

EHB 1394 - S COMM AMD

By Committee on Commerce & Labor

ADOPTED 04/12/2013

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 50.24.020 and 1983 1st ex.s. c 23 s 14 are each
4 amended to read as follows:

5 The commissioner may compromise any claim for contributions,
6 interest, or penalties due and owing from an employer, and any amount
7 owed by an individual because of benefit overpayments(~~(, whether~~
8 ~~reduced to judgment or otherwise,)~~) existing or arising under this
9 title in any case where collection of the full ~~((claim, in the case of~~
10 ~~contributions, interest, or penalties, would result in the insolvency~~
11 ~~of the employing unit or individual from whom such contributions,~~
12 ~~interest, or penalties are claimed, and any case where collection of~~
13 ~~the full amount of benefit overpayments made to an individual))~~ amount
14 due and owing, whether reduced to judgment or otherwise, would be
15 against equity and good conscience.

16 Whenever a compromise is made by the commissioner in the case of a
17 claim for contributions, interest, or penalties, whether reduced to
18 judgment or otherwise, there shall be placed on file in the office of
19 the unemployment compensation division a statement of the amount of
20 contributions, interest, and penalties imposed by law and claimed due,
21 attorneys' fees and costs, if any, a complete record of the compromise
22 agreement, and the amount actually paid in accordance with the terms of
23 the compromise agreement. Whenever a compromise is made by the
24 commissioner in the case of a claim of a benefit overpayment, whether
25 reduced to judgment or otherwise, there shall be placed on file in the
26 office of the unemployment compensation division a statement of the
27 amount of the benefit overpayment, attorneys' fees and costs, if any,
28 a complete record of the compromise agreement, and the amount actually
29 paid in accordance with the terms of the compromise agreement.

1 If any such compromise is accepted by the commissioner, within such
2 time as may be stated in the compromise or agreed to, such compromise
3 shall be final and conclusive and except upon showing of fraud or
4 malfeasance or misrepresentation of a material fact the case shall not
5 be reopened as to the matters agreed upon. In any suit, action, or
6 proceeding, such agreement or any determination, collection, payment,
7 adjustment, refund, or credit made in accordance therewith shall not be
8 annulled, modified, set aside, or disregarded.

9 NEW SECTION. **Sec. 2.** If any part of this act is found to be in
10 conflict with federal requirements that are a prescribed condition to
11 the allocation of federal funds to the state or the eligibility of
12 employers in this state for federal unemployment tax credits, the
13 conflicting part of this act is inoperative solely to the extent of the
14 conflict, and the finding or determination does not affect the
15 operation of the remainder of this act. Rules adopted under this act
16 must meet federal requirements that are a necessary condition to the
17 receipt of federal funds by the state or the granting of federal
18 unemployment tax credits to employers in this state.

19 NEW SECTION. **Sec. 3.** If any provision of this act or its
20 application to any person or circumstance is held invalid, the
21 remainder of the act or the application of the provision to other
22 persons or circumstances is not affected.

23 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
24 preservation of the public peace, health, or safety, or support of the
25 state government and its existing public institutions, and takes effect
26 immediately.

27 NEW SECTION. **Sec. 5.** Section 1 of this act applies retroactively
28 to January 1, 2013."

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1 On page 1, line 2 of the title, after "authority;" strike the
2 remainder of the title and insert "amending RCW 50.24.020; creating new
3 sections; and declaring an emergency."

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