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HOUSE BILL 1189

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State of Washington

62nd Legislature

2011 Regular Session

By Representatives Condotta, Chandler, Crouse, Warnick, Nealey, Shea, Fagan, Bailey, Armstrong, and Taylor

Read first time 01/14/11. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to eliminating the family leave insurance program;  
2 amending RCW 51.44.033; reenacting and amending RCW 43.79A.040; and  
3 repealing RCW 49.86.005, 49.86.010, 49.86.020, 49.86.030, 49.86.040,  
4 49.86.050, 49.86.060, 49.86.070, 49.86.080, 49.86.090, 49.86.100,  
5 49.86.110, 49.86.120, 49.86.130, 49.86.140, 49.86.150, 49.86.160,  
6 49.86.170, 49.86.180, 49.86.190, 49.86.200, 49.86.210, 49.86.900,  
7 49.86.901, 49.86.902, and 49.86.903.

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

9 NEW SECTION. **Sec. 1.** The following acts or parts of acts are each  
10 repealed:

- 11 (1) RCW 49.86.005 (Findings) and 2007 c 357 s 1;  
12 (2) RCW 49.86.010 (Definitions) and 2007 c 357 s 3;  
13 (3) RCW 49.86.020 (Family leave insurance program) and 2007 c 357  
14 s 4;  
15 (4) RCW 49.86.030 (Eligibility for benefits) and 2009 c 544 s 1 &  
16 2007 c 357 s 5;  
17 (5) RCW 49.86.040 (Disqualification from benefits) and 2007 c 357  
18 s 6;

1 (6) RCW 49.86.050 (Duration of benefits--Payment of benefits) and  
2 2007 c 357 s 7;  
3 (7) RCW 49.86.060 (Amount of benefits) and 2007 c 357 s 8;  
4 (8) RCW 49.86.070 (Federal income tax) and 2007 c 357 s 9;  
5 (9) RCW 49.86.080 (Erroneous payments--Payments induced by willful  
6 misrepresentation--Claim rejected after payments) and 2007 c 357 s 10;  
7 (10) RCW 49.86.090 (Leave and employment protection) and 2007 c 357  
8 s 11;  
9 (11) RCW 49.86.100 (Employment by same employer) and 2007 c 357 s  
10 12;  
11 (12) RCW 49.86.110 (Elective coverage) and 2007 c 357 s 13;  
12 (13) RCW 49.86.120 (Appeals) and 2007 c 357 s 14;  
13 (14) RCW 49.86.130 (Prohibited acts--Discrimination--Enforcement)  
14 and 2007 c 357 s 15;  
15 (15) RCW 49.86.140 (Coordination of leave) and 2007 c 357 s 16;  
16 (16) RCW 49.86.150 (Continuing entitlement or contractual rights--  
17 Not created) and 2007 c 357 s 17;  
18 (17) RCW 49.86.160 (Rules) and 2007 c 357 s 18;  
19 (18) RCW 49.86.170 (Family leave insurance account) and 2009 c 4 s  
20 905 & 2007 c 357 s 19;  
21 (19) RCW 49.86.180 (Family leave insurance account funds--  
22 Investment) and 2007 c 357 s 20;  
23 (20) RCW 49.86.190 (Initial program administration--Loans) and 2007  
24 c 357 s 22;  
25 (21) RCW 49.86.200 (Authority to contract) and 2007 c 357 s 24;  
26 (22) RCW 49.86.210 (Reports) and 2009 c 544 s 2 & 2007 c 357 s 26;  
27 (23) RCW 49.86.900 (Severability--2007 c 357) and 2007 c 357 s 27;  
28 (24) RCW 49.86.901 (Captions not law--2007 c 357) and 2007 c 357 s  
29 28;  
30 (25) RCW 49.86.902 (Effective dates--2007 c 357) and 2007 c 357 s  
31 30; and  
32 (26) RCW 49.86.903 (Construction--Chapter applicable to state  
33 registered domestic partnerships--2009 c 521) and 2009 c 521 s 136.

34 **Sec. 2.** RCW 51.44.033 and 2007 c 357 s 23 are each amended to read  
35 as follows:

36 There shall be, in the office of the state treasurer, a fund to be  
37 known and designated as the "supplemental pension fund". The director

1 shall be the administrator thereof. The fund shall be used for the  
2 sole purposes of making the additional payments therefrom prescribed in  
3 this title (~~and the loans therefrom authorized in RCW 49.86.190~~)).

4 **Sec. 3.** RCW 43.79A.040 and 2010 1st sp.s. c 19 s 22, 2010 1st  
5 sp.s. c 13 s 4, 2010 1st sp.s. c 9 s 6, 2010 c 222 s 4, and 2010 c 215  
6 s 7 are each reenacted and amended to read as follows:

7 (1) Money in the treasurer's trust fund may be deposited, invested,  
8 and reinvested by the state treasurer in accordance with RCW 43.84.080  
9 in the same manner and to the same extent as if the money were in the  
10 state treasury, and may be commingled with moneys in the state treasury  
11 for cash management and cash balance purposes.

12 (2) All income received from investment of the treasurer's trust  
13 fund must be set aside in an account in the treasury trust fund to be  
14 known as the investment income account.

15 (3) The investment income account may be utilized for the payment  
16 of purchased banking services on behalf of treasurer's trust funds  
17 including, but not limited to, depository, safekeeping, and  
18 disbursement functions for the state treasurer or affected state  
19 agencies. The investment income account is subject in all respects to  
20 chapter 43.88 RCW, but no appropriation is required for payments to  
21 financial institutions. Payments must occur prior to distribution of  
22 earnings set forth in subsection (4) of this section.

23 (4)(a) Monthly, the state treasurer must distribute the earnings  
24 credited to the investment income account to the state general fund  
25 except under (b), (c), and (d) of this subsection.

26 (b) The following accounts and funds must receive their  
27 proportionate share of earnings based upon each account's or fund's  
28 average daily balance for the period: The Washington promise  
29 scholarship account, the college savings program account, the  
30 Washington advanced college tuition payment program account, the  
31 accessible communities account, the agricultural local fund, the  
32 American Indian scholarship endowment fund, the foster care scholarship  
33 endowment fund, the foster care endowed scholarship trust fund, the  
34 students with dependents grant account, the basic health plan self-  
35 insurance reserve account, the contract harvesting revolving account,  
36 the Washington state combined fund drive account, the commemorative  
37 works account, the county enhanced 911 excise tax account, the

1 Washington international exchange scholarship endowment fund, the toll  
2 collection account, the developmental disabilities endowment trust  
3 fund, the energy account, the fair fund, (~~the family leave insurance~~  
4 ~~account,~~) the food animal veterinarian conditional scholarship  
5 account, the fruit and vegetable inspection account, the future  
6 teachers conditional scholarship account, the game farm alternative  
7 account, the GET ready for math and science scholarship account, the  
8 Washington global health technologies and product development account,  
9 the grain inspection revolving fund, the juvenile accountability  
10 incentive account, the law enforcement officers' and firefighters' plan  
11 2 expense fund, the local tourism promotion account, the pilotage  
12 account, the produce railcar pool account, the regional transportation  
13 investment district account, the rural rehabilitation account, the  
14 stadium and exhibition center account, the youth athletic facility  
15 account, the self-insurance revolving fund, the sulfur dioxide  
16 abatement account, the children's trust fund, the Washington horse  
17 racing commission Washington bred owners' bonus fund and breeder awards  
18 account, the Washington horse racing commission class C purse fund  
19 account, the individual development account program account, the  
20 Washington horse racing commission operating account (earnings from the  
21 Washington horse racing commission operating account must be credited  
22 to the Washington horse racing commission class C purse fund account),  
23 the life sciences discovery fund, the Washington state heritage center  
24 account, the reduced cigarette ignition propensity account, and the  
25 reading achievement account.

26 (c) The following accounts and funds must receive eighty percent of  
27 their proportionate share of earnings based upon each account's or  
28 fund's average daily balance for the period: The advanced right-of-way  
29 revolving fund, the advanced environmental mitigation revolving  
30 account, the federal narcotics asset forfeitures account, the high  
31 occupancy vehicle account, the local rail service assistance account,  
32 and the miscellaneous transportation programs account.

33 (d) Any state agency that has independent authority over accounts  
34 or funds not statutorily required to be held in the custody of the  
35 state treasurer that deposits funds into a fund or account in the  
36 custody of the state treasurer pursuant to an agreement with the office  
37 of the state treasurer shall receive its proportionate share of

1 earnings based upon each account's or fund's average daily balance for  
2 the period.

3 (5) In conformance with Article II, section 37 of the state  
4 Constitution, no trust accounts or funds shall be allocated earnings  
5 without the specific affirmative directive of this section.

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