

**RCW 4.92.040 Judgments—Claims to legislature against state—
Payment procedure—Inapplicability to judgments and claims against
housing finance commission.** (1) No execution shall issue against the
state on any judgment.

(2) Whenever a final judgment against the state is obtained in an
action on a claim arising out of tortious conduct, the claim shall be
paid from the liability account.

(3) Whenever a final judgment against the state shall have been
obtained in any other action, the clerk of the court shall make and
furnish to the office of risk management a duly certified copy of such
judgment; the office of risk management shall thereupon audit the
amount of damages and costs therein awarded, and the same shall be
paid from appropriations specifically provided for such purposes by
law.

(4) Final judgments for which there are no provisions in state
law for payment shall be transmitted by the office of risk management
to the senate and house of representatives committees on ways and
means as follows:

(a) On the first day of each session of the legislature, the
office of risk management shall transmit judgments received and
audited since the adjournment of the previous session of the
legislature.

(b) During each session of legislature, the office of risk
management shall transmit judgments immediately upon completion of
audit.

(5) All claims, other than judgments, made to the legislature
against the state of Washington for money or property, shall be
accompanied by a statement of the facts on which such claim is based
and such evidence as the claimant intends to offer in support of the
claim and shall be filed with the office of risk management, which
shall retain the same as a record. All claims of two thousand dollars
or less shall be approved or rejected by the office of risk
management, and if approved shall be paid from appropriations
specifically provided for such purpose by law. Such decision, if
adverse to the claimant in whole or part, shall not preclude the
claimant from seeking relief from the legislature. If the claimant
accepts any part of his or her claim which is approved for payment by
the office of risk management, such acceptance shall constitute a
waiver and release of the state from any further claims relating to
the damage or injury asserted in the claim so accepted. The office of
risk management shall submit to the house and senate committees on
ways and means, at the beginning of each regular session, a
comprehensive list of all claims paid pursuant to this subsection
during the preceding year. For all claims not approved by the office
of risk management, the office of risk management shall recommend to
the legislature whether such claims should be approved or rejected.
Recommendations shall be submitted to the senate and house of
representatives committees on ways and means not later than the
thirtieth day of each regular session of the legislature. Claims which
cannot be processed for timely submission of recommendations shall be
held for submission during the following regular session of the
legislature. The recommendations shall include, but not be limited to:

(a) A summary of the facts alleged in the claim, and a statement
as to whether these facts can be verified by the office of risk
management;

(b) An estimate by the office of risk management of the value of the loss or damage which was alleged to have occurred;

(c) An analysis of the legal liability, if any, of the state for the alleged loss or damage; and

(d) A summary of equitable or public policy arguments which might be helpful in resolving the claim.

(6) The legislative committees to whom such claims are referred shall make a transcript, recording, or statement of the substance of the evidence given in support of such a claim. If the legislature approves a claim the same shall be paid from appropriations specifically provided for such purpose by law.

(7) Subsections (3) through (6) of this section do not apply to judgments or claims against the state housing finance commission created under chapter 43.180 RCW. [2011 1st sp.s. c 43 s 512; 2002 c 332 s 11; 1999 c 163 s 3; 1986 c 126 s 4; 1983 c 161 s 28; 1979 ex.s. c 167 s 1; 1979 c 151 s 2; 1977 ex.s. c 144 s 1; 1963 c 159 s 6; 1895 c 95 s 4; RRS s 889.]

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

Intent—Effective date—2002 c 332: See notes following RCW 43.19.760.

Effective date—1999 c 163: See note following RCW 4.92.130.

Effective dates—1983 c 161: See RCW 43.180.904.