

CHAPTER 1

[Engrossed Senate Bill No. 58]

UNEMPLOYMENT COMPENSATION--
EXTENDED BENEFITS

AN ACT Relating to unemployment compensation; adding new sections to chapter 35, Laws of 1945 and to Title 50 RCW as a new chapter therein; repealing section 23, chapter 2, Laws of 1970 ex.sess. and RCW 50.20.127; establishing effective dates; and declaring an emergency.

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

NEW SECTION. Section 1. Sections 2 through 11 of this 1971 amendatory act are added to chapter 35, Laws of 1945 and to Title 50 RCW as a new chapter therein.

NEW SECTION. Sec. 2. As used in this 1971 amendatory act, unless the context clearly indicates otherwise:

(1) "Extended benefit period" means a period which:

(a) Begins with the third week after whichever of the following weeks occurs first:

(i) a week for which there is a national "on" indicator, or

(ii) a week for which there is a state "on" indicator:

PROVIDED, That, as there was a state "on" indicator for the week which was three weeks prior to October 11, 1970, an extended benefit period began on that date.

(b) Ends with the third week after the first week for which there is both a national "off" indicator and a state "off" indicator: PROVIDED, That no extended benefit period shall last for a period of less than thirteen consecutive weeks, and further that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week after the close of a prior extended benefit period which was in effect with respect to this state: AND PROVIDED FURTHER, That prior to January 1, 1972, an extended benefit period may become effective and be terminated in this state solely by reason of a state "on" and a state "off" indicator, respectively.

(2) There is a "national 'on' indicator" for a week if the United States secretary of labor determines that for each of the three most recent calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states equaled or exceeded four and five-tenths percent.

(3) There is a "national 'off' indicator" for a week if the United States secretary of labor determines that for each of the three most recent calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states was less than four and five-tenths percent.

(4) There is a "state 'on' indicator" for this state for a

week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) as determined under the provisions of subsection (6) of this section:

(a) equaled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, and

(b) equaled or exceeded four percent.

(5) There is a "state 'off' indicator" for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) as determined under the provisions of subsection (6) of this section was either:

(a) Less than one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years; or

(b) Less than four percent.

(6) "Rate of insured unemployment", for purposes of subsections (4) and (5) of this section, means the percentage derived by dividing the average weekly number of individuals filing claims in this state for weeks of unemployment with respect to the most recent thirteen-consecutive-week period, as determined by the commissioner on the basis of his reports to the United States secretary of labor; by the average monthly employment covered under this title for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period.

(7) "Regular benefits" means benefits payable to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits or additional benefits.

(8) "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than emergency benefits payable to an individual under the provisions of this chapter for weeks of unemployment in his eligibility period.

(9) "Additional benefits" are benefits other than regular benefits or extended benefits. The term includes benefits paid or payable pursuant to RCW 50.20.127 for weeks ending prior to October 11, 1970 and emergency benefits as provided for in this 1971 amendatory act.

(10) "Emergency benefits" are additional benefits payable only

during the emergency benefit period. The entitlement and eligibility criteria for such benefits are contained in section 9 of this 1971 amendatory act.

(11) "Emergency benefit period" is the only period during which emergency benefits are payable. It is coincident to that extended benefit period which began on October 11, 1970, but in no event shall such emergency benefit period extend beyond October 2, 1971.

(12) "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period that is in effect in this state and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

(13) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(a) Has received, prior to such week, all of the regular benefits that were available to him under this title or any other state law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week: PROVIDED, That for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although, as a result of a pending appeal with respect to wages and/or employment that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to more regular benefits; or

(b) His benefit year having expired prior to such week, has no, or insufficient, wages and/or employment on the basis of which he could establish a new benefit year that would include such week; and

(c) Has no rights to allowances or unemployment benefits, as the case may be, under the railroad unemployment insurance act, the trade expansion act of 1962, or the automotive products trade act of 1965 and such other federal laws as are specified in regulations issued by the United States secretary of labor; and

(d) Has not received and is not seeking unemployment benefits under the employment security law of the Virgin Islands or of Canada, but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law, he is an exhaustee.

(14) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the internal revenue code of 1954.

NEW SECTION. Sec. 3. Except when the result would be inconsistent with the other provisions of this 1971 amendatory act,

the provisions of this title and commissioner's regulations enacted pursuant thereto, which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

NEW SECTION. Sec. 4. An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the commissioner finds that with respect to such week:

(1) He is an "exhaustee" as defined in subsection 13 of section 2 of this 1971 amendatory act; and

(2) He has satisfied the requirements of this title for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.

NEW SECTION. Sec. 5. The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year.

NEW SECTION. Sec. 6. The total extended benefit amount payable to any eligible individual with respect to his applicable benefit year shall be the least of the following amounts:

(1) Fifty percent of the total amount of regular benefits which were payable to him under this title in his applicable benefit year;

(2) Thirteen times his weekly benefit amount which was payable to him under this title for a week of total unemployment in the applicable benefit year; or

(3) Thirty-nine times his weekly benefit amount which was payable to him under this title for a week of total unemployment in the applicable benefit year, reduced by the total amount of regular benefits which were paid (or deemed paid) to him under this title with respect to the benefit year.

NEW SECTION. Sec. 7. (1) Whenever an extended benefit period is to become effective in this state (or in all states) as a result of a state or national "on" indicator, or an extended benefit period is to be terminated in this state as a result of state and national "off" indicators or solely as a result of a state "off" indicator prior to January 1, 1972, the commissioner shall make an appropriate public announcement.

(2) Computations required by the provisions of subsection (6) of section 2 of this 1971 amendatory act shall be made by the commissioner, in accordance with regulations prescribed by the United States secretary of labor.

NEW SECTION. Sec. 8. Benefits paid under the provisions of RCW 50.20.127 for weeks beginning on and after October 11, 1970, and

prior to the effective date of this 1971 amendatory act, shall be considered as extended benefits paid under this act to the extent that such benefits would have been payable had this act been in effect at the time such benefits were paid. The commissioner shall establish a total extended benefit amount pursuant to this act for each individual who receives benefits under RCW 50.20.127 with respect to weeks of unemployment beginning on and after October 11, 1970, and shall reduce such total extended benefit amount by the aggregate amount of benefits paid to each such individual under RCW 50.20.127 with respect to weeks of unemployment beginning on and after October 11, 1970, which would have been payable to such individual under this act had it been in effect at the time such payments were made: PROVIDED, HOWEVER, That this provision shall not be interpreted as granting retroactive benefits for weeks of unemployment which were not claimed under the provisions of RCW 50.20.127.

NEW SECTION. Sec. 9. The current protracted period of high unemployment in this state requires the enactment of a temporary emergency benefit program. The benefits to be paid pursuant to this program are designated as emergency benefits. Emergency benefits are payable only for weeks claimed during the emergency benefit period: PROVIDED, HOWEVER, That no such benefits are payable for weeks commencing after October 2, 1971. No individual shall be deemed qualified for emergency benefits unless the benefit year upon which his current eligibility period is based includes the effective date of this 1971 amendatory act, nor shall he be deemed qualified unless he has exhausted his entitlement to extended benefits and continues to meet the exhaustee criteria. Subject to the foregoing limitations emergency benefits will be paid in accordance with the terms and conditions set forth in the following subsections.

(1) An individual's total entitlement to emergency benefits is the balance obtained by subtracting the total amount of benefits, if any, which have been claimed pursuant to RCW 50.20.127 for weeks ending prior to October 11, 1970 from the lesser of the following amounts:

(a) Fifty percent of the total amount of regular benefits which were payable to him under this title with respect to his applicable benefit year; or

(b) Thirteen times the weekly regular benefit amount which was payable to him under this title for a week of total unemployment during his applicable benefit year.

(2) An individual's weekly emergency benefit amount shall be the same as the weekly regular benefit amount payable to him under this title for a week of total unemployment during his applicable benefit year.

(3) Except when the result would be inconsistent with other provisions of this 1971 amendatory act, the provisions of this title and the commissioner's regulations enacted pursuant thereto, which apply to claims for, or the payment of, regular benefits shall apply to claims for, or the payment of, emergency benefits.

NEW SECTION. Sec. 10. Section 23, chapter 2, Laws of 1970 ex.sess. and RCW 50.20.127 are each hereby repealed. No benefits shall be paid pursuant to RCW 50.20.127 for weeks commencing on or after the effective date of this 1971 amendatory act.

NEW SECTION. Sec. 11. This 1971 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on the Sunday following the day on which the governor signs this enactment.

Passed the Senate January 15, 1971.
Passed the House January 15, 1971.
Approved by the Governor January 15, 1971.
Filed in Office of Secretary of State January 15, 1971.

CHAPTER 2
[Senate Bill No. 171]
APPROPRIATIONS--
LEGISLATIVE EXPENSE AND MEMBERS' SUBSISTENCE

AN ACT Relating to the expenses and costs of the legislature including subsistence payments and expenses of members; making appropriations; and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby appropriated out of the state general fund to the legislature the sum of three million one hundred twenty-eight thousand three hundred thirty dollars (\$3,128,330), or so much thereof as may be necessary for the purpose of paying the expenses and costs of the legislature including payment to members of the legislature and the president of the Senate in lieu of subsistence and lodging while in attendance at the forty-second legislature, and for members' mileage. From the amount hereby appropriated:

(1) The Senate shall not expend more than one million four hundred one thousand five hundred fifty dollars (\$1,401,550); and

(2) The House of Representatives shall not expend more than one million seven hundred twenty-six thousand seven hundred eighty dollars (\$1,726,780): PROVIDED, That none of the funds appropriated by this section shall be expended by or for the legislative council,