

(a) To serve in an advisory capacity to the governor and the director on all matters pertaining to the department of veterans affairs;

(b) To acquaint themselves fully with the operations of the department and recommend such changes to the governor and the director as they deem advisable.

(3) Members of the state advisory committee shall receive no compensation for the performance of their duties but shall receive a per diem allowance and mileage expense according to the provisions of chapter 43.03 RCW.

Passed the Senate March 10, 1987.

Passed the House April 7, 1987.

Approved by the Governor April 16, 1987.

Filed in Office of Secretary of State April 16, 1987.

CHAPTER 60

[Senate Bill No. 5148]

DEPARTMENT OF SERVICES FOR THE BLIND CONTINUED

AN ACT Relating to the continuance of the department of services for the blind; and repealing RCW 74.18.900.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. Section 29, chapter 194, Laws of 1983 and RCW 74.18.900 are each repealed.

Passed the Senate February 2, 1987.

Passed the House April 7, 1987.

Approved by the Governor April 16, 1987.

Filed in Office of Secretary of State April 16, 1987.

CHAPTER 61

[Senate Bill No. 5410]

EMPLOYMENT SECURITY DEPARTMENT APPEALS

AN ACT Relating to appeals to the employment security department; and amending RCW 50.32.020, 50.32.030, 50.32.040, 50.32.050, and 50.32.070.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 118, chapter 35, Laws of 1945 as amended by section 10, chapter 215, Laws of 1951 and RCW 50.32.020 are each amended to read as follows:

The applicant or claimant, his or her most recent employing unit or any interested party which the commissioner by regulation prescribes, may file an appeal from any determination or redetermination with the appeal tribunal within ~~((ten))~~ thirty days after the date of notification or mailing, whichever is earlier, of such determination or redetermination to his or her

last known address: PROVIDED, That in the event an appeal with respect to any determination is pending as of the date when a redetermination thereof is issued, such appeal, unless withdrawn, shall be treated as an appeal from such redetermination. Any appeal from a determination of denial of benefits which is effective for an indefinite period shall be deemed to be an appeal as to all weeks subsequent to the effective date of the denial for which benefits have already been denied. If no appeal is taken from any determination, or redetermination, within the time allowed by the provisions of this section for appeal therefrom, said determination, or redetermination, as the case may be, shall be conclusively deemed to be correct except as hereinbefore provided in respect to reconsideration by the commissioner of any determination.

Sec. 2. Section 119, chapter 35, Laws of 1945 as last amended by section 20, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.32.030 are each amended to read as follows:

When an order and notice of assessment has been served upon or mailed to a delinquent employer, as heretofore provided, such employer may within ~~((ten))~~ thirty days thereafter file a petition in writing with the appeal tribunal, stating that such assessment is unjust or incorrect and requesting a hearing thereon. Such petition shall set forth the reasons why the assessment is objected to and the amount of contributions, if any, which said employer admits to be due the employment security department. If no such petition be filed with the appeal tribunal within said ~~((ten))~~ thirty days, said assessment shall be conclusively deemed to be just and correct: PROVIDED, That in such cases, and in cases where payment of contributions, interest, or penalties has been made pursuant to a jeopardy assessment, the commissioner may properly entertain a subsequent application for refund. The filing of a petition on a disputed assessment with the appeal tribunal shall stay the distraint and sale proceeding provided for in this title until a final decision thereon shall have been made, but the filing of such petition shall not affect the right of the commissioner to perfect a lien, as provided by this title, upon the property of the employer. The filing of a petition on a disputed assessment shall stay the accrual of interest and penalties on the disputed contributions until a final decision shall have been made thereon.

Within ~~((ten))~~ thirty days after notice of denial of refund or adjustment has been mailed or delivered (whichever is the earlier) to an employer, the employer may file a petition in writing with the appeal tribunal for a hearing thereon: PROVIDED, That this right shall not apply in those cases in which assessments have been appealed from and have become final. The petitioner shall set forth the reasons why such hearing should be granted and the amount which the petitioner believes should be adjusted or refunded. If no such petition be filed within said ~~((ten))~~ thirty days, the determination of the commissioner as stated in said notice shall be final.

Sec. 3. Section 120, chapter 35, Laws of 1945 as last amended by section 10, chapter 35, Laws of 1981 and RCW 50.32.040 are each amended to read as follows:

In any proceeding before an appeal tribunal involving a dispute of an individual's initial determination, all matters covered by such initial determination shall be deemed to be in issue irrespective of the particular ground or grounds set forth in the notice of appeal.

In any proceeding before an appeal tribunal involving a dispute of an individual's claim for waiting period credit or claim for benefits, all matters and provisions of this title relating to the individual's right to receive such credit or benefits for the period in question, including but not limited to the question and nature of the claimant's availability for work within the meaning of RCW 50.20.010(3) and 50.20.080, shall be deemed to be in issue irrespective of the particular ground or grounds set forth in the notice of appeal in single claimant cases. The claimant's availability for work shall be determined apart from all other matters.

In any proceeding before an appeal tribunal involving an individual's right to benefits, all parties shall be afforded an opportunity for hearing after not less than seven days' notice. This provision supersedes the twenty-day notice provision of RCW 34.04.090 as to such cases.

In any proceeding involving an appeal relating to benefit determinations or benefit claims, the appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall render its decision affirming, modifying, or setting aside the determination or decisions of the unemployment compensation division. The parties shall be duly notified of such appeal tribunal's decision together with its reasons therefor, which shall be deemed to be the final decision on the initial determination or the claim for waiting period credit or the claim for benefits unless, within ~~((ten))~~ thirty days after the date of notification or mailing, whichever is the earlier, of such decision, further appeal is perfected pursuant to the provisions of this title relating to review by the commissioner.

Sec. 4. Section 121, chapter 35, Laws of 1945 as last amended by section 21, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.32.050 are each amended to read as follows:

In any proceeding before an appeal tribunal involving an appeal from a disputed order and notice of assessment (for contributions, interest, or penalties due) a disputed denial of refund or adjustment (of contributions, interest, or penalties paid) or a disputed experience rating credit, the appeal tribunal, after affording the parties a reasonable opportunity for hearing, shall affirm, modify or set aside the notice of assessment, denial of refund or experience rating credit. The parties shall be duly notified of such appeal tribunal's decision together with its reasons therefor which shall be deemed to be the final decision on the order and notice of assessment, denial of refund or experience rating credit, as the case may be, unless within ~~((ten))~~

thirty days after the date of notification or mailing, whichever is the earlier, of such decision, further appeal is perfected pursuant to the provisions of this title relating to review by the commissioner.

Sec. 5. Section 123, chapter 35, Laws of 1945 as last amended by section 5, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.32.070 are each amended to read as follows:

Within (~~ten~~) thirty days from the date of notification or mailing, whichever is the earlier, of any decision of an appeal tribunal, the commissioner on his or her own order may, or upon petition of any interested party shall, take jurisdiction of the proceedings for the purpose of review thereof. Appeal from any decision of an appeal tribunal may be perfected so as to prevent finality of such decision if, within (~~ten~~) thirty days from the date of mailing the appeal tribunal decision, or notification thereof, whichever is the earlier, a petition in writing for review by the commissioner is received by the commissioner or by such representative of the commissioner as the commissioner by regulation shall prescribe. The commissioner may also prevent finality of any decision of an appeal tribunal and take jurisdiction of the proceedings for his or her review thereof by entering an order so providing on his or her own motion and mailing a copy thereof to the interested parties within the same period allowed herein for receipt of a petition for review. The time limit provided herein for the commissioner's assumption of jurisdiction on his or her own motion for review shall be deemed to be jurisdictional.

Passed the Senate March 9, 1987.

Passed the House April 8, 1987.

Approved by the Governor April 16, 1987.

Filed in Office of Secretary of State April 16, 1987.

## CHAPTER 62

[Senate Bill No. 5348]

### HULK HAULERS OR SCRAP PROCESSORS—PREREQUISITES TO VEHICLE HULK TRANSPORT MODIFIED

AN ACT Relating to the release of a vehicle interest to a hulk hauler or scrap processor; and amending RCW 46.79.020.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 2, chapter 110, Laws of 1971 ex. sess. as last amended by section 3, chapter 142, Laws of 1983 and RCW 46.79.020 are each amended to read as follows:

Any hulk hauler or scrap processor licensed under the provisions of this chapter may:

(1) Notwithstanding any other provision of law, transport any flattened or junk abandoned (~~automobile~~) vehicle hulk whether such hulk is from in