Kline and Regala)

READ FIRST TIME 03/08/05.

1 AN ACT Relating to family leave insurance; and adding a new chapter
2 to Title 49 RCW.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that, although family
5 leave laws have assisted individuals to balance the demands of the
6 workplace with their family responsibilities, more needs to be done to
7 achieve the goals of family care, work force stability, and economic
8 security. In particular, the legislature finds that many individuals
9 do not have access to family leave laws, and those who do may not be in
10 a financial position to take family leave that is unpaid, and that
11 employer-paid benefits, including family leave and disability benefits,
12 meet only a relatively small part of this need. The legislature
13 declares it to be in the public interest to establish a program that:
14 (1) Allows parents to bond with a newborn or newly placed child, and
15 workers to care for seriously ill family members; (2) is in addition to
16 those programs offered by employers whether voluntary or required by
17 federal or state family leave laws; (3) provides limited income support
18 for a reasonable period while an individual is away from work on family

1 leave; and (4) reduces the impact on state income support programs by
2 increasing an individual's ability to provide care giving services for
3 family members while maintaining an employment relationship.

4 NEW SECTION. **Sec. 2.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Application year" means the twelve-month period beginning on
7 the first day of the calendar week in which an individual files an
8 application for family leave insurance benefits and, thereafter, the
9 twelve-month period beginning with the first day of the calendar week
10 in which the individual next files an application for family leave
11 insurance benefits after the expiration of the individual's last
12 preceding application year.

13 (2) "Calendar quarter" has the meaning provided in RCW 50.04.050.

14 (3) "Child" means a person who is:

15 (a) A biological, adopted, or foster child, a stepchild, a legal
16 ward, or a child of a person standing in loco parentis; and

17 (b)(i) Under eighteen years of age; or

18 (ii) Eighteen years of age or older and incapable of self-care
19 because of a mental or physical disability, whether permanent or
20 temporary.

21 (4) "Department" means the department of labor and industries.

22 (5) "Director" means the director of the department of labor and
23 industries.

24 (6) "Employer" means: (a) The same as the definition in RCW
25 50.04.080; and (b) the state and its political subdivisions.
26 "Employer" does not include a person or entity who employs fewer than
27 fifty employees.

28 (7) "Employment" has the meaning provided in RCW 50.04.100.

29 (8) "Family leave" means leave from employment:

30 (a) To care for a newborn child or adopted or foster child of the
31 individual or the individual's spouse when leave is completed within
32 twelve months after the birth or the placement for adoption or foster
33 care, as applicable; or

34 (b) To care for the individual's family member who has a serious
35 health condition.

36 (9) "Family leave insurance benefits" means the benefits payable
37 under sections 6 and 7 of this act.

1 (10) "Family member" means a child, spouse, or the parent of the
2 individual or individual's spouse.

3 (11) "Health care provider" means: (a) A person licensed as a
4 physician under chapter 18.71 RCW; (b) an osteopathic physician and
5 surgeon under chapter 18.57 RCW; or (c) any other person determined by
6 the director to be capable of providing health care services.

7 (12) "Parent" means a biological or adoptive parent, a stepparent,
8 or an individual who stood in loco parentis to an individual or an
9 individual's spouse when the individual or individual's spouse was a
10 child.

11 (13) "Premium" or "premiums" means payments required by this
12 chapter to be made to the department for the family leave insurance
13 account under section 20 of this act.

14 (14) "Qualifying year" means the first four of the last five
15 completed calendar quarters or the last four completed calendar
16 quarters immediately preceding the first day of the individual's
17 application year.

18 (15) "Regularly working" means the average number of hours per work
19 week that an individual worked in the two quarters of the individual's
20 qualifying year in which total wages were highest.

21 (16) "Serious health condition" means:

22 (a) An illness, injury, impairment, or physical or mental condition
23 that involves:

24 (i) A period of incapacity or treatment connected with inpatient
25 care, such as an overnight stay, in a hospital, hospice, or residential
26 medical care facility, and a period of incapacity or subsequent
27 treatment or recovery in connection with such inpatient care; or

28 (ii) Continuing treatment by or under the supervision of a health
29 care provider or a provider of health care services and which includes
30 a period of incapacity, such as an inability to work, attend school, or
31 perform other regular daily activities; and

32 (b) The period of such incapacity or continuing treatment is
33 expected to exceed the waiting period specified in section 6 of this
34 act over the course of the application year.

35 NEW SECTION. **Sec. 3.** (1) The department shall establish and
36 administer a family leave insurance program and pay family leave
37 insurance benefits as specified in this chapter.

1 (2) The department shall establish procedures and forms for filing
2 claims for benefits under this chapter. The department shall notify
3 the employer within five business days of a claim being filed under
4 section 4 of this act.

5 (3) The department may require that a claim for benefits under this
6 chapter be supported by a certification issued by the health care
7 provider providing health care to the individual's family member.

8 (4) The employment security department shall disclose relevant
9 information and records, and the department shall use information
10 sharing and integration technology to facilitate such disclosure, so
11 long as an individual consents to such disclosure as required under
12 section 4(4) of this act.

13 (5) Information contained in the files and records pertaining to an
14 individual under this chapter are confidential and not open to public
15 inspection, other than to public employees in the performance of their
16 official duties. However, the individual or an authorized
17 representative of an individual may review the records or receive
18 specific information from the records on the presentation of the signed
19 authorization of the individual. An employer or the employer's duly
20 authorized representative may review the records of an individual
21 employed by the employer in connection with a pending claim. At the
22 department's discretion, other persons may review records when such
23 persons are rendering assistance to the department at any stage of the
24 proceedings on any matter pertaining to the administration of this
25 chapter.

26 (6) The department shall develop and implement an outreach program
27 to ensure that individuals who may be eligible to receive family leave
28 insurance benefits under this chapter are made aware of these benefits.
29 Outreach information shall explain, in an easy to understand format,
30 eligibility requirements, the claims process, weekly benefit amounts,
31 maximum benefits payable, notice and medical certification
32 requirements, reinstatement and nondiscrimination rights,
33 confidentiality, and the relationship between benefits under this
34 chapter and other leave rights and benefits. Outreach information
35 shall be available in English and other primary languages as defined in
36 RCW 74.04.025.

1 NEW SECTION. **Sec. 4.** Beginning September 3, 2006, family leave
2 insurance benefits are payable to an individual during a period in
3 which the individual is on family leave if the individual:

4 (1) Files a claim for benefits in each week in which the individual
5 is on family leave, and as required by rules adopted by the director;

6 (2) Has been employed for at least nine hundred sixty hours in
7 employment during the individual's qualifying year or has been
8 continuously employed for the twelve months preceding the month during
9 which the employee files for benefits, whichever is less;

10 (3) Establishes an application year. An application year may not
11 be established if the qualifying year includes hours worked before
12 establishment of a previous application year;

13 (4) Consents to the disclosure of information or records deemed
14 private and confidential under chapter 50.13 RCW. Initial disclosure
15 of this information and these records by the employment security
16 department to the department is solely for purposes related to the
17 administration of this chapter. Further disclosure of this information
18 or these records is subject to sections 3(4) and 13(2)(b) of this act;

19 (5) Discloses whether or not he or she owes child support
20 obligations as defined in RCW 50.40.050;

21 (6) Documents that he or she has provided the employer from whom
22 family leave is to be taken with written notice of the individual's
23 intention to take family leave as follows:

24 (a) If the necessity for family leave defined in section 2(8)(a) of
25 this act was foreseeable based on an expected birth or placement,
26 notice was given at least thirty days before the family leave was to
27 begin, stating the anticipated starting date and ending date of the
28 family leave. However, if the date of birth or placement required
29 family leave to begin in less than thirty days or if the date of birth
30 or placement required family leave to be changed or extended, as much
31 notice as practicable was given;

32 (b) If the necessity for family leave defined in section 2(8)(b) of
33 this act was foreseeable based on planned medical treatment:

34 (i) Notice was given at least thirty days before the family leave
35 was to begin, stating the anticipated starting date and ending date of
36 the family leave. However, if the date of the treatment required
37 family leave to begin in less than thirty days or if the date of the

1 treatment required family leave to be changed or extended, as much
2 notice as practicable was given; and

3 (ii) The individual made reasonable efforts to schedule the
4 treatment so as not to disrupt unduly the operations of the employer,
5 subject to the approval of the health care provider of the family
6 member, as applicable; and

7 (c) If the necessity for family leave defined in section 2(8) (a)
8 or (b) of this act is not foreseeable, the employee must give notice to
9 the employer of the need for leave as soon as practicable under the
10 facts and circumstances of the case, stating the anticipated starting
11 and ending date of the family leave. It is expected that an employee
12 will give notice to the employer within no more than one or two working
13 days of learning of the need for leave, except in the extraordinary
14 circumstances where such notice is not feasible; and

15 (7) Is not receiving benefits under the unemployment compensation,
16 industrial insurance, or crime victims' compensation laws of this
17 state, any other state, or the United States.

18 NEW SECTION. **Sec. 5.** An individual is disqualified from family
19 leave insurance benefits beginning with the first day of the calendar
20 week, and continuing for the next fifty-two consecutive weeks, in which
21 the individual willfully made a false statement or misrepresentation
22 regarding a material fact, or willfully failed to report a material
23 fact, to obtain benefits under this chapter.

24 NEW SECTION. **Sec. 6.** (1) The maximum number of weeks during which
25 family leave insurance benefits are payable in an application year is
26 five weeks. However, benefits are not payable during a waiting period
27 consisting of the first five work days of family leave taken in an
28 application year with respect to a particular type of family leave,
29 whether the first five work days of family leave are employer paid or
30 unpaid.

31 (2)(a) The first payment of benefits must be made to an individual
32 within two weeks after the claim is filed or the family leave began,
33 whichever is later, and subsequent payments must be made semimonthly
34 thereafter.

35 (b) The payment of benefits under this chapter shall not be
36 considered a binding determination of the obligations of the department

1 under this chapter. The acceptance of compensation by the individual
2 shall likewise not be considered a binding determination of his or her
3 rights under this chapter. Whenever any payment of benefits under this
4 chapter has been made and timely appeal therefrom has been made where
5 the final decision is that the payment was improper, the individual
6 shall repay it and recoupment may be made from any future payment due
7 to the individual on any claim under this chapter. The director may
8 exercise his or her discretion to waive, in whole or in part, the
9 amount of any such payments where the recovery would be against equity
10 and good conscience.

11 (c) If an individual dies before he or she receives a payment of
12 benefits, the payment shall be made to the surviving spouse, or the
13 child or children if there is no surviving spouse. If there is no
14 surviving spouse, and no child or children, the payment shall be made
15 by the department and distributed consistent with the terms of the
16 decedent's will or, if the decedent dies intestate, consistent with the
17 terms of RCW 11.04.015.

18 (3) Benefits are not payable and waiting period credits are not
19 earned under this chapter for any weeks in which compensation is paid
20 or payable to the individual under Title 50 RCW or similar law of
21 another state or the United States, or under RCW 51.32.060 or 51.32.090
22 or another state or federal workers' compensation law.

23 NEW SECTION. **Sec. 7.** The amount of family leave insurance
24 benefits shall be determined as follows:

25 (1) The weekly benefit shall be two hundred fifty dollars per week
26 for an individual who at the time of beginning family leave was
27 regularly working forty hours or more per week.

28 (2) If an individual who at the time of beginning family leave was
29 regularly working forty hours or more per week is on family leave for
30 less than forty hours but at least eight hours in a week, the
31 individual's weekly benefit shall be .025 times the maximum weekly
32 benefit times the number of hours of family leave taken in the week.
33 Benefits are not payable for less than eight hours of family leave
34 taken in a week.

35 (3) For an individual who at the time of beginning family leave was
36 regularly working less than forty hours per week, the department shall
37 calculate a prorated schedule for a weekly benefit amount and a minimum

1 number of hours of family leave that must be taken in a week for
2 benefits to be payable, with the prorated schedule based on the amounts
3 and the calculations specified under subsections (1) and (2) of this
4 section.

5 (4) If an individual discloses that he or she owes child support
6 obligations under section 4 of this act and the department determines
7 that the individual is eligible for benefits, the department shall
8 notify the applicable state or local child support enforcement agency
9 and deduct and withhold an amount from benefits in a manner consistent
10 with RCW 50.40.050.

11 (5) If the internal revenue service determines that family leave
12 insurance benefits under this chapter are subject to federal income tax
13 and an individual elects to have federal income tax deducted and
14 withheld from benefits, the department shall deduct and withhold the
15 amount specified in the federal internal revenue code in a manner
16 consistent with section 8 of this act.

17 NEW SECTION. **Sec. 8.** (1) If the internal revenue service
18 determines that family leave insurance benefits under this chapter are
19 subject to federal income tax, the department must advise an individual
20 filing a new claim for family leave insurance benefits, at the time of
21 filing such claim, that:

22 (a) The internal revenue service has determined that benefits are
23 subject to federal income tax;

24 (b) Requirements exist pertaining to estimated tax payments;

25 (c) The individual may elect to have federal income tax deducted
26 and withheld from the individual's payment of benefits at the amount
27 specified in the federal internal revenue code; and

28 (d) The individual is permitted to change a previously elected
29 withholding status.

30 (2) Amounts deducted and withheld from benefits must remain in the
31 family leave insurance account until transferred to the federal taxing
32 authority as a payment of income tax.

33 (3) The director shall follow all procedures specified by the
34 federal internal revenue service pertaining to the deducting and
35 withholding of income tax.

1 NEW SECTION. **Sec. 9.** If family leave insurance benefits are paid
2 erroneously or as a result of willful misrepresentation, or if a claim
3 for family leave benefits is rejected after benefits are paid, RCW
4 51.32.240 shall apply, except that appeals are governed by section 14
5 of this act, penalties are paid into the family leave insurance
6 account, and the department shall seek repayment of benefits from the
7 recipient.

8 NEW SECTION. **Sec. 10.** During a period in which an individual
9 receives family leave insurance benefits under this chapter, the
10 individual is entitled to family leave. Family leave for which an
11 individual is receiving or received family leave insurance benefits
12 under this chapter must be taken concurrently with leave under the
13 federal family and medical leave act of 1993 (Act Feb. 5, 1993, P.L.
14 103-3, 107 Stat. 6), chapter 49.78 RCW, or other applicable federal,
15 state, or local law. At the established ending date of leave, the
16 individual may be reinstated in his or her position with the employer
17 from whom leave was taken under the applicable law most favorable to
18 the individual. However, if the individual is not entitled to
19 reinstatement on return from family leave under the federal family and
20 medical leave act of 1993 (Act Feb. 5, 1993, P.L. 103-3, 107 Stat. 6),
21 chapter 49.78 RCW, or other applicable federal, state, or local law,
22 then there is no entitlement to reinstatement under this act.

23 NEW SECTION. **Sec. 11.** (1) This chapter does not limit an
24 individual's right to leave from employment under other laws,
25 collective bargaining agreements, or employer policy, as applicable,
26 except as provided in this chapter.

27 (2) If an employer provides paid family leave through any means,
28 the individual may elect whether first to use the paid family leave or
29 to receive family leave insurance benefits under this chapter. An
30 individual may not be required to use the individual's paid family
31 leave to which the individual is otherwise entitled before receiving
32 benefits under this chapter.

33 NEW SECTION. **Sec. 12.** (1) An employer of individuals not covered
34 by this chapter or a self-employed person, including a sole proprietor,
35 partner, or joint venturer, may elect coverage under this chapter for

1 all individuals in its employ for an initial period of not less than
2 three years or a subsequent period of not less than one year
3 immediately following another period of coverage. The employer or
4 self-employed person must file a notice of election in writing with the
5 director, as required by the department. The election becomes
6 effective on the date of filing the notice.

7 (2) An employer or self-employed person who has elected coverage
8 may withdraw from coverage within thirty days after the end of the
9 three-year period of coverage, or at such other times as the director
10 may prescribe by rule, by filing written notice with the director, such
11 withdrawal to take effect not sooner than thirty days after filing the
12 notice. Within five days of filing written notice of the withdrawal
13 with the director, an employer must provide written notice of the
14 withdrawal to all individuals in the employer's employ.

15 (3) An employer of fewer than fifty employees may elect coverage
16 under this chapter for all individuals. The employer must file a
17 notice of election in writing with the director, as required by the
18 department. The election becomes effective on the date of filing the
19 notice.

20 (4) The department may cancel elective coverage if the employer or
21 self-employed person fails to make required payments or reports. The
22 department may collect due and unpaid premiums and may levy an
23 additional premium for the remainder of the period of coverage. The
24 cancellation shall be effective no later than thirty days from the date
25 of the notice in writing advising the employer or self-employed person
26 of the cancellation. Within five days of receiving written notice of
27 the cancellation from the director, an employer must provide written
28 notice of the cancellation to all individuals in the employer's employ.

29 NEW SECTION. **Sec. 13.** (1) In the form and at the times specified
30 by the director, an employer shall make reports, furnish information,
31 and remit premiums as required by section 19 of this act to the
32 department. If the employer is a temporary help company that provides
33 employees on a temporary basis to its customers, the temporary help
34 company is considered the employer for purposes of this section.
35 However, if the temporary help company fails to remit the required
36 premiums, the customer to whom the employees were provided is liable
37 for paying the premiums.

1 (2)(a) An employer must keep at his or her place of business a
2 record of employment from which the information needed by the
3 department for purposes of this chapter may be obtained. This record
4 shall at all times be open to the inspection of the director or
5 department employees designated by the director.

6 (b) Information obtained from employer records under this chapter
7 is confidential and not open to public inspection, other than to public
8 employees in the performance of their official duties. However, an
9 interested party shall be supplied with information from employer
10 records to the extent necessary for the proper presentation of the case
11 in question. An employer may authorize inspection of its records by
12 written consent.

13 (3) The requirements relating to the assessment and collection of
14 family leave insurance premiums are the same as the requirements
15 relating to the assessment and collection of industrial insurance
16 premiums under Title 51 RCW, including but not limited to penalties,
17 interest, and department lien rights and collection remedies. These
18 requirements apply to:

19 (a) An employer that fails under this chapter to make the required
20 reports, or fails to remit the full amount of the premiums when due;

21 (b) An employer that willfully makes a false statement or
22 misrepresentation regarding a material fact, or willfully fails to
23 report a material fact, to avoid making the required reports or
24 remitting the full amount of the premiums when due under this chapter;

25 (c) A public entity that engages in work or lets a contract for
26 work, in the manner specified in RCW 51.12.050;

27 (d) A person, firm, or corporation who lets a contract for work, in
28 the manner specified in RCW 51.12.070;

29 (e) A successor, as defined in RCW 51.08.177, in the manner
30 specified in RCW 51.16.200; and

31 (f) An officer, member, manager, or other person having control or
32 supervision of payment and/or reporting of family leave insurance, or
33 who is charged with the responsibility for the filing of returns, in
34 the manner specified in RCW 51.48.055.

35 (4) Notwithstanding subsection (3) of this section, appeals are
36 governed by section 14 of this act.

1 NEW SECTION. **Sec. 14.** (1) A person aggrieved by a decision of the
2 department under this chapter must file a notice of appeal with the
3 director, by mail or personally, within thirty days after the date on
4 which a copy of the department's decision was communicated to the
5 person. Upon receipt of the notice of appeal, the director shall
6 request the assignment of an administrative law judge in accordance
7 with chapter 34.05 RCW to conduct a hearing and issue a proposed
8 decision and order. The hearing shall be conducted in accordance with
9 chapter 34.05 RCW.

10 (2) The administrative law judge's proposed decision and order
11 shall be final and not subject to further appeal unless, within thirty
12 days after the decision is communicated to the interested parties, a
13 party petitions for review by the director. If the director's review
14 is timely requested, the director may order additional evidence by the
15 administrative law judge. On the basis of the evidence before the
16 administrative law judge and such additional evidence as the director
17 may order to be taken, the director shall render a decision affirming,
18 modifying, or setting aside the administrative law judge's decision.
19 The director's decision becomes final and not subject to further appeal
20 unless, within thirty days after the decision is communicated to the
21 interested parties, a party files a petition for judicial review as
22 provided in chapter 34.05 RCW. The director is a party to any judicial
23 action involving the director's decision and shall be represented in
24 the action by the attorney general.

25 (3) If, upon administrative or judicial review, the final decision
26 of the department is reversed or modified, the administrative law judge
27 or the court in its discretion may award reasonable attorneys' fees and
28 costs to the prevailing party. Attorneys' fees and costs owed by the
29 department, if any, are payable from the family leave insurance
30 account.

31 NEW SECTION. **Sec. 15.** An employer, temporary help company,
32 employment agency, employee organization, or other person may not
33 discharge, expel, or otherwise discriminate against a person because he
34 or she has filed or communicated to the employer an intent to file a
35 claim, a complaint, or an appeal, or has testified or is about to
36 testify or has assisted in any proceeding, under this chapter, at any
37 time, including during the waiting period described in section 6 of

1 this act and the period in which the person receives family leave
2 insurance benefits under this chapter. This section shall be enforced
3 as provided in RCW 51.48.025.

4 NEW SECTION. **Sec. 16.** (1) This chapter is not intended to
5 discourage employers from adopting or retaining policies that provide
6 additional benefits to individuals to address family leave needs.

7 (2) This chapter is not to be construed to diminish an employer's
8 obligation to comply with a collective bargaining agreement or an
9 employment benefit program or plan that provides greater benefits to
10 individuals than the family leave insurance benefits provided under
11 this chapter.

12 (3) An agreement by an individual to waive his or her rights under
13 this chapter is void as against public policy.

14 (4) The benefits provided to individuals under this chapter may not
15 be diminished by a collective bargaining agreement or an employment
16 benefit program or plan entered into or renewed after the effective
17 date of this section.

18 NEW SECTION. **Sec. 17.** This chapter does not create a continuing
19 entitlement or contractual right. The legislature reserves the right
20 to amend or repeal all or part of this chapter at any time, and a
21 benefit or other right granted under this chapter exists subject to the
22 legislature's power to amend or repeal this chapter. There is no
23 vested private right of any kind against such amendment or repeal.

24 NEW SECTION. **Sec. 18.** The director may adopt rules as necessary
25 to implement this chapter. In adopting rules, the director shall
26 maintain consistency with the rules adopted to implement the federal
27 family and medical leave act of 1993 (Act Feb. 5, 1993, P.L. 103-3, 107
28 Stat. 6), to the extent such rules are not in conflict with this
29 chapter.

30 NEW SECTION. **Sec. 19.** (1)(a) Beginning on January 1, 2006, for
31 each individual, each employer shall submit a premium of two cents per
32 hour worked, up to a maximum of forty hours per week, to the department
33 in the manner and at such intervals as the department directs for
34 deposit in the family leave insurance account. In the payment of

1 premiums, a fractional part of a cent shall be disregarded unless it
2 amounts to one-half cent or more, in which case it shall be increased
3 to one cent.

4 (b) The director may reduce the amount of the premium from time to
5 time to ensure that the amount is the lowest rate necessary to pay
6 family leave insurance benefits and administrative costs, and maintain
7 actuarial solvency in accordance with recognized insurance principles,
8 of the family leave insurance program on a current basis, and to repay
9 loaned funds from the supplemental pension fund, if any, as required in
10 sections 21 and 22 of this act.

11 (2)(a) Except as provided in (b) of this subsection, each employer
12 may retain from the earnings of each individual an amount equal to the
13 premium assessed for the individual pursuant to subsection (1) of this
14 section.

15 (b) None of the amount assessed for the family leave insurance
16 account may be retained from the earnings of individuals covered under
17 RCW 51.16.210.

18 NEW SECTION. **Sec. 20.** The family leave insurance account is
19 created in the custody of the state treasurer. All receipts from the
20 premium imposed under section 19 of this act or the penalties imposed
21 under section 13 of this act must be deposited in the account.
22 Expenditures from the account may be used only for the purposes of the
23 family leave insurance program. Only the director or the director's
24 designee may authorize expenditures from the account. The account is
25 subject to the allotment procedures under chapter 43.88 RCW, but an
26 appropriation is not required for benefit payments.

27 NEW SECTION. **Sec. 21.** If necessary to ensure that money is
28 available in the family leave insurance account for the administration
29 of the family leave insurance program and the payment of benefits under
30 this chapter, the director may, from time to time, lend funds from the
31 supplemental pension fund to the family leave insurance account. These
32 loaned funds may be expended solely for the purposes of administering
33 the program and paying benefits under this chapter. The director shall
34 repay the supplemental pension fund, plus its proportionate share of
35 earnings from investment of moneys in the supplemental pension fund

1 during the loan period, from the family leave insurance account within
2 one year after the date of the initial loan and within three months
3 after the date of any subsequent loan.

4 NEW SECTION. **Sec. 22.** Beginning September 1, 2006, the department
5 shall report to the legislature by September 1st of each year on
6 projected and actual program participation, premium rates, fund
7 balances, and outreach efforts.

8 NEW SECTION. **Sec. 23.** If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 24.** Sections 1 through 23 of this act
13 constitute a new chapter in Title 49 RCW.

--- END ---