
HOUSE BILL 2724

State of Washington 55th Legislature 1998 Regular Session

By Representatives Boldt, Mielke, Pennington, Carrell, Mulliken,
Thompson, Bush, Cairnes, Reams and Lambert

Read first time 01/19/98. Referred to Committee on Appropriations.

1 AN ACT Relating to legislative oversight of moneys received from
2 fines, penalties, forfeitures, settlements, court orders, or other
3 enforcement actions; amending RCW 43.88.280, 43.88.300, 43.88.310,
4 43.79.270, 15.13.470, 15.36.441, 15.36.471, 18.160.050, 22.09.411,
5 28C.10.082, 43.320.110, 43.320.120, 43.70.340, 59.21.050, 70.47.030,
6 76.04.630, and 77.21.080; reenacting and amending RCW 22.09.830; and
7 adding a new section to chapter 43.88 RCW.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.88 RCW,
10 to be codified between RCW 43.88.280 and 43.88.320, to read as follows:

11 No state officer or employee may expend moneys received from fines,
12 penalties, forfeitures, settlements, court orders, or other enforcement
13 actions except as provided in a specific appropriation by law.

14 **Sec. 2.** RCW 43.88.280 and 1977 ex.s. c 320 s 1 are each amended to
15 read as follows:

16 As used in RCW 43.88.290, section 1 of this act, and 43.88.300 the
17 term "state officer or employee" includes the members of the governing
18 body of any state agency, as state agency is defined in RCW

1 43.88.020(4) and those generally known as executive management but
2 excludes nonsupervisory state employees covered by civil service under
3 chapter((s)) 41.06 ((and 28B.16)) RCW.

4 **Sec. 3.** RCW 43.88.300 and 1977 ex.s. c 320 s 3 are each amended to
5 read as follows:

6 (1) Where there is reason to believe that a present or former state
7 officer or employee has violated or threatens to violate RCW 43.88.290
8 or section 1 of this act, the attorney general may initiate an
9 appropriate civil action for the enforcement of RCW 43.88.280 through
10 43.88.320 or to prevent any such violation. The action may be brought
11 in the county where the alleged violator resides, or the county where
12 the violation is alleged to have occurred or is threatened.

13 (2) For each violation of RCW 43.88.290 or section 1 of this act
14 the attorney general shall seek to recover and the court may award the
15 following damages on behalf of the state of Washington:

16 (a) From each person found in violation of RCW 43.88.290 or section
17 1 of this act a civil penalty in the amount of five hundred dollars, or
18 all costs, including reasonable attorney's fees incurred by the state
19 in said action, whichever is greater;

20 (b) Any damages sustained by the state as a result of the conduct
21 constituting said violation.

22 In addition to the other penalties contained in this section,
23 judgment against any person, other than an elected official, for
24 violating RCW 43.88.290 may include a declaration of forfeiture of such
25 person's office or employment, to take effect immediately.

26 **Sec. 4.** RCW 43.88.310 and 1996 c 288 s 41 are each amended to read
27 as follows:

28 (1) The legislative auditor of the office of the joint legislative
29 audit and review committee, with the concurrence of the joint
30 legislative audit and review committee, may file with the attorney
31 general any audit exceptions or other findings of any performance
32 audit, management study, or special report prepared for the joint
33 legislative audit and review committee, any standing or special
34 committees of the house or senate, or the entire legislature which
35 indicate a violation of RCW 43.88.290 or section 1 of this act, or any
36 other act of malfeasance, misfeasance, or nonfeasance on the part of
37 any state officer or employee.

1 (2) The attorney general shall promptly review each filing received
2 from the legislative auditor and may act thereon as provided in RCW
3 43.88.300, or any other applicable statute authorizing enforcement
4 proceedings by the attorney general. The attorney general shall advise
5 the joint legislative audit and review committee of the status of
6 exceptions or findings referred under this section.

7 **Sec. 5.** RCW 43.79.270 and 1996 c 288 s 37 are each amended to read
8 as follows:

9 Whenever any money, from the federal government, or from other
10 sources, which was not anticipated in the budget approved by the
11 legislature has actually been received and is designated to be spent
12 for a specific purpose, the head of any department, agency, board, or
13 commission through which such expenditure shall be made is to submit to
14 the governor a statement which may be in the form of a request for an
15 allotment amendment setting forth the facts constituting the need for
16 such expenditure and the estimated amount to be expended: PROVIDED,
17 That no expenditure shall be made in excess of the actual amount
18 received, ~~((and))~~ no money shall be expended for any purpose except the
19 specific purpose for which it was received, and no money shall be
20 expended under this section if an appropriation is required under
21 section 1 of this act. A copy of any proposal submitted to the
22 governor to expend money from an appropriated fund or account in excess
23 of appropriations provided by law which is based on the receipt of
24 unanticipated revenues shall be submitted to the joint legislative
25 audit and review committee and also to the standing committees on ways
26 and means of the house and senate if the legislature is in session at
27 the same time as it is transmitted to the governor.

28 **Sec. 6.** RCW 15.13.470 and 1993 c 120 s 17 are each amended to read
29 as follows:

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

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

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

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

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

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

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

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

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

16 **Sec. 8.** RCW 15.36.471 and 1994 c 143 s 511 are each amended to
17 read as follows:

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

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

1 parts of milk products by a state laboratory of a milk sample collected
2 by a department official shall be admitted as prima facie evidence of
3 the amounts of milk components in the product.

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

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

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

18 **Sec. 9.** RCW 18.160.050 and 1990 c 177 s 6 are each amended to read
19 as follows:

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

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

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

36 (d) A certificate of competency holder may voluntarily surrender
37 his or her certificate of competency to the state director of fire
38 protection and be relieved of the annual renewal fee. After

1 surrendering the certificate of competency, he or she shall not be
2 known as a certificate of competency holder and shall desist from the
3 practice thereof. Within two years from the time of surrender of the
4 certificate of competency, he or she may again qualify for a
5 certificate of competency, without examination, by the payment of the
6 required fee. If two or more years have elapsed, he or she shall
7 return to the status of a new applicant.

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

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

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

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

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

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

37 (1) There is hereby established a fund to be known as the grain
38 indemnity fund. The grain indemnity fund shall consist of assessments

1 remitted by licensees pursuant to the provisions of RCW 22.09.416
2 through 22.09.426.

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

8 (3) The grain indemnity fund shall be used exclusively for purposes
9 of paying claimants pursuant to this chapter, and paying necessary
10 expenses of administering the grain indemnity fund, provided however,
11 that moneys equivalent to one-half of the interest earned by the fund
12 for deposit to the general fund may be paid to the department to defray
13 costs of administering the warehouse audit program. The state of
14 Washington shall not be liable for any claims presented against the
15 fund.

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

18 (1) All moneys collected as fees for weighing, grading, and
19 inspecting commodities and all other fees collected under the
20 provisions of this chapter, except as provided in subsections (2) and
21 (3) of this section, shall be deposited in the grain inspection
22 revolving fund, which is hereby established. The state treasurer is
23 the custodian of the revolving fund. Disbursements from the revolving
24 fund shall be on authorization of the director of the department of
25 agriculture. The revolving fund is subject to the allotment procedure
26 provided in chapter 43.88 RCW(~~(, but)~~). Except as provided in section
27 1 of this act, no appropriation is required for disbursements from the
28 fund. The fund shall be used for all expenses directly incurred by the
29 grain inspection program in carrying out the provisions of this chapter
30 and for departmental administrative expenses during the 1993-95
31 biennium. The department may use so much of such fund not exceeding
32 five percent thereof as the director of agriculture may determine
33 necessary for research and promotional work, including rate studies,
34 relating to wheat and wheat products.

35 (2) All fees collected for the inspection, grading, and testing of
36 hops shall be deposited into the hop inspection fund, which is hereby
37 established, and shall be retained by the department for the purpose of
38 inspecting, grading, and testing hops. Any moneys in any fund retained

1 by the department on July 1, 1963, and derived from hop inspection and
2 grading shall be deposited to this hop inspection fund. For the
3 purposes of research which would contribute to the development of
4 superior hop varieties and to improve hop production and harvest
5 practices, the department may expend up to twenty percent of the moneys
6 deposited in the hop inspection fund during the fiscal year ending June
7 30th immediately preceding the year in which such expenditures are to
8 be made. No expenditures shall be made under the provisions of this
9 subsection when the hop inspection fund is, or the director may
10 reasonably anticipate that it will be, reduced below twenty thousand
11 dollars as the result of such expenditure or other necessary
12 expenditures made to carry out the inspection, grading, and testing of
13 hops.

14 (3) All moneys collected by the grain warehouse audit program,
15 including grain warehouse license fees pursuant to RCW 22.09.050 and
16 22.09.055, shall be deposited by the director into the grain warehouse
17 audit account, hereby created within the agricultural local fund
18 established in RCW 43.23.230. Moneys collected shall be used to
19 support the grain warehouse audit program.

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

22 The tuition recovery trust fund is hereby established in the
23 custody of the state treasurer. The agency shall deposit in the fund
24 all moneys received under RCW 28C.10.084. Moneys in the fund may be
25 spent only for the purposes under RCW 28C.10.084. Disbursements from
26 the fund shall be on authorization of the agency. The fund is subject
27 to the allotment procedure provided under chapter 43.88 RCW(~~(, but)~~).
28 Except as provided in section 1 of this act, no appropriation is
29 required for disbursements from the fund.

30 **Sec. 13.** RCW 43.320.110 and 1995 c 238 s 9 are each amended to
31 read as follows:

32 There is created a local fund known as the "banking examination
33 fund" which shall consist of all moneys received by the department of
34 financial institutions from banks, savings banks, foreign bank
35 branches, savings and loan associations, consumer loan companies, check
36 cashers and sellers, trust companies and departments, and escrow
37 agents, and which shall be used for the purchase of supplies and

1 necessary equipment and the payment of salaries, wages, utilities, and
2 other incidental costs required for the proper regulation of these
3 companies. The state treasurer shall be the custodian of the fund.
4 Disbursements from the fund shall be on authorization of the director
5 of financial institutions or the director's designee. In order to
6 maintain an effective expenditure and revenue control, the fund shall
7 be subject in all respects to chapter 43.88 RCW(~~(, but)~~). Except as
8 provided in section 1 of this act, no appropriation is required to
9 permit expenditures and payment of obligations from the fund.

10 **Sec. 14.** RCW 43.320.120 and 1993 c 472 s 26 are each amended to
11 read as follows:

12 There is created a local fund known as the "credit unions
13 examination fund" which shall consist of all moneys received by the
14 department of financial institutions from credit unions and which shall
15 be used for the purchase of supplies and necessary equipment and the
16 payment of salaries, wages, utilities, and other incidental costs
17 required for the regulation of these institutions. The state treasurer
18 shall be the custodian of the fund. Disbursements from the fund shall
19 be on authorization of the director of financial institutions or the
20 director's designee. In order to maintain an effective expenditure and
21 revenue control, the fund shall be subject in all respects to chapter
22 43.88 RCW(~~(, but)~~) and, except as provided in section 1 of this act, no
23 appropriation is required to permit expenditures and payment of
24 obligations from the fund.

25 **Sec. 15.** RCW 43.70.340 and 1990 c 253 s 3 are each amended to read
26 as follows:

27 (1) The farmworker housing inspection fund is established in the
28 custody of the state treasury. The department of health shall deposit
29 all funds received under subsection (2) of this section and from the
30 legislature to administer a labor camp inspection program conducted by
31 the department of health. Disbursement from the fund shall be on
32 authorization of the secretary of health or the secretary's designee.
33 The fund is subject to the allotment procedure provided under chapter
34 43.88 RCW(~~(, but)~~). Except as provided in section 1 of this act, no
35 appropriation is required for disbursements.

36 (2) There is imposed a fee on each operating license issued by the
37 department of health to every operator of a labor camp that is

1 regulated by the state board of health. The fee paid under this
2 subsection shall include all necessary inspection of the units to
3 ensure compliance with applicable state board of health rules on labor
4 camps.

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

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

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

11 **Sec. 16.** RCW 59.21.050 and 1995 c 122 s 9 are each amended to read
12 as follows:

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

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

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

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

1 at the time of notice of closure; and (iii) a copy of the record of
2 title transfer issued by the department of licensing when the tenant
3 sold the home rather than relocate it due to park closure or
4 conversion.

5 **Sec. 17.** RCW 70.47.030 and 1995 2nd sp.s. c 18 s 913 are each
6 amended to read as follows:

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

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

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

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

33 **Sec. 18.** RCW 76.04.630 and 1993 c 36 s 2 are each amended to read
34 as follows:

35 There is created a landowner contingency forest fire suppression
36 account in the state treasury. Moneys in the account may be spent only
37 as provided in this section. Disbursements from the account shall be

1 on authorization of the commissioner of public lands or the
2 commissioner's designee. The account is subject to the allotment
3 procedure provided under chapter 43.88 RCW(~~(, but)~~). Except as
4 provided in section 1 of this act, no appropriation is required for
5 disbursements from the fund.

6 The department may expend from this account the amounts as may be
7 available and as it considers appropriate for the payment of emergency
8 fire costs resulting from a participating landowner fire. The
9 department may, when moneys are available from the landowner
10 contingency forest fire suppression account, expend moneys for
11 summarily abating, isolating, or reducing an extreme fire hazard under
12 RCW 76.04.660. All moneys recovered as a result of the department's
13 actions, from the owner or person responsible, under RCW 76.04.660
14 shall be deposited in the landowner contingency forest fire suppression
15 account.

16 When a determination is made that the fire was started by other
17 than a landowner operation, moneys expended from this account in the
18 suppression of such fire shall be recovered from the general fund
19 appropriations as may be available for emergency fire suppression
20 costs. The department shall deposit in the landowner contingency
21 forest fire suppression account moneys paid out of the account which
22 are later recovered, less reasonable costs of recovery.

23 This account shall be established and renewed by an annual special
24 forest fire suppression account assessment paid by participating
25 landowners at a rate to be established by the department. In
26 establishing assessments, the department shall seek to establish and
27 thereafter reestablish a balance in the account of three million
28 dollars. The department may establish a flat fee assessment of no more
29 than seven dollars and fifty cents for participating landowners owning
30 parcels of fifty acres or less. For participating landowners owning
31 parcels larger than fifty acres, the department may charge the flat fee
32 assessment plus a per acre assessment for every acre over fifty acres.
33 The per acre assessment established by the department may not exceed
34 fifteen cents per acre per year. The assessments may differ to
35 equitably distribute the assessment based on emergency fire suppression
36 cost experience necessitated by landowner operations. Amounts assessed
37 for this account shall be a lien upon the forest lands with respect to
38 which the assessment is made and may be collected as directed by the
39 department in the same manner as forest protection assessments.

1 Payment of emergency costs from this account shall in no way restrict
2 the right of the department to recover costs pursuant to RCW 76.04.495
3 or other laws.

4 When the department determines that a forest fire was started in
5 the course of or as a result of a landowner operation, it shall notify
6 the forest fire advisory board of the determination. The determination
7 shall be final, unless, within ninety days of the notification, the
8 forest fire advisory board or an interested party serves a request for
9 a hearing before the department. The hearing shall constitute an
10 adjudicative proceeding under chapter 34.05 RCW, the administrative
11 procedure act, and an appeal shall be in accordance with RCW 34.05.510
12 through 34.05.598.

13 **Sec. 19.** RCW 77.21.080 and 1989 c 11 s 29 are each amended to read
14 as follows:

15 The state wildlife conservation reward fund is established in the
16 custody of the state treasurer. The director shall deposit in the fund
17 all moneys designated to be placed in the fund by rule of the director.
18 Moneys in the fund shall be spent to provide rewards to persons
19 informing the department about violations of this title or rules
20 adopted pursuant to this title. Disbursements from the fund shall be
21 on the authorization of the director or the director's designee. The
22 fund is subject to the allotment procedure provided under chapter 43.88
23 RCW(~~(, but)~~). Except as provided in section 1 of this act, no
24 appropriation is required for disbursements from the fund.

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