

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2724**

55th Legislature  
1998 Regular Session

Passed by the House March 10, 1998  
Yeas 98 Nays 0

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**Speaker of the  
House of Representatives**

Passed by the Senate March 6, 1998  
Yeas 39 Nays 6

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2724** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2724**

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AS AMENDED BY THE SENATE

Passed Legislature - 1998 Regular Session

**State of Washington                      55th Legislature                      1998 Regular Session**

**By** House Committee on Appropriations (originally sponsored by Representatives Boldt, Mielke, Pennington, Carrell, Mulliken, Thompson, Bush, Cairnes, Reams and Lambert)

Read first time 02/05/98. Referred to Committee on .

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 43.79.270, 9.46.100, 15.13.470,  
4 15.36.441, 15.36.471, 18.160.050, 19.146.228, 22.09.411, 28C.10.082,  
5 43.10.200, 43.10.220, 43.23.230, 43.320.110, 43.320.120, 43.320.130,  
6 43.70.340, 59.21.050, 70.47.030, and 77.21.080; reenacting and amending  
7 RCW 22.09.830; adding new sections to chapter 43.88 RCW; creating a new  
8 section; and providing an effective date.

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

10            NEW SECTION.    **Sec. 1.** A new section is added to chapter 43.88 RCW  
11 to read as follows:

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

16            In any regulatory or civil enforcement action brought by the  
17 attorney general under the authority of the attorney general or another  
18 state agency where moneys are to be paid to the state or to a state-  
19 administered account, the attorney general shall seek a court order or

1 settlement that includes a requirement that the moneys received by the  
2 state shall not be expended except pursuant to an appropriation by law.

3 This section does not apply to:

4 (1) Moneys received by the state for payment by the state to  
5 injured parties or a class of parties as damages, restitution, or  
6 refunds. However, if such payments to a class of parties in lieu of  
7 damages, restitution, or refunds, such as payments under the doctrine  
8 of cy pres, include a payment to a state agency, the expenditure of the  
9 payment by the state agency shall be subject to this section;

10 (2) Fees or enforcement actions to collect fees, including  
11 investigation or examination fees, that are established by  
12 administrative rule or statute;

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

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

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

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

26 Except as provided in section 1 of this act or as otherwise  
27 provided by law, recoveries of amounts expended pursuant to an  
28 appropriation, including but not limited to, payments for material  
29 supplied or services rendered under chapter 39.34 RCW, may be expended  
30 as part of the original appropriation of the fund to which such  
31 recoveries belong, without further or additional appropriation. Such  
32 expenditures shall be subject to conditions and procedures prescribed  
33 by the director of financial management. The director may authorize  
34 expenditures with respect to recoveries accrued but not received, in  
35 accordance with generally accepted accounting principles, except that  
36 such recoveries shall not be included in revenues or expended against  
37 an appropriation for a subsequent fiscal period. This section does not

1 apply to the repayment of loans, except for loans between state  
2 agencies.

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

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

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

26 There is hereby created the gambling revolving fund which shall  
27 consist of all moneys receivable for licensing, penalties, forfeitures,  
28 and all other moneys, income, or revenue received by the commission.  
29 The state treasurer shall be custodian of the fund. All moneys  
30 received by the commission or any employee thereof, except for change  
31 funds and an amount of petty cash as fixed by rule or regulation of the  
32 commission, shall be deposited each day in a depository approved by the  
33 state treasurer and transferred to the state treasurer to be credited  
34 to the gambling revolving fund. Disbursements from the revolving fund  
35 shall be on authorization of the commission or a duly authorized  
36 representative thereof. In order to maintain an effective expenditure  
37 and revenue control the gambling revolving fund shall be subject in all

1 respects to chapter 43.88 RCW but no appropriation shall be required to  
2 permit expenditures and payment of obligations from such fund except as  
3 provided in section 1 of this act. All expenses relative to commission  
4 business, including but not limited to salaries and expenses of the  
5 director and other commission employees shall be paid from the gambling  
6 revolving fund.

7 The state treasurer shall transfer to the general fund one million  
8 dollars from the gambling revolving fund for the 1991-93 fiscal  
9 biennium.

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

12 All moneys collected under this chapter shall be paid to the  
13 director, deposited in an account within the agricultural local fund,  
14 and used solely for carrying out this chapter and rules adopted under  
15 this chapter. Except as provided in section 1 of this act, no  
16 appropriation is required for the disbursement of moneys from the  
17 account by the director. Any residual balance of funds remaining in  
18 the nursery inspection fund on July 26, 1987, shall be transferred to  
19 that account within the agricultural local fund: PROVIDED, That all  
20 fees collected for fruit tree, fruit tree related ornamental tree, and  
21 fruit tree rootstock assessments as set forth in this chapter shall be  
22 deposited in the northwest nursery fund to be used only for the  
23 Washington fruit tree and fruit tree related ornamental tree  
24 certification and nursery improvement programs as set forth in this  
25 chapter and chapter 15.14 RCW.

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

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

1 (2) The penalty is imposed by the department giving a written  
2 notice which is either personally served upon or transmitted by  
3 certified mail, return receipt requested, to the person incurring the  
4 penalty. The notice of the civil penalty shall be a final order of the  
5 department unless, within fifteen days after the notice is received,  
6 the person incurring the penalty appeals the penalty by filing a notice  
7 of appeal with the department. If a notice of appeal is filed in a  
8 timely manner, a hearing shall be conducted on behalf of the department  
9 by the office of administrative hearings in accordance with chapters  
10 34.05 and 34.12 RCW. At the conclusion of the hearing, the department  
11 shall determine whether the penalty should be affirmed, and, if so,  
12 shall issue a final order setting forth the civil penalty assessed, if  
13 any. The order may be appealed to superior court in accordance with  
14 chapter 34.05 RCW. Tests performed for antibiotic, pesticide, or other  
15 drug residues by an official laboratory or an officially designated  
16 laboratory of a milk sample drawn by a department official or a  
17 licensed dairy technician shall be admitted as prima facie evidence of  
18 the presence or absence of an antibiotic, pesticide, or other drug  
19 residue.

20 (3) Any penalty imposed under this section is due and payable upon  
21 the issuance of the final order by the department. The penalty shall  
22 be deducted by the violator's marketing organization from the  
23 violator's final payment for the month following the issuance of the  
24 final order. The department shall promptly notify the violator's  
25 marketing organization of any penalties contained in the final order.

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

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

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

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

8 (2) The penalty is imposed by the department giving a written  
9 notice which is either personally served upon or transmitted by  
10 certified mail, return receipt requested, to the person incurring the  
11 penalty. The notice of the civil penalty shall be a final order of the  
12 department unless, within fifteen days after the notice is received,  
13 the person incurring the penalty appeals the penalty by filing a notice  
14 of appeal with the department. If a notice of appeal is filed in a  
15 timely manner, a hearing shall be conducted on behalf of the department  
16 by the office of administrative hearings in accordance with chapters  
17 34.05 and 34.12 RCW. At the conclusion of the hearing, the department  
18 shall determine whether the penalty should be affirmed, reduced, or not  
19 imposed and shall issue a final order setting forth the civil penalty  
20 assessed, if any. The order may be appealed to superior court in  
21 accordance with chapter 34.05 RCW. Tests performed for the component  
22 parts of milk products by a state laboratory of a milk sample collected  
23 by a department official shall be admitted as prima facie evidence of  
24 the amounts of milk components in the product.

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

27 (4) All penalties received or recovered from violations of this  
28 section shall be remitted by the violator to the department and  
29 deposited in the revolving fund of the Washington state dairy products  
30 commission. One-half of the funds received shall be used for purposes  
31 of education with the remainder one-half to be used for dairy  
32 processing or marketing research, or both. Except as provided in  
33 section 1 of this act, no appropriation is required for disbursements  
34 from this fund.

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

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

3       (1)(a) All certificate of competency holders that desire to  
4 continue in the fire protection sprinkler business shall annually,  
5 prior to January 1, secure from the state director of fire protection  
6 a renewal certificate of competency upon payment of the fee as  
7 prescribed by the state director of fire protection. Application for  
8 renewal shall be upon a form prescribed by the state director of fire  
9 protection and the certificate holder shall furnish the information  
10 required by the director.

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

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

19       (d) A certificate of competency holder may voluntarily surrender  
20 his or her certificate of competency to the state director of fire  
21 protection and be relieved of the annual renewal fee. After  
22 surrendering the certificate of competency, he or she shall not be  
23 known as a certificate of competency holder and shall desist from the  
24 practice thereof. Within two years from the time of surrender of the  
25 certificate of competency, he or she may again qualify for a  
26 certificate of competency, without examination, by the payment of the  
27 required fee. If two or more years have elapsed, he or she shall  
28 return to the status of a new applicant.

29       (2)(a) All licensed fire protection sprinkler system contractors  
30 desiring to continue to be licensed shall annually, prior to January 1,  
31 secure from the state director of fire protection a renewal license  
32 upon payment of the fee as prescribed by the state director of fire  
33 protection. Application for renewal shall be upon a form prescribed by  
34 the state director of fire protection and the license holder shall  
35 furnish the information required by the director.

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

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

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

7 (4) The fire protection contractor license fund is created in the  
8 custody of the state treasurer. All receipts from license and  
9 certificate fees and charges or from the money generated by the rules  
10 and regulations promulgated under this chapter shall be deposited into  
11 the fund. Expenditures from the fund may be used only for purposes  
12 authorized under this chapter. Only the state director of fire  
13 protection or the director's designee may authorize expenditures from  
14 the fund. The fund is subject to allotment procedures under chapter  
15 43.88 RCW(~~(, but)~~). Except as provided in section 1 of this act, no  
16 appropriation is required for expenditures from the fund.

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

19 The director shall establish fees by rule in accordance with RCW  
20 43.24.086 sufficient to cover, but not exceed, the costs of  
21 administering this chapter. These fees may include:

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

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

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

29 Mortgage brokers shall not be charged investigation fees for the  
30 processing of complaints when the investigation determines that no  
31 violation of this chapter occurred or when the mortgage broker provides  
32 a remedy satisfactory to the complainant and the director and no order  
33 of the director is issued. All moneys, fees, and penalties collected  
34 under the authority of this chapter shall be subject to section 1 of  
35 this act and shall be deposited into the banking examination fund,  
36 unless the consumer services account is created as a dedicated,  
37 nonappropriated account, in which case all moneys, fees, and penalties

1 collected under this chapter shall be deposited in the consumer  
2 services account.

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

5 (1) There is hereby established a fund to be known as the grain  
6 indemnity fund. The grain indemnity fund shall consist of assessments  
7 remitted by licensees pursuant to the provisions of RCW 22.09.416  
8 through 22.09.426.

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

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

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

24 (1) All moneys collected as fees for weighing, grading, and  
25 inspecting commodities and all other fees collected under the  
26 provisions of this chapter, except as provided in subsections (2) and  
27 (3) of this section, shall be deposited in the grain inspection  
28 revolving fund, which is hereby established. The state treasurer is  
29 the custodian of the revolving fund. Disbursements from the revolving  
30 fund shall be on authorization of the director of the department of  
31 agriculture. The revolving fund is subject to the allotment procedure  
32 provided in chapter 43.88 RCW(~~7-but~~). Except as provided in section  
33 1 of this act, no appropriation is required for disbursements from the  
34 fund. The fund shall be used for all expenses directly incurred by the  
35 grain inspection program in carrying out the provisions of this chapter  
36 and for departmental administrative expenses during the 1993-95  
37 biennium. The department may use so much of such fund not exceeding

1 five percent thereof as the director of agriculture may determine  
2 necessary for research and promotional work, including rate studies,  
3 relating to wheat and wheat products.

4 (2) All fees collected for the inspection, grading, and testing of  
5 hops shall be deposited into the hop inspection fund, which is hereby  
6 established, and shall be retained by the department for the purpose of  
7 inspecting, grading, and testing hops. Any moneys in any fund retained  
8 by the department on July 1, 1963, and derived from hop inspection and  
9 grading shall be deposited to this hop inspection fund. For the  
10 purposes of research which would contribute to the development of  
11 superior hop varieties and to improve hop production and harvest  
12 practices, the department may expend up to twenty percent of the moneys  
13 deposited in the hop inspection fund during the fiscal year ending June  
14 30th immediately preceding the year in which such expenditures are to  
15 be made. No expenditures shall be made under the provisions of this  
16 subsection when the hop inspection fund is, or the director may  
17 reasonably anticipate that it will be, reduced below twenty thousand  
18 dollars as the result of such expenditure or other necessary  
19 expenditures made to carry out the inspection, grading, and testing of  
20 hops.

21 (3) All moneys collected by the grain warehouse audit program,  
22 including grain warehouse license fees pursuant to RCW 22.09.050 and  
23 22.09.055, shall be deposited by the director into the grain warehouse  
24 audit account, hereby created within the agricultural local fund  
25 established in RCW 43.23.230. Moneys collected shall be used to  
26 support the grain warehouse audit program.

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

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

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

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

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

12       Except as provided in section 1 of this act, the attorney general  
13 is authorized to expend from the antitrust revolving fund, created by  
14 RCW 43.10.210 through 43.10.220, such funds as are necessary for the  
15 payment of costs, expenses and charges incurred in the preparation,  
16 institution and maintenance of antitrust actions under the state and  
17 federal antitrust acts.

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

20       The agricultural local fund is hereby established in the custody of  
21 the state treasurer. The fund shall consist of such money as is  
22 directed by law for deposit in the fund, and such other money not  
23 subject to appropriation that the department authorizes to be deposited  
24 in the fund. Any money deposited in the fund, the use of which has  
25 been restricted by law, may only be expended in accordance with those  
26 restrictions. The department may make disbursements from the fund.  
27 The fund is not subject to legislative appropriation except as provided  
28 in section 1 of this act.

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

31       There is created a local fund known as the "banking examination  
32 fund" which shall consist of all moneys received by the department of  
33 financial institutions from banks, savings banks, foreign bank  
34 branches, savings and loan associations, consumer loan companies, check  
35 cashers and sellers, trust companies and departments, and escrow  
36 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. 17.** 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. 18.** RCW 43.320.130 and 1993 c 472 s 27 are each amended to  
26 read as follows:

27 (1) There is created in the state treasury a fund known as the  
28 "securities regulation fund" that shall consist of thirteen percent of  
29 all moneys received by the division of securities of the department of  
30 financial institutions, except as provided in subsection (2) of this  
31 section. Expenditures from the account may be used only for the  
32 purchase of supplies and necessary equipment and the payment of  
33 salaries, wages, utilities, and other incidental costs required for the  
34 regulation of securities, franchises, business opportunities,  
35 commodities, and other similar areas regulated by the division. Moneys  
36 in the account may be spent only after appropriation.

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

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

10       (1) The farmworker housing inspection fund is established in the  
11 custody of the state treasury. The department of health shall deposit  
12 all funds received under subsection (2) of this section and from the  
13 legislature to administer a labor camp inspection program conducted by  
14 the department of health. Disbursement from the fund shall be on  
15 authorization of the secretary of health or the secretary's designee.  
16 The fund is subject to the allotment procedure provided under chapter  
17 43.88 RCW(~~(7, but)~~). Except as provided in section 1 of this act, no  
18 appropriation is required for disbursements.

19       (2) There is imposed a fee on each operating license issued by the  
20 department of health to every operator of a labor camp that is  
21 regulated by the state board of health. The fee paid under this  
22 subsection shall include all necessary inspection of the units to  
23 ensure compliance with applicable state board of health rules on labor  
24 camps.

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

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

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

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

33       (1) The existence of the mobile home park relocation fund in the  
34 custody of the state treasurer is affirmed. Expenditures from the fund  
35 may be used only for relocation assistance under RCW 59.21.015 through  
36 59.21.025. Only the director or the director's designee may authorize  
37 expenditures from the fund. All relocation payments to tenants shall

1 be made from the fund. The fund is subject to allotment procedures  
2 under chapter 43.88 RCW(~~(, but)~~). Except as provided in section 1 of  
3 this act, no appropriation is required for expenditures from the fund.

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

8 (a) For those persons who maintained ownership of and relocated  
9 their homes: (i) A copy of the notice from the park-owner, or other  
10 adequate proof, that the tenancy is terminated due to closure of the  
11 park or its conversion to another use; (ii) a copy of the rental  
12 agreement then in force, or other proof that the applicant was a tenant  
13 at the time of notice of closure; (iii) a copy of the contract for  
14 relocating the home which includes the date of relocation, or other  
15 proof of actual relocation expenses incurred on a date certain; and  
16 (iv) a statement of any other available assistance;

17 (b) For those persons who sold their homes and incurred no  
18 relocation expenses: (i) A copy of the notice from the park-owner, or  
19 other adequate proof, that the tenancy is terminated due to closure of  
20 the park or its conversion to another use; (ii) a copy of the rental  
21 agreement then in force, or other proof that the applicant was a tenant  
22 at the time of notice of closure; and (iii) a copy of the record of  
23 title transfer issued by the department of licensing when the tenant  
24 sold the home rather than relocate it due to park closure or  
25 conversion.

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

28 (1) The basic health plan trust account is hereby established in  
29 the state treasury. Any nongeneral fund-state funds collected for this  
30 program shall be deposited in the basic health plan trust account and  
31 may be expended without further appropriation. Moneys in the account  
32 shall be used exclusively for the purposes of this chapter, including  
33 payments to participating managed health care systems on behalf of  
34 enrollees in the plan and payment of costs of administering the plan.

35 During the 1995-97 fiscal biennium, the legislature may transfer  
36 funds from the basic health plan trust account to the state general  
37 fund.

1 (2) The basic health plan subscription account is created in the  
2 custody of the state treasurer. All receipts from amounts due from or  
3 on behalf of nonsubsidized enrollees shall be deposited into the  
4 account. Funds in the account shall be used exclusively for the  
5 purposes of this chapter, including payments to participating managed  
6 health care systems on behalf of nonsubsidized enrollees in the plan  
7 and payment of costs of administering the plan. The account is subject  
8 to allotment procedures under chapter 43.88 RCW(~~(, but)~~). Except as  
9 provided in section 1 of this act, no appropriation is required for  
10 expenditures.

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

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

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

29 NEW SECTION. **Sec. 23.** If any part of this act is found to be in  
30 conflict with federal requirements that are a prescribed condition to  
31 the allocation of federal funds to the state, the conflicting part of  
32 this act is inoperative solely to the extent of the conflict and with  
33 respect to the agencies directly affected, and this finding does not  
34 affect the operation of the remainder of this act in its application to  
35 the agencies concerned. Rules adopted under this act must meet federal  
36 requirements that are a necessary condition to the receipt of federal  
37 funds by the state.

1        NEW SECTION.    **Sec. 24.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 25.**    This act takes effect July 1, 1999.

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