PROPOSED RULE MAKING

CR-102 (June 2004) (Implements RCW 34.05.320) Do NOT use for expedited rule making

Agency: Employment Security Department

Preproposal Statement of Inquiry was filed as WSR 10-16-036; or
Expedited Rule Making--Proposed notice was filed as WSR ________; or
Proposal is exempt under RCW 34.05.310(4).

Title of rule and other identifying information: (Describe Subject) Amending WAC 192-320-035 and adopting new WAC 192-320-036, How are unemployment insurance tax rates determined for employers who are delinquent on taxes or reports (through rate year 2010/beginning in rate year 2011)?

Hearing location(s): Employment Security Department, Maple Leaf Conference Room, 2nd Floor, 212 Maple Park Drive Olympia, WA

Submit written comments to:
Name: Pamela Ames
Address: P.O. Box 9046
Olympia, WA 98507-9046
e-mail pames@esd.wa.gov
fax (360) 902-9799 by (date) Nov. 8, 2010

Assistance for persons with disabilities: Contact
Tammy Crawford by Nov. 7, 2010
TTY (360) 902-9569 or (360) 902-9577

Date of intended adoption: Nov. 12, 2010 (Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Implements Ch. 72, Laws of 2010 (SSB 6524), sec. 1, by limiting WAC 192-320-035 through rate year 2010 and adopting WAC 192-320-036 for rate years beginning in 2011. The new WAC implements the law restructuring the unemployment insurance tax rate for employers who are delinquent in paying their taxes and filing reports.

Reasons supporting proposal: The rule alters the formula for calculating unemployment insurance tax rates for delinquent employers consistent with SSB 6524.

Statutory authority for adoption: RCW 50.12.010, 50.12.040
Statute being implemented: RCW 50.29.025

Is rule necessary because of a:
Federal Law? Yes ☒ No ☐
Federal Court Decision? Yes ☐ No ☒
State Court Decision? Yes ☐ No ☐
If yes, CITATION:

DATE October 5, 2010
NAME (type or print) Paul Trause
SIGNATURE
TITLE Commissioner

(COMPLETE REVERSE SIDE)
Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Employment Security Dept. □ Private □ Public □ Governmental

Name of agency personnel responsible for:

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<thead>
<tr>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
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<tbody>
<tr>
<td>Drafting..........</td>
<td>Art Wang</td>
<td>212 Maple Park Dr., Olympia, WA</td>
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<tr>
<td>Implementation...</td>
<td>Nan Thomas</td>
<td>212 Maple Park Dr., Olympia, WA</td>
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<tr>
<td>Enforcement......</td>
<td>Nan Thomas</td>
<td>212 Maple Park Dr., Olympia, WA</td>
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Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:
Address:

phone (   ) ______________
fax (   ) ______________
e-mail ____________________

☒ No. Explain why no statement was prepared.
The proposed rule will not impose more than minor costs on businesses, nor will there be a disproportionate impact on small business. Any business costs associated with the rule are the result of the underlying legislation.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:
Name: Juanita Myers
Address: Employment Security Dept.
POB 9046
Olympia, WA 98507-9046

phone (360) 902-9665
fax (360) 902-9799
e-mail jmyers@esd.wa.gov

☐ No: Please explain: