
HOUSE BILL 1739

State of Washington 56th Legislature 1999 Regular Session

By Representatives Boldt, Mielke, Koster and Dunn

Read first time 02/03/1999. Referred to Committee on Appropriations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 **Sec. 5.** RCW 43.79.270 and 1998 c 177 s 1 are each amended to read
8 as follows:

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

28 (2) Notwithstanding subsection (1) of this section, whenever money
29 from any source that was not anticipated in the transportation budget
30 approved by the legislature has actually been received and is
31 designated to be spent for a specific purpose, the head of a
32 department, agency, board, or commission through which the expenditure
33 must be made shall submit to the governor a statement, which may be in
34 the form of a request for an allotment amendment, setting forth the
35 facts constituting the need for the expenditure and the estimated
36 amount to be expended. However, no expenditure may be made in excess
37 of the actual amount received, ~~((and))~~ no money may be expended for any
38 purpose except the specific purpose for which it was received, and no

1 money shall be expended under this section if an appropriation is
2 required under section 1 of this act. A copy of any proposal submitted
3 to the governor to expend money from an appropriated transportation
4 fund or account in excess of appropriations provided by law that is
5 based on the receipt of unanticipated revenues must be submitted, at a
6 minimum, to the standing committees on transportation of the house and
7 senate, if the legislature is in session, at the same time as it is
8 transmitted to the governor. During the legislative interim, any such
9 proposal must be submitted to the legislative transportation committee.

10 **Sec. 6.** 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. 7.** 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. 8.** 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. 9.** 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. 10.** RCW 22.09.411 and 1991 sp.s. c 13 s 67 are each amended
18 to read as follows:

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

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

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

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

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

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

35 (3) All moneys collected by the grain warehouse audit program,
36 including grain warehouse license fees pursuant to RCW 22.09.050 and
37 22.09.055, shall be deposited by the director into the grain warehouse
38 audit account, hereby created within the agricultural local fund

1 established in RCW 43.23.230. Moneys collected shall be used to
2 support the grain warehouse audit program.

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

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

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

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

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

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

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

9 **Sec. 15.** RCW 43.70.340 and 1998 c 37 s 7 are each amended to read
10 as follows:

11 (1) The temporary worker housing fund is established in the custody
12 of the state treasury. The department shall deposit all funds received
13 under subsections (2) and (3) of this section and from the legislature
14 to administer a temporary worker housing permitting, licensing, and
15 inspection program conducted by the department. Disbursement from the
16 fund shall be on authorization of the secretary of health or the
17 secretary's designee. The fund is subject to the allotment procedure
18 provided under chapter 43.88 RCW(~~(, but)~~). Except as provided in
19 section 1 of this act, no appropriation is required for disbursements.

20 (2) There is imposed a fee on each operating license issued by the
21 department to every operator of temporary worker housing that is
22 regulated by the state board of health. In establishing the fee to be
23 paid under this subsection the department shall consider the cost of
24 administering a license as well as enforcing applicable state board of
25 health rules on temporary worker housing.

26 (3) There is imposed a fee on each temporary worker housing
27 building permit issued by the department to every operator of temporary
28 worker housing as required by RCW 43.70.337. The fee shall include the
29 cost of administering a permit as well as enforcing the department's
30 temporary worker building code as adopted under RCW 70.114A.081.

31 (4) The department shall conduct a fee study for:

32 (a) A temporary worker housing operator's license;

33 (b) On-site inspections; and

34 (c) A plan review and building permit for new construction.

35 After completion of the study, the department shall adopt these
36 fees by rule by no later than December 31, 1998.

37 (5) The term of the operating license and the application
38 procedures shall be established, by rule, by the department.

1 **Sec. 16.** RCW 59.21.050 and 1998 c 124 s 5 are each amended to read
2 as follows:

3 (1) The existence of the mobile home park relocation fund in the
4 custody of the state treasurer is affirmed. Expenditures from the fund
5 may be used only for relocation assistance awarded under this chapter.
6 Only the director or the director's designee may authorize expenditures
7 from the fund. All relocation payments to tenants shall be made from
8 the fund. The fund is subject to allotment procedures under chapter
9 43.88 RCW(~~(, but)~~). Except as provided in section 1 of this act, no
10 appropriation is required for expenditures from the fund.

11 (2) A park tenant is eligible for assistance under this chapter
12 only after an application is submitted by that tenant or an
13 organization acting on the tenant's account under RCW 59.21.021(4) on
14 a form approved by the director which shall include:

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

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

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

35 (1) The basic health plan trust account is hereby established in
36 the state treasury. Any nongeneral fund-state funds collected for this
37 program shall be deposited in the basic health plan trust account and
38 may be expended without further appropriation. Moneys in the account

1 shall be used exclusively for the purposes of this chapter, including
2 payments to participating managed health care systems on behalf of
3 enrollees in the plan and payment of costs of administering the plan.

4 During the 1995-97 fiscal biennium, the legislature may transfer
5 funds from the basic health plan trust account to the state general
6 fund.

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

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

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

25 There is created a landowner contingency forest fire suppression
26 account in the state treasury. Moneys in the account may be spent only
27 as provided in this section. Disbursements from the account shall be
28 on authorization of the commissioner of public lands or the
29 commissioner's designee. The account is subject to the allotment
30 procedure provided under chapter 43.88 RCW(~~(, but)~~). Except as
31 provided in section 1 of this act, no appropriation is required for
32 disbursements from the fund.

33 The department may expend from this account the amounts as may be
34 available and as it considers appropriate for the payment of emergency
35 fire costs resulting from a participating landowner fire. The
36 department may, when moneys are available from the landowner
37 contingency forest fire suppression account, expend moneys for
38 summarily abating, isolating, or reducing an extreme fire hazard under

1 RCW 76.04.660. All moneys recovered as a result of the department's
2 actions, from the owner or person responsible, under RCW 76.04.660
3 shall be deposited in the landowner contingency forest fire suppression
4 account.

5 When a determination is made that the fire was started by other
6 than a landowner operation, moneys expended from this account in the
7 suppression of such fire shall be recovered from the general fund
8 appropriations as may be available for emergency fire suppression
9 costs. The department shall deposit in the landowner contingency
10 forest fire suppression account moneys paid out of the account which
11 are later recovered, less reasonable costs of recovery.

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

32 When the department determines that a forest fire was started in
33 the course of or as a result of a landowner operation, it shall notify
34 the forest fire advisory board of the determination. The determination
35 shall be final, unless, within ninety days of the notification, the
36 forest fire advisory board or an interested party serves a request for
37 a hearing before the department. The hearing shall constitute an
38 adjudicative proceeding under chapter 34.05 RCW, the administrative

1 procedure act, and an appeal shall be in accordance with RCW 34.05.510
2 through 34.05.598.

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

5 The state wildlife conservation reward fund is established in the
6 custody of the state treasurer. The director shall deposit in the fund
7 all moneys designated to be placed in the fund by rule of the director.
8 Moneys in the fund shall be spent to provide rewards to persons
9 informing the department about violations of this title or rules
10 adopted pursuant to this title. Disbursements from the fund shall be
11 on the authorization of the director or the director's designee. The
12 fund is subject to the allotment procedure provided under chapter 43.88
13 RCW(~~(, but)~~). Except as provided in section 1 of this act, no
14 appropriation is required for disbursements from the fund.

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