
SUBSTITUTE SENATE BILL 6656

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators West and Strannigan)

Read first time 02/06/98.

1 AN ACT Relating to moneys received by the state in regulatory and
2 enforcement actions and settlements; amending RCW 43.79.270, 9.46.100,
3 15.13.470, 15.36.441, 15.36.471, 18.160.050, 19.146.228, 22.09.411,
4 28C.10.082, 43.10.200, 43.10.220, 43.23.230, 43.88.180, 43.320.110,
5 43.320.120, 43.320.130, 43.70.340, 51.44.010, 51.44.020, 51.44.030,
6 51.44.033, 59.21.050, 70.47.030, 76.04.630, and 77.21.080; reenacting
7 and amending RCW 22.09.830; adding new sections to chapter 43.88 RCW;
8 creating a new 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 enforcement action, or settlement thereof,
15 brought by the state.

16 In any regulatory or enforcement action brought by the attorney
17 general under the authority of the attorney general or another state
18 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 moneys received by the state for
4 payment by the state to injured parties or a class of parties as
5 damages, restitution, or refunds. However, if such payments to a class
6 of parties in lieu of damages, restitution, or refunds, such as
7 payments under the doctrine of cy pres, include a payment to a state
8 agency, the expenditure of the payment by the state agency shall be
9 subject to this section.

10 This section does not apply to fees or enforcement actions to
11 collect fees, including investigation or examination fees, that are
12 established by administrative rule or statute.

13 This section does not apply to expenditures from nonappropriated
14 funds and accounts that are specifically established by statute if the
15 statute does not incorporate a reference to this section.

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

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

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

34 Whenever any money, from the federal government, or from other
35 sources, which was not anticipated in the budget approved by the
36 legislature has actually been received and is designated to be spent
37 for a specific purpose, the head of any department, agency, board, or

1 commission through which such expenditure shall be made is to submit to
2 the governor a statement which may be in the form of a request for an
3 allotment amendment setting forth the facts constituting the need for
4 such expenditure and the estimated amount to be expended: PROVIDED,
5 That no expenditure shall be made in excess of the actual amount
6 received, (~~and~~) no money shall be expended for any purpose except the
7 specific purpose for which it was received, and no money shall be
8 expended under this section if an appropriation is required under
9 section 1 of this act. A copy of any proposal submitted to the
10 governor to expend money from an appropriated fund or account in excess
11 of appropriations provided by law which is based on the receipt of
12 unanticipated revenues shall be submitted to the joint legislative
13 audit and review committee and also to the standing committees on ways
14 and means of the house and senate if the legislature is in session at
15 the same time as it is transmitted to the governor.

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

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

36 The state treasurer shall transfer to the general fund one million
37 dollars from the gambling revolving fund for the 1991-93 fiscal
38 biennium.

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

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

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

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

28 (2) The penalty is imposed by the department giving a written
29 notice which is either personally served upon or transmitted by
30 certified mail, return receipt requested, to the person incurring the
31 penalty. The notice of the civil penalty shall be a final order of the
32 department unless, within fifteen days after the notice is received,
33 the person incurring the penalty appeals the penalty by filing a notice
34 of appeal with the department. If a notice of appeal is filed in a
35 timely manner, a hearing shall be conducted on behalf of the department
36 by the office of administrative hearings in accordance with chapters
37 34.05 and 34.12 RCW. At the conclusion of the hearing, the department
38 shall determine whether the penalty should be affirmed, and, if so,

1 shall issue a final order setting forth the civil penalty assessed, if
2 any. The order may be appealed to superior court in accordance with
3 chapter 34.05 RCW. Tests performed for antibiotic, pesticide, or other
4 drug residues by an official laboratory or an officially designated
5 laboratory of a milk sample drawn by a department official or a
6 licensed dairy technician shall be admitted as prima facie evidence of
7 the presence or absence of an antibiotic, pesticide, or other drug
8 residue.

9 (3) Any penalty imposed under this section is due and payable upon
10 the issuance of the final order by the department. The penalty shall
11 be deducted by the violator's marketing organization from the
12 violator's final payment for the month following the issuance of the
13 final order. The department shall promptly notify the violator's
14 marketing organization of any penalties contained in the final order.

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

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

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

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

35 (2) The penalty is imposed by the department giving a written
36 notice which is either personally served upon or transmitted by
37 certified mail, return receipt requested, to the person incurring the
38 penalty. The notice of the civil penalty shall be a final order of the

1 department unless, within fifteen days after the notice is received,
2 the person incurring the penalty appeals the penalty by filing a notice
3 of appeal with the department. If a notice of appeal is filed in a
4 timely manner, a hearing shall be conducted on behalf of the department
5 by the office of administrative hearings in accordance with chapters
6 34.05 and 34.12 RCW. At the conclusion of the hearing, the department
7 shall determine whether the penalty should be affirmed, reduced, or not
8 imposed and shall issue a final order setting forth the civil penalty
9 assessed, if any. The order may be appealed to superior court in
10 accordance with chapter 34.05 RCW. Tests performed for the component
11 parts of milk products by a state laboratory of a milk sample collected
12 by a department official shall be admitted as prima facie evidence of
13 the amounts of milk components in the product.

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

16 (4) All penalties received or recovered from violations of this
17 section shall be remitted by the violator to the department and
18 deposited in the revolving fund of the Washington state dairy products
19 commission. One-half of the funds received shall be used for purposes
20 of education with the remainder one-half to be used for dairy
21 processing or marketing research, or both. Except as provided in
22 section 1 of this act, no appropriation is required for disbursements
23 from this fund.

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

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

30 (1)(a) All certificate of competency holders that desire to
31 continue in the fire protection sprinkler business shall annually,
32 prior to January 1, secure from the state director of fire protection
33 a renewal certificate of competency upon payment of the fee as
34 prescribed by the state director of fire protection. Application for
35 renewal shall be upon a form prescribed by the state director of fire
36 protection and the certificate holder shall furnish the information
37 required by the director.

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

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

9 (d) A certificate of competency holder may voluntarily surrender
10 his or her certificate of competency to the state director of fire
11 protection and be relieved of the annual renewal fee. After
12 surrendering the certificate of competency, he or she shall not be
13 known as a certificate of competency holder and shall desist from the
14 practice thereof. Within two years from the time of surrender of the
15 certificate of competency, he or she may again qualify for a
16 certificate of competency, without examination, by the payment of the
17 required fee. If two or more years have elapsed, he or she shall
18 return to the status of a new applicant.

19 (2)(a) All licensed fire protection sprinkler system contractors
20 desiring to continue to be licensed shall annually, prior to January 1,
21 secure from the state director of fire protection a renewal license
22 upon payment of the fee as prescribed by the state director of fire
23 protection. Application for renewal shall be upon a form prescribed by
24 the state director of fire protection and the license holder shall
25 furnish the information required by the director.

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

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

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

36 (4) The fire protection contractor license fund is created in the
37 custody of the state treasurer. All receipts from license and
38 certificate fees and charges or from the money generated by the rules
39 and regulations promulgated under this chapter shall be deposited into

1 the fund. Expenditures from the fund may be used only for purposes
2 authorized under this chapter. Only the state director of fire
3 protection or the director's designee may authorize expenditures from
4 the fund. The fund is subject to allotment procedures under chapter
5 43.88 RCW(~~(, but)~~). Except as provided in section 1 of this act, no
6 appropriation is required for expenditures from the fund.

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

9 The director shall establish fees by rule in accordance with RCW
10 43.24.086 sufficient to cover, but not exceed, the costs of
11 administering this chapter. These fees may include:

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

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

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

19 Mortgage brokers shall not be charged investigation fees for the
20 processing of complaints when the investigation determines that no
21 violation of this chapter occurred or when the mortgage broker provides
22 a remedy satisfactory to the complainant and the director and no order
23 of the director is issued. All moneys, fees, and penalties collected
24 under the authority of this chapter shall be subject to section 1 of
25 this act and shall be deposited into the banking examination fund,
26 unless the consumer services account is created as a dedicated,
27 nonappropriated account, in which case all moneys, fees, and penalties
28 collected under this chapter shall be deposited in the consumer
29 services account.

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

32 (1) There is hereby established a fund to be known as the grain
33 indemnity fund. The grain indemnity fund shall consist of assessments
34 remitted by licensees pursuant to the provisions of RCW 22.09.416
35 through 22.09.426.

36 (2) All assessments shall be paid to the department and shall be
37 deposited in the grain indemnity fund. The state treasurer shall be

1 the custodian of the grain indemnity fund. Disbursements shall be on
2 authorization of the director. Except as provided in section 1 of this
3 act, no appropriation is required for disbursements from this fund.

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

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

14 (1) All moneys collected as fees for weighing, grading, and
15 inspecting commodities and all other fees collected under the
16 provisions of this chapter, except as provided in subsections (2) and
17 (3) of this section, shall be deposited in the grain inspection
18 revolving fund, which is hereby established. The state treasurer is
19 the custodian of the revolving fund. Disbursements from the revolving
20 fund shall be on authorization of the director of the department of
21 agriculture. The revolving fund is subject to the allotment procedure
22 provided in chapter 43.88 RCW(~~(7-but)~~). Except as provided in section
23 1 of this act, no appropriation is required for disbursements from the
24 fund. The fund shall be used for all expenses directly incurred by the
25 grain inspection program in carrying out the provisions of this chapter
26 and for departmental administrative expenses during the 1993-95
27 biennium. The department may use so much of such fund not exceeding
28 five percent thereof as the director of agriculture may determine
29 necessary for research and promotional work, including rate studies,
30 relating to wheat and wheat products.

31 (2) All fees collected for the inspection, grading, and testing of
32 hops shall be deposited into the hop inspection fund, which is hereby
33 established, and shall be retained by the department for the purpose of
34 inspecting, grading, and testing hops. Any moneys in any fund retained
35 by the department on July 1, 1963, and derived from hop inspection and
36 grading shall be deposited to this hop inspection fund. For the
37 purposes of research which would contribute to the development of
38 superior hop varieties and to improve hop production and harvest

1 practices, the department may expend up to twenty percent of the moneys
2 deposited in the hop inspection fund during the fiscal year ending June
3 30th immediately preceding the year in which such expenditures are to
4 be made. No expenditures shall be made under the provisions of this
5 subsection when the hop inspection fund is, or the director may
6 reasonably anticipate that it will be, reduced below twenty thousand
7 dollars as the result of such expenditure or other necessary
8 expenditures made to carry out the inspection, grading, and testing of
9 hops.

10 (3) All moneys collected by the grain warehouse audit program,
11 including grain warehouse license fees pursuant to RCW 22.09.050 and
12 22.09.055, shall be deposited by the director into the grain warehouse
13 audit account, hereby created within the agricultural local fund
14 established in RCW 43.23.230. Moneys collected shall be used to
15 support the grain warehouse audit program.

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

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

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

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

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

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

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

9 The agricultural local fund is hereby established in the custody of
10 the state treasurer. The fund shall consist of such money as is
11 directed by law for deposit in the fund, and such other money not
12 subject to appropriation that the department authorizes to be deposited
13 in the fund. Any money deposited in the fund, the use of which has
14 been restricted by law, may only be expended in accordance with those
15 restrictions. The department may make disbursements from the fund.
16 The fund is not subject to legislative appropriation except as provided
17 in section 1 of this act.

18 **Sec. 16.** RCW 43.88.180 and 1973 1st ex.s. c 100 s 8 are each
19 amended to read as follows:

20 Except as provided in section 1 of this act, appropriations shall
21 not be required for refunds, as provided in RCW 43.88.170, nor in the
22 case of payments other than for administrative expenses or capital
23 improvements to be made from trust funds specifically created by law to
24 discharge awards, claims, annuities and other liabilities of the state.
25 Said trust funds shall include, but shall not be limited to, the
26 accident fund, medical aid fund, retirement system fund, Washington
27 state patrol retirement fund and unemployment trust fund.
28 Appropriations may be required in the case of public service
29 enterprises defined for the purposes of this section as proprietary
30 functions conducted by an agency of the state. An appropriation may be
31 required to permit payment of obligations by revolving funds, as
32 provided in RCW 43.88.190.

33 **Sec. 17.** RCW 43.320.110 and 1995 c 238 s 9 are each amended to
34 read as follows:

35 There is created a local fund known as the "banking examination
36 fund" which shall consist of all moneys received by the department of

1 financial institutions from banks, savings banks, foreign bank
2 branches, savings and loan associations, consumer loan companies, check
3 cashers and sellers, trust companies and departments, and escrow
4 agents, and which shall be used for the purchase of supplies and
5 necessary equipment and the payment of salaries, wages, utilities, and
6 other incidental costs required for the proper regulation of these
7 companies. The state treasurer shall be the custodian of the fund.
8 Disbursements from the fund shall be on authorization of the director
9 of financial institutions or the director's designee. In order to
10 maintain an effective expenditure and revenue control, the fund shall
11 be subject in all respects to chapter 43.88 RCW(~~(, but)~~). Except as
12 provided in section 1 of this act, no appropriation is required to
13 permit expenditures and payment of obligations from the fund.

14 **Sec. 18.** RCW 43.320.120 and 1993 c 472 s 26 are each amended to
15 read as follows:

16 There is created a local fund known as the "credit unions
17 examination fund" which shall consist of all moneys received by the
18 department of financial institutions from credit unions and which shall
19 be used for the purchase of supplies and necessary equipment and the
20 payment of salaries, wages, utilities, and other incidental costs
21 required for the regulation of these institutions. The state treasurer
22 shall be the custodian of the fund. Disbursements from the fund shall
23 be on authorization of the director of financial institutions or the
24 director's designee. In order to maintain an effective expenditure and
25 revenue control, the fund shall be subject in all respects to chapter
26 43.88 RCW(~~(, but)~~) and, except as provided in section 1 of this act, no
27 appropriation is required to permit expenditures and payment of
28 obligations from the fund.

29 **Sec. 19.** RCW 43.320.130 and 1993 c 472 s 27 are each amended to
30 read as follows:

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

1 regulation of securities, franchises, business opportunities,
2 commodities, and other similar areas regulated by the division. Moneys
3 in the account may be spent only after appropriation.

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

11 **Sec. 20.** RCW 43.70.340 and 1990 c 253 s 3 are each amended to read
12 as follows:

13 (1) The farmworker housing inspection fund is established in the
14 custody of the state treasury. The department of health shall deposit
15 all funds received under subsection (2) of this section and from the
16 legislature to administer a labor camp inspection program conducted by
17 the department of health. Disbursement from the fund shall be on
18 authorization of the secretary of health or the secretary's designee.
19 The fund is subject to the allotment procedure provided under chapter
20 43.88 RCW(~~(, but)~~). Except as provided in section 1 of this act, no
21 appropriation is required for disbursements.

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

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

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

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

34 **Sec. 21.** RCW 51.44.010 and 1961 c 23 s 51.44.010 are each amended
35 to read as follows:

1 There shall be, in the office of the state treasurer, a fund to be
2 known and designated as the "accident fund." The fund is subject to
3 section 1 of this act.

4 **Sec. 22.** RCW 51.44.020 and 1961 c 23 s 51.44.020 are each amended
5 to read as follows:

6 There shall be, in the office of the state treasurer, a fund to be
7 known and designated as the "medical aid fund." The fund is subject to
8 section 1 of this act.

9 **Sec. 23.** RCW 51.44.030 and 1961 c 23 s 51.44.030 are each amended
10 to read as follows:

11 There shall be, in the office of the state treasurer, a fund to be
12 known and designated as the "reserve fund." The fund is subject to
13 section 1 of this act.

14 **Sec. 24.** RCW 51.44.033 and 1975 1st ex.s. c 224 s 16 are each
15 amended to read as follows:

16 There shall be, in the office of the state treasurer, a fund to be
17 known and designated as the "supplemental pension fund". The director
18 shall be the administrator thereof. Said fund shall be used for the
19 sole purpose of making the additional payments therefrom prescribed in
20 this title. The fund is subject to section 1 of this act.

21 **Sec. 25.** RCW 59.21.050 and 1995 c 122 s 9 are each amended to read
22 as follows:

23 (1) The existence of the mobile home park relocation fund in the
24 custody of the state treasurer is affirmed. Expenditures from the fund
25 may be used only for relocation assistance under RCW 59.21.015 through
26 59.21.025. Only the director or the director's designee may authorize
27 expenditures from the fund. All relocation payments to tenants shall
28 be made from the fund. The fund is subject to allotment procedures
29 under chapter 43.88 RCW(~~but~~). Except as provided in section 1 of
30 this act, no appropriation is required for expenditures from the fund.

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

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

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

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

21 (1) The basic health plan trust account is hereby established in
22 the state treasury. Any nongeneral fund-state funds collected for this
23 program shall be deposited in the basic health plan trust account and
24 may be expended without further appropriation. Moneys in the account
25 shall be used exclusively for the purposes of this chapter, including
26 payments to participating managed health care systems on behalf of
27 enrollees in the plan and payment of costs of administering the plan.

28 During the 1995-97 fiscal biennium, the legislature may transfer
29 funds from the basic health plan trust account to the state general
30 fund.

31 (2) The basic health plan subscription account is created in the
32 custody of the state treasurer. All receipts from amounts due from or
33 on behalf of nonsubsidized enrollees shall be deposited into the
34 account. Funds in the account shall be used exclusively for the
35 purposes of this chapter, including payments to participating managed
36 health care systems on behalf of nonsubsidized enrollees in the plan
37 and payment of costs of administering the plan. The account is subject
38 to allotment procedures under chapter 43.88 RCW(~~(, but)~~). Except as

1 provided in section 1 of this act, no appropriation is required for
2 expenditures.

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

9 **Sec. 27.** RCW 76.04.630 and 1993 c 36 s 2 are each amended to read
10 as follows:

11 There is created a landowner contingency forest fire suppression
12 account in the state treasury. Moneys in the account may be spent only
13 as provided in this section. Disbursements from the account shall be
14 on authorization of the commissioner of public lands or the
15 commissioner's designee. The account is subject to the allotment
16 procedure provided under chapter 43.88 RCW(~~(, but)~~). Except as
17 provided in section 1 of this act, no appropriation is required for
18 disbursements from the fund.

19 The department may expend from this account the amounts as may be
20 available and as it considers appropriate for the payment of emergency
21 fire costs resulting from a participating landowner fire. The
22 department may, when moneys are available from the landowner
23 contingency forest fire suppression account, expend moneys for
24 summarily abating, isolating, or reducing an extreme fire hazard under
25 RCW 76.04.660. All moneys recovered as a result of the department's
26 actions, from the owner or person responsible, under RCW 76.04.660
27 shall be deposited in the landowner contingency forest fire suppression
28 account.

29 When a determination is made that the fire was started by other
30 than a landowner operation, moneys expended from this account in the
31 suppression of such fire shall be recovered from the general fund
32 appropriations as may be available for emergency fire suppression
33 costs. The department shall deposit in the landowner contingency
34 forest fire suppression account moneys paid out of the account which
35 are later recovered, less reasonable costs of recovery.

36 This account shall be established and renewed by an annual special
37 forest fire suppression account assessment paid by participating
38 landowners at a rate to be established by the department. In

1 establishing assessments, the department shall seek to establish and
2 thereafter reestablish a balance in the account of three million
3 dollars. The department may establish a flat fee assessment of no more
4 than seven dollars and fifty cents for participating landowners owning
5 parcels of fifty acres or less. For participating landowners owning
6 parcels larger than fifty acres, the department may charge the flat fee
7 assessment plus a per acre assessment for every acre over fifty acres.
8 The per acre assessment established by the department may not exceed
9 fifteen cents per acre per year. The assessments may differ to
10 equitably distribute the assessment based on emergency fire suppression
11 cost experience necessitated by landowner operations. Amounts assessed
12 for this account shall be a lien upon the forest lands with respect to
13 which the assessment is made and may be collected as directed by the
14 department in the same manner as forest protection assessments.
15 Payment of emergency costs from this account shall in no way restrict
16 the right of the department to recover costs pursuant to RCW 76.04.495
17 or other laws.

18 When the department determines that a forest fire was started in
19 the course of or as a result of a landowner operation, it shall notify
20 the forest fire advisory board of the determination. The determination
21 shall be final, unless, within ninety days of the notification, the
22 forest fire advisory board or an interested party serves a request for
23 a hearing before the department. The hearing shall constitute an
24 adjudicative proceeding under chapter 34.05 RCW, the administrative
25 procedure act, and an appeal shall be in accordance with RCW 34.05.510
26 through 34.05.598.

27 **Sec. 28.** RCW 77.21.080 and 1989 c 11 s 29 are each amended to read
28 as follows:

29 The state wildlife conservation reward fund is established in the
30 custody of the state treasurer. The director shall deposit in the fund
31 all moneys designated to be placed in the fund by rule of the director.
32 Moneys in the fund shall be spent to provide rewards to persons
33 informing the department about violations of this title or rules
34 adopted pursuant to this title. Disbursements from the fund shall be
35 on the authorization of the director or the director's designee. The
36 fund is subject to the allotment procedure provided under chapter 43.88
37 RCW(~~(, but)~~). Except as provided in section 1 of this act, no
38 appropriation is required for disbursements from the fund.

1 NEW SECTION. **Sec. 29.** If any part of this act is found to be in
2 conflict with federal requirements that are a prescribed condition to
3 the allocation of federal funds to the state, the conflicting part of
4 this act is inoperative solely to the extent of the conflict and with
5 respect to the agencies directly affected, and this finding does not
6 affect the operation of the remainder of this act in its application to
7 the agencies concerned. Rules adopted under this act must meet federal
8 requirements that are a necessary condition to the receipt of federal
9 funds by the state.

10 NEW SECTION. **Sec. 30.** If any provision of this act or its
11 application to any person or circumstance is held invalid, the
12 remainder of the act or the application of the provision to other
13 persons or circumstances is not affected.

14 NEW SECTION. **Sec. 31.** This act takes effect July 1, 1999.

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