

2 **SHB 2345 - H AMD 337 ADOPTED 2-19-96**

3 By Representatives Schoesler, and others

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5 On page 145, after line 2, insert the following:

6 "Sec. 901. RCW 50.24.010 and 1984 c 205 s 2 are each amended to  
7 read as follows:

8 (1) Contributions shall accrue and become payable by each employer  
9 (except employers as described in RCW 50.44.010 who have properly  
10 elected to make payments in lieu of contributions and those employers  
11 who are required to make payments in lieu of contributions) for each  
12 calendar year in which the employer is subject to this title at the  
13 rate established pursuant to chapter 50.29 RCW.

14 In each rate year, the amount of wages subject to tax for each  
15 individual shall be one hundred fifteen percent of the amount of wages  
16 subject to tax for the previous year rounded to the next lower one  
17 hundred dollars: PROVIDED, That the amount of wages subject to tax in  
18 any rate year shall not exceed eighty percent of the "average annual  
19 wage for contributions purposes" for the second preceding calendar year  
20 rounded to the next lower one hundred dollars: PROVIDED FURTHER, That  
21 the amount subject to tax shall be twelve thousand dollars for rate  
22 year 1984 and ten thousand dollars for rate year 1985.

23 In making computations under this section and RCW 50.29.010, wages  
24 paid based on services for employers making payments in lieu of  
25 contributions shall not be considered remuneration. Moneys paid from  
26 the fund, based on services performed for employers who make payments  
27 in lieu of contributions, which have not been reimbursed to the fund as  
28 of any June 30 shall be deemed an asset of the unemployment  
29 compensation fund, to the extent that such moneys exceed the amount of  
30 payments in lieu of contributions which the commissioner has previously  
31 determined to be uncollectible: PROVIDED, FURTHER, That the amount  
32 attributable to employment with the state shall also include interest  
33 as provided for in RCW 50.44.020.

34 Contributions shall become due and be paid by each employer to the  
35 treasurer for the unemployment compensation fund in accordance with  
36 such regulations as the commissioner may prescribe, except as provided  
37 in subsection (2) of this section, and shall not be deducted, in whole

1 or in part, from the remuneration of individuals in employment of the  
2 employer. Any deduction in violation of the provisions of this section  
3 shall be unlawful.

4 In the payment of any contributions, a fractional part of a cent  
5 shall be disregarded unless it amounts to one-half cent or more, in  
6 which case it shall be increased to one cent.

7 (2) For the purposes of making contributions during calendar year  
8 1996, the following shall apply to an employer whose place of business  
9 is located in a county that the governor has declared to be in a  
10 disaster area as a result of flooding in 1996 and whose business is  
11 permanently or temporarily closed, or the operations of the business  
12 are severely curtailed, for reasons that are directly attributable to  
13 flood damage:

14 (a) The employer may elect to defer for up to six months the report  
15 under RCW 50.12.070 and the payment of contributions required under  
16 this section for the quarter ending March 31, 1996. The employer  
17 electing this option must notify the commissioner in writing by April  
18 30, 1996;

19 (b) Any report and payment of contributions deferred under this  
20 subsection is due no later than October 31, 1996; and

21 (c) If the report is made and the deferred contributions are fully  
22 paid by October 31, 1996, penalties may not be assessed and interest  
23 may not accrue as a result of the deferral permitted under this  
24 subsection.

25 **Sec. 902.** RCW 51.16.060 and 1985 c 315 s 1 are each amended to  
26 read as follows:

27 (1) Every employer not qualifying as a self-insurer, shall insure  
28 with the state and, except as provided in subsection (2) of this  
29 section, shall, on or before the last day of January, April, July and  
30 October of each year thereafter, furnish the department with a true and  
31 accurate payroll for the period in which workers were employed by it  
32 during the preceding calendar quarter, the total amount paid to such  
33 workers during such preceding calendar quarter, and a segregation of  
34 employment in the different classes established pursuant to this title,  
35 and shall pay its premium thereon to the appropriate fund. Premiums  
36 for a calendar quarter, whether reported or not, shall become due and  
37 delinquent on the day immediately following the last day of the month  
38 following the calendar quarter. The sufficiency of such statement

1 shall be subject to the approval of the director: PROVIDED, That the  
2 director may in his or her discretion and for the effective  
3 administration of this title require an employer in individual  
4 instances to furnish a supplementary report containing the name of each  
5 individual worker, his or her hours worked, his or her rate of pay and  
6 the class or classes in which such work was performed: PROVIDED  
7 FURTHER, That in the event an employer shall furnish the department  
8 with four consecutive quarterly reports wherein each such quarterly  
9 report indicates that no premium is due the department may close the  
10 account: PROVIDED FURTHER, That the department may promulgate rules  
11 and regulations in accordance with chapter 34.05 RCW to establish other  
12 reporting periods and payment due dates in lieu of reports and payments  
13 following each calendar quarter, and may also establish terms and  
14 conditions for payment of premiums and assessments based on estimated  
15 payrolls, with such payments being subject to approval as to  
16 sufficiency of the estimated payroll by the department, and also  
17 subject to appropriate periodic adjustments made by the department  
18 based on actual payroll: AND PROVIDED FURTHER, That a temporary help  
19 company which provides workers on a temporary basis to its customers  
20 shall be considered the employer for purposes of reporting and paying  
21 premiums and assessments under this title according to the appropriate  
22 rate classifications as determined by the department: PROVIDED, That  
23 the employer shall be liable for paying premiums and assessments,  
24 should the temporary help company fail to pay the premiums and  
25 assessments under this title.

26 (2) For the purposes of paying premiums during calendar year 1996,  
27 the following shall apply to an employer whose place of business is  
28 located in a county that the governor has declared to be in a disaster  
29 area as a result of flooding in 1996 and whose business is permanently  
30 or temporarily closed, or the operations of the business are severely  
31 curtailed, for reasons that are directly attributable to flood damage:

32 (a) The employer may elect to defer for up to six months the report  
33 and the payment of premiums required under this section for the quarter  
34 ending March 31, 1996. The employer electing this option must notify  
35 the department in writing by April 30, 1996;

36 (b) Any report and payment of premiums deferred under this  
37 subsection is due no later than October 31, 1996; and

1       (c) If the report is made and the deferred premiums are fully paid  
2 by October 31, 1996, penalties may not be assessed and interest may not  
3 accrue as a result of the deferral permitted under this subsection.

4       **Sec. 903.** RCW 82.32.045 and 1983 2nd ex.s. c 3 s 63 are each  
5 amended to read as follows:

6       (1) Except as otherwise provided in this chapter, payments of the  
7 taxes imposed under chapters 82.04, 82.08, 82.12, 82.14, and 82.16 RCW,  
8 along with reports and returns on forms prescribed by the department,  
9 are due monthly within twenty-five days after the end of the month in  
10 which the taxable activities occur.

11       (2) The department of revenue may relieve any taxpayer or class of  
12 taxpayers from the obligation of remitting monthly and may require the  
13 return to cover other longer reporting periods, but in no event may  
14 returns be filed for a period greater than one year. For these  
15 taxpayers, tax payments are due on or before the last day of the month  
16 next succeeding the end of the period covered by the return.

17       (3) The department of revenue may also require verified annual  
18 returns from any taxpayer, setting forth such additional information as  
19 it may deem necessary to correctly determine tax liability.

20       (4) For the purposes of paying taxes imposed under chapter 82.04  
21 RCW during calendar year 1996, the following shall apply to a taxpayer  
22 whose place of business is located in a county that the governor has  
23 declared to be in a disaster area as a result of flooding in 1996 and  
24 whose business is permanently or temporarily closed, or the operations  
25 of the business are severely curtailed, for reasons that are directly  
26 attributable to flood damage:

27       (a) The taxpayer may elect to defer for up to six months any  
28 returns and the payment of taxes required under chapter 82.04 RCW for  
29 reporting periods ending March 31, 1996. The taxpayer electing this  
30 option must notify the department in writing by the date on which the  
31 returns and taxes would otherwise be due under this section;

32       (b) Any return and payment of taxes deferred under this subsection  
33 is due no later than October 31, 1996; and

34       (c) If the deferred return is made and the deferred taxes are fully  
35 paid by October 31, 1996, penalties may not be assessed and interest  
36 may not accrue as a result of the deferral permitted under this  
37 subsection."

1           Renumber the sections consecutively and correct internal references  
2 and the title accordingly.

3           EFFECT: The amendment allows taxpayers whose businesses are closed  
4 or severely curtailed because of flood damage to defer payment of first  
5 quarter industrial insurance premiums, unemployment insurance  
6 contributions, and business and occupation taxes. Payment of these  
7 taxes may be deferred until October 31, 1996, if the place of business  
8 is located in a county declared by the Governor to be in a disaster  
9 area because of 1996 flooding. The taxpayer must notify the  
10 appropriate agencies in writing and the taxes must be paid no later  
11 than October 31, 1996. If the taxes are paid on time, there will be no  
12 penalties or interest resulting from the deferral.

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