

2 **SHB 2724** - S COMM AMD (S5105.2)  
3 By Committee on Ways & Means

4 ADOPTED AS AMENDED 3/6/98

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 43.88 RCW  
8 to read as follows:

9 A state agency shall not expend moneys except pursuant to an  
10 appropriation by law if the moneys are received in an administrative or  
11 judicial regulatory or civil enforcement action, or settlement thereof,  
12 brought by the state.

13 In any regulatory or civil enforcement action brought by the  
14 attorney general under the authority of the attorney general or another  
15 state agency where moneys are to be paid to the state or to a state-  
16 administered account, the attorney general shall seek a court order or  
17 settlement that includes a requirement that the moneys received by the  
18 state shall not be expended except pursuant to an appropriation by law.

19 This section does not apply to:

20 (1) Moneys received by the state for payment by the state to  
21 injured parties or a class of parties as damages, restitution, or  
22 refunds. However, if such payments to a class of parties in lieu of  
23 damages, restitution, or refunds, such as payments under the doctrine  
24 of cy pres, include a payment to a state agency, the expenditure of the  
25 payment by the state agency shall be subject to this section;

26 (2) Fees or enforcement actions to collect fees, including  
27 investigation or examination fees, that are established by  
28 administrative rule or statute;

29 (3) Expenditures from accounts outside the state treasury,  
30 including court registries, exclusively for purposes of remedial action  
31 or natural resource damages under chapters 70.105D, 90.48, and 90.56  
32 RCW, 33 U.S.C. Sec. 2701 et seq., or 42 U.S.C. Sec. 9601 et seq., or  
33 for purposes of financial assurance under chapter 70.95 or 70.105 RCW;

34 (4) Moneys recovered by the department of social and health  
35 services for client services, benefits, or vendor overpayments or  
36 moneys collected by the division of child support; and

1 (5) Expenditures from nonappropriated funds and accounts that are  
2 specifically established by statute if the statute does not incorporate  
3 a reference to this section.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.88 RCW  
5 to read as follows:

6 Except as provided in section 1 of this act or as otherwise  
7 provided by law, recoveries of amounts expended pursuant to an  
8 appropriation, including but not limited to, payments for material  
9 supplied or services rendered under chapter 39.34 RCW, may be expended  
10 as part of the original appropriation of the fund to which such  
11 recoveries belong, without further or additional appropriation. Such  
12 expenditures shall be subject to conditions and procedures prescribed  
13 by the director of financial management. The director may authorize  
14 expenditures with respect to recoveries accrued but not received, in  
15 accordance with generally accepted accounting principles, except that  
16 such recoveries shall not be included in revenues or expended against  
17 an appropriation for a subsequent fiscal period. This section does not  
18 apply to the repayment of loans, except for loans between state  
19 agencies.

20 **Sec. 3.** RCW 43.79.270 and 1996 c 288 s 37 are each amended to read  
21 as follows:

22 Whenever any money, from the federal government, or from other  
23 sources, which was not anticipated in the budget approved by the  
24 legislature has actually been received and is designated to be spent  
25 for a specific purpose, the head of any department, agency, board, or  
26 commission through which such expenditure shall be made is to submit to  
27 the governor a statement which may be in the form of a request for an  
28 allotment amendment setting forth the facts constituting the need for  
29 such expenditure and the estimated amount to be expended: PROVIDED,  
30 That no expenditure shall be made in excess of the actual amount  
31 received, ((and)) no money shall be expended for any purpose except the  
32 specific purpose for which it was received, and no money shall be  
33 expended under this section if an appropriation is required under  
34 section 1 of this act. A copy of any proposal submitted to the  
35 governor to expend money from an appropriated fund or account in excess  
36 of appropriations provided by law which is based on the receipt of  
37 unanticipated revenues shall be submitted to the joint legislative

1 audit and review committee and also to the standing committees on ways  
2 and means of the house and senate if the legislature is in session at  
3 the same time as it is transmitted to the governor.

4 **Sec. 4.** RCW 9.46.100 and 1991 sp.s. c 16 s 917 are each amended to  
5 read as follows:

6 There is hereby created the gambling revolving fund which shall  
7 consist of all moneys receivable for licensing, penalties, forfeitures,  
8 and all other moneys, income, or revenue received by the commission.  
9 The state treasurer shall be custodian of the fund. All moneys  
10 received by the commission or any employee thereof, except for change  
11 funds and an amount of petty cash as fixed by rule or regulation of the  
12 commission, shall be deposited each day in a depository approved by the  
13 state treasurer and transferred to the state treasurer to be credited  
14 to the gambling revolving fund. Disbursements from the revolving fund  
15 shall be on authorization of the commission or a duly authorized  
16 representative thereof. In order to maintain an effective expenditure  
17 and revenue control the gambling revolving fund shall be subject in all  
18 respects to chapter 43.88 RCW but no appropriation shall be required to  
19 permit expenditures and payment of obligations from such fund except as  
20 provided in section 1 of this act. All expenses relative to commission  
21 business, including but not limited to salaries and expenses of the  
22 director and other commission employees shall be paid from the gambling  
23 revolving fund.

24 The state treasurer shall transfer to the general fund one million  
25 dollars from the gambling revolving fund for the 1991-93 fiscal  
26 biennium.

27 **Sec. 5.** RCW 15.13.470 and 1993 c 120 s 17 are each amended to read  
28 as follows:

29 All moneys collected under this chapter shall be paid to the  
30 director, deposited in an account within the agricultural local fund,  
31 and used solely for carrying out this chapter and rules adopted under  
32 this chapter. Except as provided in section 1 of this act, no  
33 appropriation is required for the disbursement of moneys from the  
34 account by the director. Any residual balance of funds remaining in  
35 the nursery inspection fund on July 26, 1987, shall be transferred to  
36 that account within the agricultural local fund: PROVIDED, That all  
37 fees collected for fruit tree, fruit tree related ornamental tree, and

1 fruit tree rootstock assessments as set forth in this chapter shall be  
2 deposited in the northwest nursery fund to be used only for the  
3 Washington fruit tree and fruit tree related ornamental tree  
4 certification and nursery improvement programs as set forth in this  
5 chapter and chapter 15.14 RCW.

6 **Sec. 6.** RCW 15.36.441 and 1995 c 374 s 7 are each amended to read  
7 as follows:

8 (1) If the results of an antibiotic, pesticide, or other drug  
9 residue test under RCW 15.36.201 are above the actionable level  
10 established in the PMO and determined using procedures set forth in the  
11 PMO, a person holding a milk producer's license is subject to a civil  
12 penalty. The penalty shall be in an amount equal to one-half the value  
13 of the sum of the volumes of milk equivalent produced under the license  
14 on the day prior to and the day of the adulteration. The value of the  
15 milk shall be computed by the weighted average price for the federal  
16 market order under which the milk is delivered.

17 (2) The penalty is imposed by the department giving a written  
18 notice which is either personally served upon or transmitted by  
19 certified mail, return receipt requested, to the person incurring the  
20 penalty. The notice of the civil penalty shall be a final order of the  
21 department unless, within fifteen days after the notice is received,  
22 the person incurring the penalty appeals the penalty by filing a notice  
23 of appeal with the department. If a notice of appeal is filed in a  
24 timely manner, a hearing shall be conducted on behalf of the department  
25 by the office of administrative hearings in accordance with chapters  
26 34.05 and 34.12 RCW. At the conclusion of the hearing, the department  
27 shall determine whether the penalty should be affirmed, and, if so,  
28 shall issue a final order setting forth the civil penalty assessed, if  
29 any. The order may be appealed to superior court in accordance with  
30 chapter 34.05 RCW. Tests performed for antibiotic, pesticide, or other  
31 drug residues by an official laboratory or an officially designated  
32 laboratory of a milk sample drawn by a department official or a  
33 licensed dairy technician shall be admitted as prima facie evidence of  
34 the presence or absence of an antibiotic, pesticide, or other drug  
35 residue.

36 (3) Any penalty imposed under this section is due and payable upon  
37 the issuance of the final order by the department. The penalty shall  
38 be deducted by the violator's marketing organization from the

1 violator's final payment for the month following the issuance of the  
2 final order. The department shall promptly notify the violator's  
3 marketing organization of any penalties contained in the final order.

4 (4) All penalties received or recovered from violations of this  
5 section shall be remitted monthly by the violator's marketing  
6 organization to the Washington state dairy products commission and  
7 deposited in a revolving fund to be used solely for the purposes of  
8 education and research. Except as provided in section 1 of this act,  
9 no appropriation is required for disbursements from this fund.

10 (5) In case of a violation of the antibiotic, pesticide, or other  
11 drug residue test requirements, an investigation shall be made to  
12 determine the cause of the residue which shall be corrected. Follow-up  
13 sampling and testing must be done in accordance with the requirements  
14 of the PMO.

15 **Sec. 7.** RCW 15.36.471 and 1994 c 143 s 511 are each amended to  
16 read as follows:

17 (1) The director of agriculture shall adopt rules imposing a civil  
18 penalty for violations of the standards for component parts of fluid  
19 dairy products which are established under this chapter or adopted  
20 pursuant to RCW 69.04.398. The penalty shall not exceed ten thousand  
21 dollars and shall be such as is necessary to achieve proper enforcement  
22 of the standards. The rules shall be adopted before January 1, 1987,  
23 and shall become effective on July 1, 1987.

24 (2) The penalty is imposed by the department giving a written  
25 notice which is either personally served upon or transmitted by  
26 certified mail, return receipt requested, to the person incurring the  
27 penalty. The notice of the civil penalty shall be a final order of the  
28 department unless, within fifteen days after the notice is received,  
29 the person incurring the penalty appeals the penalty by filing a notice  
30 of appeal with the department. If a notice of appeal is filed in a  
31 timely manner, a hearing shall be conducted on behalf of the department  
32 by the office of administrative hearings in accordance with chapters  
33 34.05 and 34.12 RCW. At the conclusion of the hearing, the department  
34 shall determine whether the penalty should be affirmed, reduced, or not  
35 imposed and shall issue a final order setting forth the civil penalty  
36 assessed, if any. The order may be appealed to superior court in  
37 accordance with chapter 34.05 RCW. Tests performed for the component  
38 parts of milk products by a state laboratory of a milk sample collected

1 by a department official shall be admitted as prima facie evidence of  
2 the amounts of milk components in the product.

3 (3) Any penalty imposed under this section is due and payable upon  
4 the issuance of the final order by the department.

5 (4) All penalties received or recovered from violations of this  
6 section shall be remitted by the violator to the department and  
7 deposited in the revolving fund of the Washington state dairy products  
8 commission. One-half of the funds received shall be used for purposes  
9 of education with the remainder one-half to be used for dairy  
10 processing or marketing research, or both. Except as provided in  
11 section 1 of this act, no appropriation is required for disbursements  
12 from this fund.

13 (5) In case of a violation of the standards for the composition of  
14 milk products, an investigation shall be made to determine the cause of  
15 the violation which shall be corrected. Additional samples shall be  
16 taken as soon as possible and tested by the department.

17 **Sec. 8.** RCW 18.160.050 and 1990 c 177 s 6 are each amended to read  
18 as follows:

19 (1)(a) All certificate of competency holders that desire to  
20 continue in the fire protection sprinkler business shall annually,  
21 prior to January 1, secure from the state director of fire protection  
22 a renewal certificate of competency upon payment of the fee as  
23 prescribed by the state director of fire protection. Application for  
24 renewal shall be upon a form prescribed by the state director of fire  
25 protection and the certificate holder shall furnish the information  
26 required by the director.

27 (b) Failure of any certificate of competency holder to secure his  
28 or her renewal certificate of competency within sixty days after the  
29 due date shall constitute sufficient cause for the state director of  
30 fire protection to suspend the certificate of competency.

31 (c) The state director of fire protection may, upon the receipt of  
32 payment of all delinquent fees including a late charge, restore a  
33 certificate of competency that has been suspended for failure to pay  
34 the renewal fee.

35 (d) A certificate of competency holder may voluntarily surrender  
36 his or her certificate of competency to the state director of fire  
37 protection and be relieved of the annual renewal fee. After  
38 surrendering the certificate of competency, he or she shall not be

1 known as a certificate of competency holder and shall desist from the  
2 practice thereof. Within two years from the time of surrender of the  
3 certificate of competency, he or she may again qualify for a  
4 certificate of competency, without examination, by the payment of the  
5 required fee. If two or more years have elapsed, he or she shall  
6 return to the status of a new applicant.

7 (2)(a) All licensed fire protection sprinkler system contractors  
8 desiring to continue to be licensed shall annually, prior to January 1,  
9 secure from the state director of fire protection a renewal license  
10 upon payment of the fee as prescribed by the state director of fire  
11 protection. Application for renewal shall be upon a form prescribed by  
12 the state director of fire protection and the license holder shall  
13 furnish the information required by the director.

14 (b) Failure of any license holder to secure his or her renewal  
15 license within sixty days after the due date shall constitute  
16 sufficient cause for the state director of fire protection to suspend  
17 the license.

18 (c) The state director of fire protection may, upon the receipt of  
19 payment of all delinquent fees including a late charge, restore a  
20 license that has been suspended for failure to pay the renewal fee.

21 (3) The initial certificate of competency or license fee shall be  
22 prorated based upon the portion of the year such certificate of  
23 competency or license is in effect, prior to renewal on January 1.

24 (4) The fire protection contractor license fund is created in the  
25 custody of the state treasurer. All receipts from license and  
26 certificate fees and charges or from the money generated by the rules  
27 and regulations promulgated under this chapter shall be deposited into  
28 the fund. Expenditures from the fund may be used only for purposes  
29 authorized under this chapter. Only the state director of fire  
30 protection or the director's designee may authorize expenditures from  
31 the fund. The fund is subject to allotment procedures under chapter  
32 43.88 RCW(~~(7-but)~~). Except as provided in section 1 of this act, no  
33 appropriation is required for expenditures from the fund.

34 **Sec. 9.** RCW 19.146.228 and 1997 c 106 s 13 are each amended to  
35 read as follows:

36 The director shall establish fees by rule in accordance with RCW  
37 43.24.086 sufficient to cover, but not exceed, the costs of  
38 administering this chapter. These fees may include:

1 (1) An annual assessment paid by each licensee on or before a date  
2 specified by rule;

3 (2) An investigation fee to cover the costs of any investigation of  
4 the books and records of a licensee or other person subject to this  
5 chapter; and

6 (3) An application fee to cover the costs of processing  
7 applications made to the director under this chapter.

8 Mortgage brokers shall not be charged investigation fees for the  
9 processing of complaints when the investigation determines that no  
10 violation of this chapter occurred or when the mortgage broker provides  
11 a remedy satisfactory to the complainant and the director and no order  
12 of the director is issued. All moneys, fees, and penalties collected  
13 under the authority of this chapter shall be subject to section 1 of  
14 this act and shall be deposited into the banking examination fund,  
15 unless the consumer services account is created as a dedicated,  
16 nonappropriated account, in which case all moneys, fees, and penalties  
17 collected under this chapter shall be deposited in the consumer  
18 services account.

19 **Sec. 10.** RCW 22.09.411 and 1991 sp.s. c 13 s 67 are each amended  
20 to read as follows:

21 (1) There is hereby established a fund to be known as the grain  
22 indemnity fund. The grain indemnity fund shall consist of assessments  
23 remitted by licensees pursuant to the provisions of RCW 22.09.416  
24 through 22.09.426.

25 (2) All assessments shall be paid to the department and shall be  
26 deposited in the grain indemnity fund. The state treasurer shall be  
27 the custodian of the grain indemnity fund. Disbursements shall be on  
28 authorization of the director. Except as provided in section 1 of this  
29 act, no appropriation is required for disbursements from this fund.

30 (3) The grain indemnity fund shall be used exclusively for purposes  
31 of paying claimants pursuant to this chapter, and paying necessary  
32 expenses of administering the grain indemnity fund, provided however,  
33 that moneys equivalent to one-half of the interest earned by the fund  
34 for deposit to the general fund may be paid to the department to defray  
35 costs of administering the warehouse audit program. The state of  
36 Washington shall not be liable for any claims presented against the  
37 fund.



1       **Sec. 11.** RCW 22.09.830 and 1994 sp.s. c 6 s 901 and 1994 c 46 s 6  
2 are each reenacted and amended to read as follows:

3       (1) All moneys collected as fees for weighing, grading, and  
4 inspecting commodities and all other fees collected under the  
5 provisions of this chapter, except as provided in subsections (2) and  
6 (3) of this section, shall be deposited in the grain inspection  
7 revolving fund, which is hereby established. The state treasurer is  
8 the custodian of the revolving fund. Disbursements from the revolving  
9 fund shall be on authorization of the director of the department of  
10 agriculture. The revolving fund is subject to the allotment procedure  
11 provided in chapter 43.88 RCW(~~(7-but)~~). Except as provided in section  
12 1 of this act, no appropriation is required for disbursements from the  
13 fund. The fund shall be used for all expenses directly incurred by the  
14 grain inspection program in carrying out the provisions of this chapter  
15 and for departmental administrative expenses during the 1993-95  
16 biennium. The department may use so much of such fund not exceeding  
17 five percent thereof as the director of agriculture may determine  
18 necessary for research and promotional work, including rate studies,  
19 relating to wheat and wheat products.

20       (2) All fees collected for the inspection, grading, and testing of  
21 hops shall be deposited into the hop inspection fund, which is hereby  
22 established, and shall be retained by the department for the purpose of  
23 inspecting, grading, and testing hops. Any moneys in any fund retained  
24 by the department on July 1, 1963, and derived from hop inspection and  
25 grading shall be deposited to this hop inspection fund. For the  
26 purposes of research which would contribute to the development of  
27 superior hop varieties and to improve hop production and harvest  
28 practices, the department may expend up to twenty percent of the moneys  
29 deposited in the hop inspection fund during the fiscal year ending June  
30 30th immediately preceding the year in which such expenditures are to  
31 be made. No expenditures shall be made under the provisions of this  
32 subsection when the hop inspection fund is, or the director may  
33 reasonably anticipate that it will be, reduced below twenty thousand  
34 dollars as the result of such expenditure or other necessary  
35 expenditures made to carry out the inspection, grading, and testing of  
36 hops.

37       (3) All moneys collected by the grain warehouse audit program,  
38 including grain warehouse license fees pursuant to RCW 22.09.050 and  
39 22.09.055, shall be deposited by the director into the grain warehouse

1 audit account, hereby created within the agricultural local fund  
2 established in RCW 43.23.230. Moneys collected shall be used to  
3 support the grain warehouse audit program.

4 **Sec. 12.** RCW 28C.10.082 and 1991 sp.s. c 13 s 85 are each amended  
5 to read as follows:

6 The tuition recovery trust fund is hereby established in the  
7 custody of the state treasurer. The agency shall deposit in the fund  
8 all moneys received under RCW 28C.10.084. Moneys in the fund may be  
9 spent only for the purposes under RCW 28C.10.084. Disbursements from  
10 the fund shall be on authorization of the agency. The fund is subject  
11 to the allotment procedure provided under chapter 43.88 RCW(~~(, but)~~).  
12 Except as provided in section 1 of this act, no appropriation is  
13 required for disbursements from the fund.

14 **Sec. 13.** RCW 43.10.200 and 1971 ex.s. c 71 s 6 are each amended to  
15 read as follows:

16 Except as provided in section 1 of this act, court costs,  
17 attorneys' fees, and other expenses recovered by the attorney general  
18 shall be deposited in the legal services revolving fund and shall be  
19 considered as returned loans of materials supplied or services  
20 rendered. Such amounts may be expended in the same manner and under  
21 the same conditions and restrictions as set forth in section 11,  
22 chapter 282, Laws of 1969 ex. sess.

23 **Sec. 14.** RCW 43.10.220 and 1974 ex.s. c 162 s 3 are each amended  
24 to read as follows:

25 Except as provided in section 1 of this act, the attorney general  
26 is authorized to expend from the antitrust revolving fund, created by  
27 RCW 43.10.210 through 43.10.220, such funds as are necessary for the  
28 payment of costs, expenses and charges incurred in the preparation,  
29 institution and maintenance of antitrust actions under the state and  
30 federal antitrust acts.

31 **Sec. 15.** RCW 43.23.230 and 1988 c 254 s 1 are each amended to read  
32 as follows:

33 The agricultural local fund is hereby established in the custody of  
34 the state treasurer. The fund shall consist of such money as is  
35 directed by law for deposit in the fund, and such other money not

1 subject to appropriation that the department authorizes to be deposited  
2 in the fund. Any money deposited in the fund, the use of which has  
3 been restricted by law, may only be expended in accordance with those  
4 restrictions. The department may make disbursements from the fund.  
5 The fund is not subject to legislative appropriation except as provided  
6 in section 1 of this act.

7 **Sec. 16.** RCW 43.320.110 and 1995 c 238 s 9 are each amended to  
8 read as follows:

9 There is created a local fund known as the "banking examination  
10 fund" which shall consist of all moneys received by the department of  
11 financial institutions from banks, savings banks, foreign bank  
12 branches, savings and loan associations, consumer loan companies, check  
13 cashers and sellers, trust companies and departments, and escrow  
14 agents, and which shall be used for the purchase of supplies and  
15 necessary equipment and the payment of salaries, wages, utilities, and  
16 other incidental costs required for the proper regulation of these  
17 companies. The state treasurer shall be the custodian of the fund.  
18 Disbursements from the fund shall be on authorization of the director  
19 of financial institutions or the director's designee. In order to  
20 maintain an effective expenditure and revenue control, the fund shall  
21 be subject in all respects to chapter 43.88 RCW(~~(, but)~~). Except as  
22 provided in section 1 of this act, no appropriation is required to  
23 permit expenditures and payment of obligations from the fund.

24 **Sec. 17.** RCW 43.320.120 and 1993 c 472 s 26 are each amended to  
25 read as follows:

26 There is created a local fund known as the "credit unions  
27 examination fund" which shall consist of all moneys received by the  
28 department of financial institutions from credit unions and which shall  
29 be used for the purchase of supplies and necessary equipment and the  
30 payment of salaries, wages, utilities, and other incidental costs  
31 required for the regulation of these institutions. The state treasurer  
32 shall be the custodian of the fund. Disbursements from the fund shall  
33 be on authorization of the director of financial institutions or the  
34 director's designee. In order to maintain an effective expenditure and  
35 revenue control, the fund shall be subject in all respects to chapter  
36 43.88 RCW(~~(, but)~~) and, except as provided in section 1 of this act, no

1 appropriation is required to permit expenditures and payment of  
2 obligations from the fund.

3 **Sec. 18.** RCW 43.320.130 and 1993 c 472 s 27 are each amended to  
4 read as follows:

5 (1) There is created in the state treasury a fund known as the  
6 "securities regulation fund" that shall consist of thirteen percent of  
7 all moneys received by the division of securities of the department of  
8 financial institutions, except as provided in subsection (2) of this  
9 section. Expenditures from the account may be used only for the  
10 purchase of supplies and necessary equipment and the payment of  
11 salaries, wages, utilities, and other incidental costs required for the  
12 regulation of securities, franchises, business opportunities,  
13 commodities, and other similar areas regulated by the division. Moneys  
14 in the account may be spent only after appropriation.

15 (2) All moneys that are received by the division of securities in  
16 settlement of a regulatory or enforcement action that are designated  
17 for a specific purpose shall be placed in the securities regulation  
18 fund and be subject to appropriation for that purpose. If those  
19 settlement moneys are not appropriated by the end of the following  
20 biennium, eighty-seven percent of those moneys shall be deposited into  
21 the general fund on the first day of the succeeding biennium.

22 **Sec. 19.** RCW 43.70.340 and 1990 c 253 s 3 are each amended to read  
23 as follows:

24 (1) The farmworker housing inspection fund is established in the  
25 custody of the state treasury. The department of health shall deposit  
26 all funds received under subsection (2) of this section and from the  
27 legislature to administer a labor camp inspection program conducted by  
28 the department of health. Disbursement from the fund shall be on  
29 authorization of the secretary of health or the secretary's designee.  
30 The fund is subject to the allotment procedure provided under chapter  
31 43.88 RCW(~~(7, but)~~). Except as provided in section 1 of this act, no  
32 appropriation is required for disbursements.

33 (2) There is imposed a fee on each operating license issued by the  
34 department of health to every operator of a labor camp that is  
35 regulated by the state board of health. The fee paid under this  
36 subsection shall include all necessary inspection of the units to

1 ensure compliance with applicable state board of health rules on labor  
2 camps.

3 (a) Fifty dollars shall be charged for each labor camp containing  
4 six or less units.

5 (b) Seventy-five dollars shall be charged for each labor camp  
6 containing more than six units.

7 (3) The term of the operating license and the application  
8 procedures shall be established, by rule, by the department of health.

9 **Sec. 20.** RCW 59.21.050 and 1995 c 122 s 9 are each amended to read  
10 as follows:

11 (1) The existence of the mobile home park relocation fund in the  
12 custody of the state treasurer is affirmed. Expenditures from the fund  
13 may be used only for relocation assistance under RCW 59.21.015 through  
14 59.21.025. Only the director or the director's designee may authorize  
15 expenditures from the fund. All relocation payments to tenants shall  
16 be made from the fund. The fund is subject to allotment procedures  
17 under chapter 43.88 RCW(~~, but~~). Except as provided in section 1 of  
18 this act, no appropriation is required for expenditures from the fund.

19 (2) A park tenant is eligible for assistance under RCW 59.21.015  
20 only after an application is submitted by that tenant or an  
21 organization acting on the tenant's account under RCW 59.21.021(4) on  
22 a form approved by the director which shall include:

23 (a) For those persons who maintained ownership of and relocated  
24 their homes: (i) A copy of the notice from the park-owner, or other  
25 adequate proof, that the tenancy is terminated due to closure of the  
26 park or its conversion to another use; (ii) a copy of the rental  
27 agreement then in force, or other proof that the applicant was a tenant  
28 at the time of notice of closure; (iii) a copy of the contract for  
29 relocating the home which includes the date of relocation, or other  
30 proof of actual relocation expenses incurred on a date certain; and  
31 (iv) a statement of any other available assistance;

32 (b) For those persons who sold their homes and incurred no  
33 relocation expenses: (i) A copy of the notice from the park-owner, or  
34 other adequate proof, that the tenancy is terminated due to closure of  
35 the park or its conversion to another use; (ii) a copy of the rental  
36 agreement then in force, or other proof that the applicant was a tenant  
37 at the time of notice of closure; and (iii) a copy of the record of  
38 title transfer issued by the department of licensing when the tenant

1 sold the home rather than relocate it due to park closure or  
2 conversion.

3 **Sec. 21.** RCW 70.47.030 and 1995 2nd sp.s. c 18 s 913 are each  
4 amended to read as follows:

5 (1) The basic health plan trust account is hereby established in  
6 the state treasury. Any nongeneral fund-state funds collected for this  
7 program shall be deposited in the basic health plan trust account and  
8 may be expended without further appropriation. Moneys in the account  
9 shall be used exclusively for the purposes of this chapter, including  
10 payments to participating managed health care systems on behalf of  
11 enrollees in the plan and payment of costs of administering the plan.

12 During the 1995-97 fiscal biennium, the legislature may transfer  
13 funds from the basic health plan trust account to the state general  
14 fund.

15 (2) The basic health plan subscription account is created in the  
16 custody of the state treasurer. All receipts from amounts due from or  
17 on behalf of nonsubsidized enrollees shall be deposited into the  
18 account. Funds in the account shall be used exclusively for the  
19 purposes of this chapter, including payments to participating managed  
20 health care systems on behalf of nonsubsidized enrollees in the plan  
21 and payment of costs of administering the plan. The account is subject  
22 to allotment procedures under chapter 43.88 RCW(~~(, but)~~). Except as  
23 provided in section 1 of this act, no appropriation is required for  
24 expenditures.

25 (3) The administrator shall take every precaution to see that none  
26 of the funds in the separate accounts created in this section or that  
27 any premiums paid either by subsidized or nonsubsidized enrollees are  
28 commingled in any way, except that the administrator may combine funds  
29 designated for administration of the plan into a single administrative  
30 account.

31 **Sec. 22.** RCW 77.21.080 and 1989 c 11 s 29 are each amended to read  
32 as follows:

33 The state wildlife conservation reward fund is established in the  
34 custody of the state treasurer. The director shall deposit in the fund  
35 all moneys designated to be placed in the fund by rule of the director.  
36 Moneys in the fund shall be spent to provide rewards to persons  
37 informing the department about violations of this title or rules

1 adopted pursuant to this title. Disbursements from the fund shall be  
2 on the authorization of the director or the director's designee. The  
3 fund is subject to the allotment procedure provided under chapter 43.88  
4 RCW(~~(, but)~~). Except as provided in section 1 of this act, no  
5 appropriation is required for disbursements from the fund.

6 NEW SECTION. Sec. 23. If any part of this act is found to be in  
7 conflict with federal requirements that are a prescribed condition to  
8 the allocation of federal funds to the state, the conflicting part of  
9 this act is inoperative solely to the extent of the conflict and with  
10 respect to the agencies directly affected, and this finding does not  
11 affect the operation of the remainder of this act in its application to  
12 the agencies concerned. Rules adopted under this act must meet federal  
13 requirements that are a necessary condition to the receipt of federal  
14 funds by the state.

15 NEW SECTION. Sec. 24. If any provision of this act or its  
16 application to any person or circumstance is held invalid, the  
17 remainder of the act or the application of the provision to other  
18 persons or circumstances is not affected.

19 NEW SECTION. Sec. 25. This act takes effect July 1, 1999."

20 **SHB 2724** - S COMM AMD  
21 By Committee on Ways & Means

22 ADOPTED 3/6/98

23 On page 1, line 3 of the title, after "enforcement actions;" strike  
24 the remainder of the title and insert "amending RCW 43.79.270,  
25 9.46.100, 15.13.470, 15.36.441, 15.36.471, 18.160.050, 19.146.228,  
26 22.09.411, 28C.10.082, 43.10.200, 43.10.220, 43.23.230, 43.320.110,  
27 43.320.120, 43.320.130, 43.70.340, 59.21.050, 70.47.030, and 77.21.080;  
28 reenacting and amending RCW 22.09.830; adding new sections to chapter  
29 43.88 RCW; creating a new section; and providing an effective date."

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