
SENATE BILL 6656

State of Washington

55th Legislature

1998 Regular Session

By Senators West and Strannigan

Read first time 01/26/98. Referred to Committee on Ways & Means.

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, 43.320.110, 43.320.120,
5 43.70.340, 59.21.050, 70.47.030, 76.04.630, and 77.21.080; reenacting
6 and amending RCW 22.09.830; adding new sections to chapter 43.88 RCW;
7 creating a new section; and providing an effective date.

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 read as follows:

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

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

1 state shall not be expended except pursuant to a specific appropriation
2 by law.

3 This section does not apply to administrative or statutory fees or
4 moneys received by the state for payment by the state directly to
5 injured parties as damages, restitution, or refunds. However, such
6 payments to a class of parties in lieu of damages, restitution, or
7 refunds, such as payments under the legal doctrine of cy-pres, shall be
8 subject to this section.

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

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

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

27 Whenever any money, from the federal government, or from other
28 sources, which was not anticipated in the budget approved by the
29 legislature has actually been received and is designated to be spent
30 for a specific purpose, the head of any department, agency, board, or
31 commission through which such expenditure shall be made is to submit to
32 the governor a statement which may be in the form of a request for an
33 allotment amendment setting forth the facts constituting the need for
34 such expenditure and the estimated amount to be expended: PROVIDED,
35 That no expenditure shall be made in excess of the actual amount
36 received, (~~and~~) no money shall be expended for any purpose except the
37 specific purpose for which it was received, and no money shall be

1 expended under this section if an appropriation is required under
2 section 1 of this act. A copy of any proposal submitted to the
3 governor to expend money from an appropriated fund or account in excess
4 of appropriations provided by law which is based on the receipt of
5 unanticipated revenues shall be submitted to the joint legislative
6 audit and review committee and also to the standing committees on ways
7 and means of the house and senate if the legislature is in session at
8 the same time as it is transmitted to the governor.

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

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

29 The state treasurer shall transfer to the general fund one million
30 dollars from the gambling revolving fund for the 1991-93 fiscal
31 biennium.

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

34 All moneys collected under this chapter shall be paid to the
35 director, deposited in an account within the agricultural local fund,
36 and used solely for carrying out this chapter and rules adopted under
37 this chapter. Except as provided in section 1 of this act, no

1 appropriation is required for the disbursement of moneys from the
2 account by the director. Any residual balance of funds remaining in
3 the nursery inspection fund on July 26, 1987, shall be transferred to
4 that account within the agricultural local fund: PROVIDED, That all
5 fees collected for fruit tree, fruit tree related ornamental tree, and
6 fruit tree rootstock assessments as set forth in this chapter shall be
7 deposited in the northwest nursery fund to be used only for the
8 Washington fruit tree and fruit tree related ornamental tree
9 certification and nursery improvement programs as set forth in this
10 chapter and chapter 15.14 RCW.

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

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

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

1 the presence or absence of an antibiotic, pesticide, or other drug
2 residue.

3 (3) Any penalty imposed under this section is due and payable upon
4 the issuance of the final order by the department. The penalty shall
5 be deducted by the violator's marketing organization from the
6 violator's final payment for the month following the issuance of the
7 final order. The department shall promptly notify the violator's
8 marketing organization of any penalties contained in the final order.

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

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

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

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

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

1 shall determine whether the penalty should be affirmed, reduced, or not
2 imposed and shall issue a final order setting forth the civil penalty
3 assessed, if any. The order may be appealed to superior court in
4 accordance with chapter 34.05 RCW. Tests performed for the component
5 parts of milk products by a state laboratory of a milk sample collected
6 by a department official shall be admitted as prima facie evidence of
7 the amounts of milk components in the product.

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

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

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

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

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

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

36 (c) The state director of fire protection may, upon the receipt of
37 payment of all delinquent fees including a late charge, restore a

1 certificate of competency that has been suspended for failure to pay
2 the renewal fee.

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

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

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

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

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

30 (4) The fire protection contractor license fund is created in the
31 custody of the state treasurer. All receipts from license and
32 certificate fees and charges or from the money generated by the rules
33 and regulations promulgated under this chapter shall be deposited into
34 the fund. Expenditures from the fund may be used only for purposes
35 authorized under this chapter. Only the state director of fire
36 protection or the director's designee may authorize expenditures from
37 the fund. The fund is subject to allotment procedures under chapter
38 43.88 RCW(~~(7, but)~~). Except as provided in section 1 of this act, no
39 appropriation is required for expenditures from the fund.

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

3 The director shall establish fees by rule in accordance with RCW
4 43.24.086 sufficient to cover, but not exceed, the costs of
5 administering this chapter. These fees may include:

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

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

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

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

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

26 (1) There is hereby established a fund to be known as the grain
27 indemnity fund. The grain indemnity fund shall consist of assessments
28 remitted by licensees pursuant to the provisions of RCW 22.09.416
29 through 22.09.426.

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

35 (3) The grain indemnity fund shall be used exclusively for purposes
36 of paying claimants pursuant to this chapter, and paying necessary
37 expenses of administering the grain indemnity fund, provided however,
38 that moneys equivalent to one-half of the interest earned by the fund

1 for deposit to the general fund may be paid to the department to defray
2 costs of administering the warehouse audit program. The state of
3 Washington shall not be liable for any claims presented against the
4 fund.

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

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

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

1 expenditures made to carry out the inspection, grading, and testing of
2 hops.

3 (3) All moneys collected by the grain warehouse audit program,
4 including grain warehouse license fees pursuant to RCW 22.09.050 and
5 22.09.055, shall be deposited by the director into the grain warehouse
6 audit account, hereby created within the agricultural local fund
7 established in RCW 43.23.230. Moneys collected shall be used to
8 support the grain warehouse audit program.

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

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

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

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

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

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

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

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

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

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

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

31 There is created a local fund known as the "credit unions
32 examination fund" which shall consist of all moneys received by the
33 department of financial institutions from credit unions and which shall
34 be used for the purchase of supplies and necessary equipment and the
35 payment of salaries, wages, utilities, and other incidental costs
36 required for the regulation of these institutions. The state treasurer
37 shall be the custodian of the fund. Disbursements from the fund shall

1 be on authorization of the director of financial institutions or the
2 director's designee. In order to maintain an effective expenditure and
3 revenue control, the fund shall be subject in all respects to chapter
4 43.88 RCW(~~(, but)~~) and, except as provided in section 1 of this act, no
5 appropriation is required to permit expenditures and payment of
6 obligations from the fund.

7 **Sec. 18.** RCW 43.70.340 and 1990 c 253 s 3 are each amended to read
8 as follows:

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

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

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

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

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

30 **Sec. 19.** RCW 59.21.050 and 1995 c 122 s 9 are each amended to read
31 as follows:

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

1 under chapter 43.88 RCW(~~(, but)~~). Except as provided in section 1 of
2 this act, no appropriation is required for expenditures from the fund.

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

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

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

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

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

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

37 (2) The basic health plan subscription account is created in the
38 custody of the state treasurer. All receipts from amounts due from or

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

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

15 **Sec. 21.** RCW 76.04.630 and 1993 c 36 s 2 are each amended to read
16 as follows:

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

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

35 When a determination is made that the fire was started by other
36 than a landowner operation, moneys expended from this account in the
37 suppression of such fire shall be recovered from the general fund
38 appropriations as may be available for emergency fire suppression

1 costs. The department shall deposit in the landowner contingency
2 forest fire suppression account moneys paid out of the account which
3 are later recovered, less reasonable costs of recovery.

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

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

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

35 The state wildlife conservation reward fund is established in the
36 custody of the state treasurer. The director shall deposit in the fund
37 all moneys designated to be placed in the fund by rule of the director.
38 Moneys in the fund shall be spent to provide rewards to persons

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

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

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

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

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