
ENGROSSED SENATE BILL 5903

State of Washington

63rd Legislature

2013 Regular Session

By Senators Braun and Holmquist Newbry

Read first time 04/09/13. Referred to Committee on Ways & Means.

1 AN ACT Relating to funding the family and medical leave insurance
2 act; amending RCW 49.86.030; creating a new section; repealing RCW
3 49.86.005, 49.86.010, 49.86.020, 49.86.030, 49.86.040, 49.86.050,
4 49.86.060, 49.86.070, 49.86.080, 49.86.090, 49.86.100, 49.86.110,
5 49.86.120, 49.86.130, 49.86.140, 49.86.150, 49.86.160, 49.86.170,
6 49.86.180, 49.86.210, 49.86.900, 49.86.901, 49.86.902, and 49.86.903;
7 and providing a contingent effective date.

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

9 **Sec. 1.** RCW 49.86.030 and 2011 1st sp.s. c 25 s 1 are each amended
10 to read as follows:

11 Beginning October 1, (~~2015~~) 2017, family leave insurance benefits
12 are payable to an individual during a period in which the individual is
13 unable to perform his or her regular or customary work because he or
14 she is on family leave if the individual:

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

17 (2) Has been employed for at least six hundred eighty hours in
18 employment during the individual's qualifying year;

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

4 (4) Consents to the disclosure of information or records deemed
5 private and confidential under chapter 50.13 RCW. Initial disclosure
6 of this information and these records by the employment security
7 department to the department is solely for purposes related to the
8 administration of this chapter. Further disclosure of this information
9 or these records is subject to RCW 49.86.020(3);

10 (5) Discloses whether or not he or she owes child support
11 obligations as defined in RCW 50.40.050; and

12 (6) Documents that he or she has provided the employer from whom
13 family leave is to be taken with written notice of the individual's
14 intention to take family leave in the same manner as an employee is
15 required to provide notice in RCW 49.78.250.

16 NEW SECTION. **Sec. 2.** (1)(a)(i) The joint legislative task force
17 on family and medical leave insurance funding is established, with
18 eight members as provided in this subsection.

19 (A) The chair and the ranking member of the senate commerce and
20 labor committee.

21 (B) The chair and the ranking member of the house labor and
22 workforce development committee.

23 (C) The majority leader of the senate must appoint one member from
24 each of the two largest caucuses of the senate.

25 (D) The speaker of the house of representatives must appoint one
26 member from each of the two largest caucuses of the house of
27 representatives.

28 (ii) The department of labor and industries and the employment
29 security department must cooperate with the task force and must each
30 maintain a liaison representative, who must be a nonvoting member.

31 (iii) The majority leader of the senate and the speaker of the
32 house of representatives jointly must appoint the cochairs of the task
33 force from among the legislative members of the task force. The
34 cochairs must convene the initial meeting of the task force no later
35 than January 1, 2014, and set a schedule of monthly meetings
36 thereafter.

1 (b) The task force must make legislative recommendations for
2 financing of the benefits and administrative costs of the family and
3 medical leave insurance act.

4 (c) Staff support for the task force must be provided by senate
5 committee services and the house of representatives office of program
6 research.

7 (d) Legislative members of the task force must be reimbursed for
8 travel expenses in accordance with RCW 44.04.120. Nonlegislative
9 members, except those representing an employer or organization, are
10 entitled to be reimbursed for travel expenses in accordance with RCW
11 43.03.050 and 43.03.060.

12 (e) The expenses of the task force must be paid jointly by the
13 senate and the house of representatives. Task force expenditures are
14 subject to approval by the senate facilities and operations committee
15 and the house of representatives executive rules committee, or their
16 successor committees.

17 (f) By January 1, 2015, and in compliance with RCW 43.01.036, the
18 task force must submit a report to the legislature that details the
19 task force's recommendations for funding the family and medical leave
20 insurance act. The recommendations of the task force must include
21 proposed legislation for introduction during the 2015 legislative
22 session that implements the task force's recommendations.

23 (2) The following acts or parts of acts, as now existing or
24 hereafter amended, are each repealed:

25 (a) RCW 49.86.005 (Findings) and 2007 c 357 s 1;

26 (b) RCW 49.86.010 (Definitions) and 2007 c 357 s 3;

27 (c) RCW 49.86.020 (Family leave insurance program) and 2007 c 357
28 s 4;

29 (d) RCW 49.86.030 (Eligibility for benefits) and 2013 c ... s 1
30 (section 1 of this act), 2011 1st sp.s. c 25 s 1, 2009 c 544 s 1, &
31 2007 c 357 s 5;

32 (e) RCW 49.86.040 (Disqualification from benefits) and 2007 c 357
33 s 6;

34 (f) RCW 49.86.050 (Duration of benefits--Payment of benefits) and
35 2007 c 357 s 7;

36 (g) RCW 49.86.060 (Amount of benefits) and 2007 c 357 s 8;

37 (h) RCW 49.86.070 (Federal income tax) and 2007 c 357 s 9;

1 (i) RCW 49.86.080 (Erroneous payments--Payments induced by willful
2 misrepresentation--Claim rejected after payments) and 2007 c 357 s 10;
3 (j) RCW 49.86.090 (Leave and employment protection) and 2007 c 357
4 s 11;
5 (k) RCW 49.86.100 (Employment by same employer) and 2007 c 357 s
6 12;
7 (l) RCW 49.86.110 (Elective coverage) and 2007 c 357 s 13;
8 (m) RCW 49.86.120 (Appeals) and 2007 c 357 s 14;
9 (n) RCW 49.86.130 (Prohibited acts--Discrimination--Enforcement)
10 and 2007 c 357 s 15;
11 (o) RCW 49.86.140 (Coordination of leave) and 2007 c 357 s 16;
12 (p) RCW 49.86.150 (Continuing entitlement or contractual rights--
13 Not created) and 2007 c 357 s 17;
14 (q) RCW 49.86.160 (Rules) and 2007 c 357 s 18;
15 (r) RCW 49.86.170 (Family leave insurance account) and 2009 c 4 s
16 905 & 2007 c 357 s 19;
17 (s) RCW 49.86.180 (Family leave insurance account funds--
18 Investment) and 2007 c 357 s 20;
19 (t) RCW 49.86.210 (Reports) and 2011 1st sp.s. c 25 s 2, 2009 c 544
20 s 2, & 2007 c 357 s 26;
21 (u) RCW 49.86.900 (Severability--2007 c 357) and 2007 c 357 s 27;
22 (v) RCW 49.86.901 (Captions not law--2007 c 357) and 2007 c 357 s
23 28;
24 (w) RCW 49.86.902 (Effective dates--2007 c 357) and 2007 c 357 s
25 30; and
26 (x) RCW 49.86.903 (Construction--Chapter applicable to state
27 registered domestic partnerships--2009 c 521) and 2009 c 521 s 136.
28 (3)(a) Subsection (2) of this section takes effect December 31,
29 2015, if the family and medical leave insurance act is not funded by
30 December 31, 2015.
31 (b) The director of the office of financial management must provide
32 written notice of the effective date of subsection (2) of this section
33 to affected parties, the chief clerk of the house of representatives,
34 the secretary of the senate, the office of the code reviser, and others
35 as deemed appropriate by the director.

--- END ---