

2 **HB 2862** - S COMM AMD

3 By Committee on Labor, Commerce & Trade

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5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 43.20B.720 and 1985 c 245 s 7 are each amended to
8 read as follows:

9 ~~((By accepting))~~ (1) A recipient of public assistance from the
10 department of social and health services~~((, the recipient thereof))~~
11 shall be deemed to have ~~((subrogated said))~~ assigned to the department
12 ~~((to the recipient's))~~ the right to recover time loss compensation due
13 to ~~((such))~~ the recipient and ~~((his or her))~~ the recipient's dependents
14 ~~((pursuant to the provisions of))~~ under Title 51 RCW, up to the
15 ~~((extent))~~ amount of ~~((such))~~ assistance ~~((or compensation, whichever~~
16 ~~is less, furnished to the recipient and his or her dependents for or~~
17 ~~during the period for which time loss compensation is payable:~~
18 PROVIDED, That)) received. The amount to be repaid to the department
19 of social and health services shall bear its proportionate share of
20 attorney's fees and costs, if any, incurred by the injured ~~((worker))~~
21 recipient or the ~~((worker's))~~ recipient's dependents.

22 (2) The department of social and health services may assert and
23 enforce a lien and notice to withhold and deliver ~~((as hereinafter~~
24 ~~provided))~~ to secure reimbursement ~~((of any public assistance paid for~~
25 ~~or during the period and for the purposes expressed in this section)).~~
26 The lien and notice to withhold and deliver shall identify the
27 recipient of public assistance and time loss compensation and the
28 amount claimed by the department.

29 **Sec. 2.** RCW 43.20B.730 and 1987 c 75 s 34 are each amended to read
30 as follows:

31 The effective date of the ~~((statement of))~~ lien and notice to
32 withhold and deliver provided in RCW ~~((43.20B.725))~~ 43.20B.720, shall
33 be the day that it is received by the ~~((director of the))~~ department of
34 labor and industries~~((, an employee of the director's office of~~
35 ~~suitable discretion,))~~ or a self-insurer as defined in chapter 51.08

1 RCW(~~(:—PROVIDED, That)~~). Service of ((such statement of)) the lien
2 and notice to withhold and deliver may be made personally ((or)), by
3 regular mail, postage prepaid(~~(:—PROVIDED, FURTHER, That)~~), or by
4 electronic device. A ((copy of the)) statement of lien and notice to
5 withhold and deliver shall be mailed to the recipient at the
6 recipient's last known address by certified mail, return receipt
7 requested, no later than ((the next)) two business days after ((such
8 statement)) receipt of the lien and notice to withhold and deliver((has
9 been mailed or delivered to)) by the department of labor and industries
10 or ((to)) a self-insurer as defined in chapter 51.08 RCW.

11 **Sec. 3.** RCW 43.20B.735 and 1973 1st ex.s. c 102 s 4 are each
12 amended to read as follows:

13 The director of the department of labor and industries or his or
14 her designee, following receipt of the ~~((statement of))~~ lien and notice
15 to withhold and deliver, shall deliver to the secretary of the
16 department of social and health services or his or her designee any
17 funds up to the amount claimed ~~((he))~~ the director may hold, or which
18 may at any time come into ~~((his))~~ the director's possession, on account
19 of time loss compensation payable to ~~((said))~~ the recipient ~~((for or~~
20 ~~during the period stated, immediately upon a final determination of the~~
21 ~~recipient's entitlement to the time loss compensation in accordance~~
22 ~~with the provisions of Title 51 RCW))~~.

23 **Sec. 4.** RCW 43.20B.740 and 1989 c 175 s 101 are each amended to
24 read as follows:

25 Any ~~((person))~~ recipient feeling aggrieved by the action of the
26 department of social and health services in ~~((impounding))~~ recovering
27 his or her time loss compensation as provided in RCW 43.20B.720 through
28 43.20B.745 shall have the right to an adjudicative proceeding.

29 ~~((Any such person who desires a hearing shall,))~~ A recipient
30 seeking an adjudicative proceeding shall file an application with the
31 secretary within twenty-eight days after the statement of lien and
32 notice to withhold and deliver ((has been)) was mailed to ((or served
33 upon the director of the department of labor and industries and said
34 appellant, file with the secretary an application for an adjudicative
35 proceeding)) the recipient. If the recipient files an application more
36 than twenty-eight days, but within one year, of the date the notice to
37 withhold and deliver was mailed, the recipient is entitled to a hearing

1 if good cause is shown for failure to file a timely application. The
2 filing of a late application does not affect prior collection action
3 pending the final adjudicative order. Until good cause for failure to
4 file a timely application is decided, the department may continue to
5 collect under the lien and notice to withhold and deliver.

6 The proceeding shall be governed by chapter 34.05 RCW, the
7 Administrative Procedure Act.

8 NEW SECTION. Sec. 5. RCW 43.20B.725 and 1987 c 75 s 33, 1985 c
9 245 s 8, & 1973 1st ex.s. c 102 s 2 are each repealed."

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13 On page 1, line 2 of the title, after "deliver;" strike the
14 remainder of the title and insert "amending RCW 43.20B.720, 43.20B.730,
15 43.20B.735, and 43.20B.740; and repealing RCW 43.20B.725."

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