
SUBSTITUTE HOUSE BILL 1014

State of Washington

57th Legislature

2001 Regular Session

By House Committee on Natural Resources (originally sponsored by Representatives Pennington, Mielke, Buck and Jackley)

READ FIRST TIME 02/07/01.

1 AN ACT Relating to the landowner contingency forest fire
2 suppression account; amending RCW 76.04.630, 43.84.092, and
3 43.84.092; adding a new section to chapter 43.135 RCW; creating a
4 new section; providing an effective date; and providing an
5 expiration date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that rapid and
8 effective responses to forest fires are critical in keeping these
9 fires from spreading into larger fires. Large forest fires impair
10 air quality, destroy valuable watersheds and riparian areas, and
11 denigrate salmon habitat. The legislature also finds that the costs
12 associated with one large forest fire is far greater than the
13 costs for extinguishing hundreds of small fires. The legislature
14 recognizes that a report issued in 1997 indicated that the
15 department of natural resources lacked the funding to adequately
16 address the threat of forest fires. Forest fire suppression is paid
17 by annual assessments on landowners. The legislature further finds
18 that landowner assessments that are paid for the particular

1 service of forest fire suppression should not lapse into the
2 general fund, particularly when there are not adequate funds for
3 the department of natural resources to fight fires. The legislature
4 therefore finds that it is in the public interest for interest
5 earned on moneys in the landowner contingency forest fire
6 suppression account to be credited to that account, and that
7 moneys in the account should not lapse if they are not spent by
8 the end of the biennium.

9 **Sec. 2.** 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
12 suppression account in the state treasury. Moneys in the account
13 may be spent only as provided in this section. Disbursements from
14 the account shall be on authorization of the commissioner of
15 public lands or the commissioner's designee. The account is subject
16 to the allotment procedure provided under chapter 43.88 RCW, but
17 no appropriation is required for disbursements. Money in the
18 account that is not expended prior to the end of the biennium in
19 which it was collected does not lapse, but must remain in the
20 account. Interest earned from money in the account must be credited
21 to the account.

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

32 When a determination is made that the fire was started by other
33 than a landowner operation, moneys expended from this account in
34 the suppression of such fire shall be recovered from the general
35 fund appropriations as may be available for emergency fire
36 suppression costs. The department shall deposit in the landowner

1 contingency forest fire suppression account moneys paid out of the
2 account which are later recovered, less reasonable costs of
3 recovery.

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

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

34 **Sec. 3.** RCW 43.84.092 and 2000 2nd sp.s. c 4 s 5 are each amended
35 to read as follows:

36 (1) All earnings of investments of surplus balances in the

1 state treasury shall be deposited to the treasury income account,
2 which account is hereby established in the state treasury.

3 (2) The treasury income account shall be utilized to pay or
4 receive funds associated with federal programs as required by the
5 federal cash management improvement act of 1990. The treasury
6 income account is subject in all respects to chapter 43.88 RCW,
7 but no appropriation is required for refunds or allocations of
8 interest earnings required by the cash management improvement
9 act. Refunds of interest to the federal treasury required under the
10 cash management improvement act fall under RCW 43.88.180 and shall
11 not require appropriation. The office of financial management shall
12 determine the amounts due to or from the federal government
13 pursuant to the cash management improvement act. The office of
14 financial management may direct transfers of funds between
15 accounts as deemed necessary to implement the provisions of the
16 cash management improvement act, and this subsection. Refunds or
17 allocations shall occur prior to the distributions of earnings set
18 forth in subsection (4) of this section.

19 (3) Except for the provisions of RCW 43.84.160, the treasury
20 income account may be utilized for the payment of purchased
21 banking services on behalf of treasury funds including, but not
22 limited to, depository, safekeeping, and disbursement functions
23 for the state treasury and affected state agencies. The treasury
24 income account is subject in all respects to chapter 43.88 RCW,
25 but no appropriation is required for payments to financial
26 institutions. Payments shall occur prior to distribution of
27 earnings set forth in subsection (4) of this section.

28 (4) Monthly, the state treasurer shall distribute the earnings
29 credited to the treasury income account. The state treasurer shall
30 credit the general fund with all the earnings credited to the
31 treasury income account except:

32 (a) The following accounts and funds shall receive their
33 proportionate share of earnings based upon each account's and
34 fund's average daily balance for the period: The capitol building
35 construction account, the Cedar River channel construction and
36 operation account, the Central Washington University capital
37 projects account, the charitable, educational, penal and
38 reformatory institutions account, the common school construction

1 fund, the county criminal justice assistance account, the county
2 sales and use tax equalization account, the data processing
3 building construction account, the deferred compensation
4 administrative account, the deferred compensation principal
5 account, the department of retirement systems expense account, the
6 drinking water assistance account, the Eastern Washington
7 University capital projects account, the education construction
8 fund, the emergency reserve fund, the federal forest revolving
9 account, the health services account, the public health services
10 account, the health system capacity account, the personal health
11 services account, the state higher education construction account,
12 the higher education construction account, the highway
13 infrastructure account, the industrial insurance premium refund
14 account, the judges' retirement account, the judicial retirement
15 administrative account, the judicial retirement principal account,
16 the landowner contingency forest fire suppression account, the
17 local leasehold excise tax account, the local real estate excise
18 tax account, the local sales and use tax account, the medical aid
19 account, the mobile home park relocation fund, the multimodal
20 transportation account, the municipal criminal justice assistance
21 account, the municipal sales and use tax equalization account, the
22 natural resources deposit account, the perpetual surveillance and
23 maintenance account, the public employees' retirement system plan
24 1 account, the public employees' retirement system plan 2 account,
25 the Puyallup tribal settlement account, the resource management
26 cost account, the site closure account, the special wildlife
27 account, the state employees' insurance account, the state
28 employees' insurance reserve account, the state investment board
29 expense account, the state investment board commingled trust fund
30 accounts, the supplemental pension account, the teachers'
31 retirement system plan 1 account, the teachers' retirement system
32 combined plan 2 and plan 3 account, the tobacco prevention and
33 control account, the tobacco settlement account, the
34 transportation infrastructure account, the tuition recovery trust
35 fund, the University of Washington bond retirement fund, the
36 University of Washington building account, the volunteer fire
37 fighters' and reserve officers' relief and pension principal fund,
38 the volunteer fire fighters' and reserve officers' administrative

1 fund, the Washington judicial retirement system account, the
2 Washington law enforcement officers' and fire fighters' system
3 plan 1 retirement account, the Washington law enforcement
4 officers' and fire fighters' system plan 2 retirement account, the
5 Washington school employees' retirement system combined plan 2 and
6 3 account, the Washington state health insurance pool account, the
7 Washington state patrol retirement account, the Washington State
8 University building account, the Washington State University bond
9 retirement fund, the water pollution control revolving fund, and
10 the Western Washington University capital projects account.
11 Earnings derived from investing balances of the agricultural
12 permanent fund, the normal school permanent fund, the permanent
13 common school fund, the scientific permanent fund, and the state
14 university permanent fund shall be allocated to their respective
15 beneficiary accounts. All earnings to be distributed under this
16 subsection (4)(a) shall first be reduced by the allocation to the
17 state treasurer's service fund pursuant to RCW 43.08.190.

18 (b) The following accounts and funds shall receive eighty
19 percent of their proportionate share of earnings based upon each
20 account's or fund's average daily balance for the period: The
21 aeronautics account, the aircraft search and rescue account, the
22 county arterial preservation account, the department of licensing
23 services account, the essential rail assistance account, the ferry
24 bond retirement fund, the grade crossing protective fund, the high
25 capacity transportation account, the highway bond retirement fund,
26 the highway safety account, the motor vehicle fund, the motorcycle
27 safety education account, the pilotage account, the public
28 transportation systems account, the Puget Sound capital
29 construction account, the Puget Sound ferry operations account,
30 the recreational vehicle account, the rural arterial trust
31 account, the safety and education account, the special category C
32 account, the state patrol highway account, the transportation
33 equipment fund, the transportation fund, the transportation
34 improvement account, the transportation improvement board bond
35 retirement account, and the urban arterial trust account.

36 (5) In conformance with Article II, section 37 of the state
37 Constitution, no treasury accounts or funds shall be allocated

1 earnings without the specific affirmative directive of this
2 section.

3
4 **Sec. 4.** RCW 43.84.092 and 2000 2nd sp.s. c 4 s 6 are each amended
5 to read as follows:

6 (1) All earnings of investments of surplus balances in the
7 state treasury shall be deposited to the treasury income account,
8 which account is hereby established in the state treasury.

9 (2) The treasury income account shall be utilized to pay or
10 receive funds associated with federal programs as required by the
11 federal cash management improvement act of 1990. The treasury
12 income account is subject in all respects to chapter 43.88 RCW,
13 but no appropriation is required for refunds or allocations of
14 interest earnings required by the cash management improvement
15 act. Refunds of interest to the federal treasury required under the
16 cash management improvement act fall under RCW 43.88.180 and shall
17 not require appropriation. The office of financial management shall
18 determine the amounts due to or from the federal government
19 pursuant to the cash management improvement act. The office of
20 financial management may direct transfers of funds between
21 accounts as deemed necessary to implement the provisions of the
22 cash management improvement act, and this subsection. Refunds or
23 allocations shall occur prior to the distributions of earnings set
24 forth in subsection (4) of this section.

25 (3) Except for the provisions of RCW 43.84.160, the treasury
26 income account may be utilized for the payment of purchased
27 banking services on behalf of treasury funds including, but not
28 limited to, depository, safekeeping, and disbursement functions
29 for the state treasury and affected state agencies. The treasury
30 income account is subject in all respects to chapter 43.88 RCW,
31 but no appropriation is required for payments to financial
32 institutions. Payments shall occur prior to distribution of
33 earnings set forth in subsection (4) of this section.

34 (4) Monthly, the state treasurer shall distribute the earnings
35 credited to the treasury income account. The state treasurer shall
36 credit the general fund with all the earnings credited to the
37 treasury income account except:

38 (a) The following accounts and funds shall receive their

1 proportionate share of earnings based upon each account's and
2 fund's average daily balance for the period: The capitol building
3 construction account, the Cedar River channel construction and
4 operation account, the Central Washington University capital
5 projects account, the charitable, educational, penal and
6 reformatory institutions account, the common school construction
7 fund, the county criminal justice assistance account, the county
8 sales and use tax equalization account, the data processing
9 building construction account, the deferred compensation
10 administrative account, the deferred compensation principal
11 account, the department of retirement systems expense account, the
12 drinking water assistance account, the Eastern Washington
13 University capital projects account, the education construction
14 fund, the emergency reserve fund, the federal forest revolving
15 account, the health services account, the public health services
16 account, the health system capacity account, the personal health
17 services account, the state higher education construction account,
18 the higher education construction account, the highway
19 infrastructure account, the industrial insurance premium refund
20 account, the judges' retirement account, the judicial retirement
21 administrative account, the judicial retirement principal account,
22 the landowner contingency forest fire suppression account, the
23 local leasehold excise tax account, the local real estate excise
24 tax account, the local sales and use tax account, the medical aid
25 account, the mobile home park relocation fund, the multimodal
26 transportation account, the municipal criminal justice assistance
27 account, the municipal sales and use tax equalization account, the
28 natural resources deposit account, the perpetual surveillance and
29 maintenance account, the public employees' retirement system plan
30 1 account, the public employees' retirement system combined plan 2
31 and plan 3 account, the Puyallup tribal settlement account, the
32 resource management cost account, the site closure account, the
33 special wildlife account, the state employees' insurance account,
34 the state employees' insurance reserve account, the state
35 investment board expense account, the state investment board
36 commingled trust fund accounts, the supplemental pension account,
37 the teachers' retirement system plan 1 account, the teachers'
38 retirement system combined plan 2 and plan 3 account, the tobacco

1 prevention and control account, the tobacco settlement account,
2 the transportation infrastructure account, the tuition recovery
3 trust fund, the University of Washington bond retirement fund, the
4 University of Washington building account, the volunteer fire
5 fighters' and reserve officers' relief and pension principal fund,
6 the volunteer fire fighters' and reserve officers' administrative
7 fund, the Washington judicial retirement system account, the
8 Washington law enforcement officers' and fire fighters' system
9 plan 1 retirement account, the Washington law enforcement
10 officers' and fire fighters' system plan 2 retirement account, the
11 Washington school employees' retirement system combined plan 2 and
12 3 account, the Washington state health insurance pool account, the
13 Washington state patrol retirement account, the Washington State
14 University building account, the Washington State University bond
15 retirement fund, the water pollution control revolving fund, and
16 the Western Washington University capital projects
17 account. Earnings derived from investing balances of the
18 agricultural permanent fund, the normal school permanent fund, the
19 permanent common school fund, the scientific permanent fund, and
20 the state university permanent fund shall be allocated to their
21 respective beneficiary accounts. All earnings to be distributed
22 under this subsection (4)(a) shall first be reduced by the
23 allocation to the state treasurer's service fund pursuant to RCW
24 43.08.190.

25 (b) The following accounts and funds shall receive eighty
26 percent of their proportionate share of earnings based upon each
27 account's or fund's average daily balance for the period: The
28 aeronautics account, the aircraft search and rescue account, the
29 county arterial preservation account, the department of licensing
30 services account, the essential rail assistance account, the ferry
31 bond retirement fund, the grade crossing protective fund, the high
32 capacity transportation account, the highway bond retirement fund,
33 the highway safety account, the motor vehicle fund, the motorcycle
34 safety education account, the pilotage account, the public
35 transportation systems account, the Puget Sound capital
36 construction account, the Puget Sound ferry operations account,
37 the recreational vehicle account, the rural arterial trust
38 account, the safety and education account, the special category C

1 account, the state patrol highway account, the transportation
2 equipment fund, the transportation fund, the transportation
3 improvement account, the transportation improvement board bond
4 retirement account, and the urban arterial trust account.

5 (5) In conformance with Article II, section 37 of the state
6 Constitution, no treasury accounts or funds shall be allocated
7 earnings without the specific affirmative directive of this
8 section.

9 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.135
10 RCW to read as follows:

11 RCW 43.135.035(4) does not apply to interest earned from money
12 in the landowner contingency forest fire suppression account and
13 credited to that account in accordance with RCW 76.04.630.

14 NEW SECTION. **Sec. 6.** Section 3 of this act expires March 1,
15 2002.

16 NEW SECTION. **Sec. 7.** Section 4 of this act takes effect March
17 1, 2002.

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