
HOUSE BILL 1484

State of Washington

54th Legislature

1995 Regular Session

By Representative Pennington

Read first time 01/26/95. Referred to Committee on Natural Resources.

1 AN ACT Relating to the landowner contingency forest fire
2 suppression account; amending RCW 76.04.630; and reenacting and
3 amending RCW 43.84.092.

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

5 **Sec. 1.** RCW 76.04.630 and 1993 c 36 s 2 are each amended to read
6 as follows:

7 There is created a landowner contingency forest fire suppression
8 account in the state treasury. Moneys in the account may be spent only
9 as provided in this section. Disbursements from the account shall be
10 on authorization of the commissioner of public lands or the
11 commissioner's designee. The account is subject to the allotment
12 procedure provided under chapter 43.88 RCW, but no appropriation is
13 required for disbursements.

14 The department may expend from this account the amounts as may be
15 available and as it considers appropriate for the payment of emergency
16 fire costs resulting from a participating landowner fire. The
17 department may, when moneys are available from the landowner
18 contingency forest fire suppression account, expend moneys for
19 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 including earnings credited to the account pursuant to RCW
18 43.84.092. The department may establish a flat fee assessment of no
19 more than seven dollars and fifty cents for participating landowners
20 owning parcels of fifty acres or less. For participating landowners
21 owning parcels larger than fifty acres, the department may charge the
22 flat fee assessment plus a per acre assessment for every acre over
23 fifty acres. The per acre assessment established by the department may
24 not exceed fifteen cents per acre per year. The assessments may differ
25 to equitably distribute the assessment based on emergency fire
26 suppression cost experience necessitated by landowner operations.
27 Amounts assessed for this account shall be a lien upon the forest lands
28 with respect to which the assessment is made and may be collected as
29 directed by the department in the same manner as forest protection
30 assessments. Payment of emergency costs from this account shall in no
31 way restrict the right of the department to recover costs pursuant to
32 RCW 76.04.495 or other laws.

33 When the department determines that a forest fire was started in
34 the course of or as a result of a landowner operation, it shall notify
35 the forest fire advisory board of the determination. The determination
36 shall be final, unless, within ninety days of the notification, the
37 forest fire advisory board or an interested party serves a request for
38 a hearing before the department. The hearing shall constitute an
39 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. 2.** RCW 43.84.092 and 1994 c 2 s 6 (Initiative Measure No.
4 601), 1993 sp.s. c 25 s 511, 1993 sp.s. c 8 s 1, 1993 c 500 s 6, 1993
5 c 492 s 473, 1993 c 445 s 4, 1993 c 329 s 2, and 1993 c 4 s 9 are each
6 reenacted and amended to read as follows:

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

10 (2) The treasury income account shall be utilized to pay or receive
11 funds associated with federal programs as required by the federal cash
12 management improvement act of 1990. The treasury income account is
13 subject in all respects to chapter 43.88 RCW, but no appropriation is
14 required for refunds or allocations of interest earnings required by
15 the cash management improvement act. Refunds of interest to the
16 federal treasury required under the cash management improvement act
17 fall under RCW 43.88.180 and shall not require appropriation. The
18 office of financial management shall determine the amounts due to or
19 from the federal government pursuant to the cash management improvement
20 act. The office of financial management may direct transfers of funds
21 between 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 income
26 account may be utilized for the payment of purchased banking services
27 on behalf of treasury funds including, but not limited to, depository,
28 safekeeping, and disbursement functions for the state treasury and
29 affected state agencies. The treasury income account is subject in all
30 respects to chapter 43.88 RCW, but no appropriation is required for
31 payments to financial institutions. Payments shall occur prior to
32 distribution of earnings set forth in subsection (4) of this section.

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

37 (a) The following accounts and funds shall receive their
38 proportionate share of earnings based upon each account's and fund's

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

1 account, the Washington State University bond retirement fund, the
2 water pollution control revolving fund, and the Western Washington
3 University capital projects account. Earnings derived from investing
4 balances of the agricultural permanent fund, the normal school
5 permanent fund, the permanent common school fund, the scientific
6 permanent fund, and the state university permanent fund shall be
7 allocated to their respective beneficiary accounts. All earnings to be
8 distributed under this subsection (4)(a) shall first be reduced by the
9 allocation to the state treasurer's service fund pursuant to RCW
10 43.08.190.

11 (b) The following accounts and funds shall receive eighty percent
12 of their proportionate share of earnings based upon each account's or
13 fund's average daily balance for the period: The ((~~marine operating~~
14 ~~fund, the~~)) motor vehicle fund((~~7~~)) and the transportation fund.

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

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