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HOUSE BILL 2353

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State of Washington

61st Legislature

2009 Regular Session

By Representative Dickerson

1 AN ACT Relating to delaying the implementation of the family leave  
2 insurance program; amending RCW 49.86.150, 49.86.030, 49.86.190, and  
3 49.86.210; and providing an expiration date.

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

5 **Sec. 1.** RCW 49.86.150 and 2007 c 357 s 17 are each amended to read  
6 as follows:

7 (1) Family leave insurance benefits are payable under this chapter  
8 only to the extent that the director of the office of financial  
9 management determines that moneys are deposited and available in the  
10 family leave insurance account for the purpose of benefit payments, and  
11 only to the extent provided in RCW 49.86.050 and 49.86.060. Neither  
12 the state nor the department is liable for any amount in excess of  
13 these limits.

14 (2) This chapter does not create a continuing entitlement or  
15 contractual right. The legislature reserves the right to amend or  
16 repeal all or part of this chapter at any time, and a benefit or other  
17 right granted under this chapter exists subject to the legislature's  
18 power to amend or repeal this chapter. There is no vested private  
19 right of any kind against such amendment or repeal.

1       **Sec. 2.** RCW 49.86.030 and 2007 c 357 s 5 are each amended to read  
2 as follows:

3       (~~Beginning October 1, 2009~~) Subject to RCW 49.86.150, family  
4 leave insurance benefits are payable to an individual during a period  
5 in which the individual is unable to perform his or her regular or  
6 customary work because he or she is on family leave if the individual:

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

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

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

14       (4) Consents to the disclosure of information or records deemed  
15 private and confidential under chapter 50.13 RCW. Initial disclosure  
16 of this information and these records by the employment security  
17 department to the department is solely for purposes related to the  
18 administration of this chapter. Further disclosure of this information  
19 or these records is subject to RCW 49.86.020(3);

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

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

26       **Sec. 3.** RCW 49.86.190 and 2007 c 357 s 22 are each amended to read  
27 as follows:

28       If necessary to ensure that money is available in the family leave  
29 insurance account for the initial administration of the family leave  
30 insurance program, the director of labor and industries may, from time  
31 to time before July 1, (~~2009~~) 2012, lend funds from the supplemental  
32 pension fund to the family leave insurance account. These loaned funds  
33 may be expended solely for the initial administration of the program  
34 under this chapter. The director of labor and industries shall repay  
35 the supplemental pension fund, plus its proportionate share of earnings  
36 from investment of moneys in the supplemental pension fund during the

1 loan period, from the family leave insurance account within two years  
2 of the date of the loan. This section expires October 1, ((2011))  
3 2014.

4 **Sec. 4.** RCW 49.86.210 and 2007 c 357 s 26 are each amended to read  
5 as follows:

6 ((Beginning September 1, 2010,)) The department shall report to the  
7 legislature by September 1st of the first year in which family leave  
8 insurance benefits are payable and each year thereafter on projected  
9 and actual program participation, premium rates, fund balances, and  
10 outreach efforts.

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