
SENATE BILL 5354

State of Washington

63rd Legislature

2013 Regular Session

By Senators Holmquist Newbry and Conway; by request of Employment Security Department

Read first time 01/28/13. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to changing the employment security department's
2 settlement authority; amending RCW 50.24.020; and creating a new
3 section.

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

5 **Sec. 1.** RCW 50.24.020 and 1983 1st ex.s. c 23 s 14 are each
6 amended to read as follows:

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

18 Whenever a compromise is made by the commissioner in the case of a
19 claim for contributions, interest, or penalties, whether reduced to

1 judgment or otherwise, there shall be placed on file in the office of
2 the unemployment compensation division a statement of the amount of
3 contributions, interest, and penalties imposed by law and claimed due,
4 attorneys' fees and costs, if any, a complete record of the compromise
5 agreement, and the amount actually paid in accordance with the terms of
6 the compromise agreement. Whenever a compromise is made by the
7 commissioner in the case of a claim of a benefit overpayment, whether
8 reduced to judgment or otherwise, there shall be placed on file in the
9 office of the unemployment compensation division a statement of the
10 amount of the benefit overpayment, attorneys' fees and costs, if any,
11 a complete record of the compromise agreement, and the amount actually
12 paid in accordance with the terms of the compromise agreement.

13 If any such compromise is accepted by the commissioner, within such
14 time as may be stated in the compromise or agreed to, such compromise
15 shall be final and conclusive and except upon showing of fraud or
16 malfeasance or misrepresentation of a material fact the case shall not
17 be reopened as to the matters agreed upon. In any suit, action, or
18 proceeding, such agreement or any determination, collection, payment,
19 adjustment, refund, or credit made in accordance therewith shall not be
20 annulled, modified, set aside, or disregarded.

21 NEW SECTION. **Sec. 2.** If any part of this act is found to be in
22 conflict with federal requirements that are a prescribed condition to
23 the allocation of federal funds to the state or the eligibility of
24 employers in this state for federal unemployment tax credits, the
25 conflicting part of this act is inoperative solely to the extent of the
26 conflict, and the finding or determination does not affect the
27 operation of the remainder of this act. Rules adopted under this act
28 must meet federal requirements that are a necessary condition to the
29 receipt of federal funds by the state or the granting of federal
30 unemployment tax credits to employers in this state.

31 NEW SECTION. **Sec. 3.** If any provision of this act or its
32 application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected.

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