
SUBSTITUTE HOUSE BILL 2724

State of Washington

55th Legislature

1998 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Boldt, Mielke, Pennington, Carrell, Mulliken, Thompson, Bush, Cairnes, Reams and Lambert)

Read first time 02/05/98. Referred to Committee on .

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; adding
7 a new section to chapter 43.88 RCW; creating a new section; and
8 providing an effective date.

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

10 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.88 RCW,
11 to be codified between RCW 43.88.280 and 43.88.320, to read as follows:
12 No state officer or employee may expend moneys received for the
13 state or state agencies from fines, penalties, forfeitures,
14 settlements, court orders, or other enforcement actions except as
15 provided in a specific appropriation by law.

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

1 As used in RCW 43.88.290, section 1 of this act, and 43.88.300 the
2 term "state officer or employee" includes the members of the governing
3 body of any state agency, as state agency is defined in RCW
4 43.88.020(4) and those generally known as executive management but
5 excludes nonsupervisory state employees covered by civil service under
6 chapter(~~s~~) 41.06 (~~and 28B.16~~) RCW.

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

9 (1) Where there is reason to believe that a present or former state
10 officer or employee has violated or threatens to violate RCW 43.88.290
11 or section 1 of this act, the attorney general may initiate an
12 appropriate civil action for the enforcement of RCW 43.88.280 through
13 43.88.320 or to prevent any such violation. The action may be brought
14 in the county where the alleged violator resides, or the county where
15 the violation is alleged to have occurred or is threatened.

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

19 (a) From each person found in violation of RCW 43.88.290 or section
20 1 of this act a civil penalty in the amount of five hundred dollars, or
21 all costs, including reasonable attorney's fees incurred by the state
22 in said action, whichever is greater;

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

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

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

31 (1) The legislative auditor of the office of the joint legislative
32 audit and review committee, with the concurrence of the joint
33 legislative audit and review committee, may file with the attorney
34 general any audit exceptions or other findings of any performance
35 audit, management study, or special report prepared for the joint
36 legislative audit and review committee, any standing or special
37 committees of the house or senate, or the entire legislature which

1 indicate a violation of RCW 43.88.290 or section 1 of this act, or any
2 other act of malfeasance, misfeasance, or nonfeasance on the part of
3 any state officer or employee.

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

10 **Sec. 5.** RCW 43.79.270 and 1996 c 288 s 37 are each amended to read
11 as follows:

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

31 **Sec. 6.** RCW 15.13.470 and 1993 c 120 s 17 are each amended to read
32 as follows:

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

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

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

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

21 (2) The penalty is imposed by the department giving a written
22 notice which is either personally served upon or transmitted by
23 certified mail, return receipt requested, to the person incurring the
24 penalty. The notice of the civil penalty shall be a final order of the
25 department unless, within fifteen days after the notice is received,
26 the person incurring the penalty appeals the penalty by filing a notice
27 of appeal with the department. If a notice of appeal is filed in a
28 timely manner, a hearing shall be conducted on behalf of the department
29 by the office of administrative hearings in accordance with chapters
30 34.05 and 34.12 RCW. At the conclusion of the hearing, the department
31 shall determine whether the penalty should be affirmed, and, if so,
32 shall issue a final order setting forth the civil penalty assessed, if
33 any. The order may be appealed to superior court in accordance with
34 chapter 34.05 RCW. Tests performed for antibiotic, pesticide, or other
35 drug residues by an official laboratory or an officially designated
36 laboratory of a milk sample drawn by a department official or a
37 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. 8.** 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. 9.** 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. 10.** RCW 22.09.411 and 1991 sp.s. c 13 s 67 are each amended
2 to read as follows:

3 (1) There is hereby established a fund to be known as the grain
4 indemnity fund. The grain indemnity fund shall consist of assessments
5 remitted by licensees pursuant to the provisions of RCW 22.09.416
6 through 22.09.426.

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

12 (3) The grain indemnity fund shall be used exclusively for purposes
13 of paying claimants pursuant to this chapter, and paying necessary
14 expenses of administering the grain indemnity fund, provided however,
15 that moneys equivalent to one-half of the interest earned by the fund
16 for deposit to the general fund may be paid to the department to defray
17 costs of administering the warehouse audit program. The state of
18 Washington shall not be liable for any claims presented against the
19 fund.

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

22 (1) All moneys collected as fees for weighing, grading, and
23 inspecting commodities and all other fees collected under the
24 provisions of this chapter, except as provided in subsections (2) and
25 (3) of this section, shall be deposited in the grain inspection
26 revolving fund, which is hereby established. The state treasurer is
27 the custodian of the revolving fund. Disbursements from the revolving
28 fund shall be on authorization of the director of the department of
29 agriculture. The revolving fund is subject to the allotment procedure
30 provided in chapter 43.88 RCW(~~(7-but)~~). Except as provided in section
31 1 of this act, no appropriation is required for disbursements from the
32 fund. The fund shall be used for all expenses directly incurred by the
33 grain inspection program in carrying out the provisions of this chapter
34 and for departmental administrative expenses during the 1993-95
35 biennium. The department may use so much of such fund not exceeding
36 five percent thereof as the director of agriculture may determine
37 necessary for research and promotional work, including rate studies,
38 relating to wheat and wheat products.

1 (2) All fees collected for the inspection, grading, and testing of
2 hops shall be deposited into the hop inspection fund, which is hereby
3 established, and shall be retained by the department for the purpose of
4 inspecting, grading, and testing hops. Any moneys in any fund retained
5 by the department on July 1, 1963, and derived from hop inspection and
6 grading shall be deposited to this hop inspection fund. For the
7 purposes of research which would contribute to the development of
8 superior hop varieties and to improve hop production and harvest
9 practices, the department may expend up to twenty percent of the moneys
10 deposited in the hop inspection fund during the fiscal year ending June
11 30th immediately preceding the year in which such expenditures are to
12 be made. No expenditures shall be made under the provisions of this
13 subsection when the hop inspection fund is, or the director may
14 reasonably anticipate that it will be, reduced below twenty thousand
15 dollars as the result of such expenditure or other necessary
16 expenditures made to carry out the inspection, grading, and testing of
17 hops.

18 (3) All moneys collected by the grain warehouse audit program,
19 including grain warehouse license fees pursuant to RCW 22.09.050 and
20 22.09.055, shall be deposited by the director into the grain warehouse
21 audit account, hereby created within the agricultural local fund
22 established in RCW 43.23.230. Moneys collected shall be used to
23 support the grain warehouse audit program.

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

26 The tuition recovery trust fund is hereby established in the
27 custody of the state treasurer. The agency shall deposit in the fund
28 all moneys received under RCW 28C.10.084. Moneys in the fund may be
29 spent only for the purposes under RCW 28C.10.084. Disbursements from
30 the fund shall be on authorization of the agency. The fund is subject
31 to the allotment procedure provided under chapter 43.88 RCW(~~(, but)~~).
32 Except as provided in section 1 of this act, no appropriation is
33 required for disbursements from the fund.

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

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

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

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

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

29 **Sec. 15.** RCW 43.70.340 and 1990 c 253 s 3 are each amended to read
30 as follows:

31 (1) The farmworker housing inspection fund is established in the
32 custody of the state treasury. The department of health shall deposit
33 all funds received under subsection (2) of this section and from the
34 legislature to administer a labor camp inspection program conducted by
35 the department of health. Disbursement from the fund shall be on
36 authorization of the secretary of health or the secretary's designee.
37 The fund is subject to the allotment procedure provided under chapter

1 43.88 RCW(~~(, but)~~). Except as provided in section 1 of this act, no
2 appropriation is required for disbursements.

3 (2) There is imposed a fee on each operating license issued by the
4 department of health to every operator of a labor camp that is
5 regulated by the state board of health. The fee paid under this
6 subsection shall include all necessary inspection of the units to
7 ensure compliance with applicable state board of health rules on labor
8 camps.

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

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

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

15 **Sec. 16.** RCW 59.21.050 and 1995 c 122 s 9 are each amended to read
16 as follows:

17 (1) The existence of the mobile home park relocation fund in the
18 custody of the state treasurer is affirmed. Expenditures from the fund
19 may be used only for relocation assistance under RCW 59.21.015 through
20 59.21.025. Only the director or the director's designee may authorize
21 expenditures from the fund. All relocation payments to tenants shall
22 be made from the fund. The fund is subject to allotment procedures
23 under chapter 43.88 RCW(~~(, but)~~). Except as provided in section 1 of
24 this act, no appropriation is required for expenditures from the fund.

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

29 (a) For those persons who maintained ownership of and relocated
30 their homes: (i) A copy of the notice from the park-owner, or other
31 adequate proof, that the tenancy is terminated due to closure of the
32 park or its conversion to another use; (ii) a copy of the rental
33 agreement then in force, or other proof that the applicant was a tenant
34 at the time of notice of closure; (iii) a copy of the contract for
35 relocating the home which includes the date of relocation, or other
36 proof of actual relocation expenses incurred on a date certain; and
37 (iv) a statement of any other available assistance;

1 (b) For those persons who sold their homes and incurred no
2 relocation expenses: (i) A copy of the notice from the park-owner, or
3 other adequate proof, that the tenancy is terminated due to closure of
4 the park or its conversion to another use; (ii) a copy of the rental
5 agreement then in force, or other proof that the applicant was a tenant
6 at the time of notice of closure; and (iii) a copy of the record of
7 title transfer issued by the department of licensing when the tenant
8 sold the home rather than relocate it due to park closure or
9 conversion.

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

12 (1) The basic health plan trust account is hereby established in
13 the state treasury. Any nongeneral fund-state funds collected for this
14 program shall be deposited in the basic health plan trust account and
15 may be expended without further appropriation. Moneys in the account
16 shall be used exclusively for the purposes of this chapter, including
17 payments to participating managed health care systems on behalf of
18 enrollees in the plan and payment of costs of administering the plan.

19 During the 1995-97 fiscal biennium, the legislature may transfer
20 funds from the basic health plan trust account to the state general
21 fund.

22 (2) The basic health plan subscription account is created in the
23 custody of the state treasurer. All receipts from amounts due from or
24 on behalf of nonsubsidized enrollees shall be deposited into the
25 account. Funds in the account shall be used exclusively for the
26 purposes of this chapter, including payments to participating managed
27 health care systems on behalf of nonsubsidized enrollees in the plan
28 and payment of costs of administering the plan. The account is subject
29 to allotment procedures under chapter 43.88 RCW(~~(, but)~~). Except as
30 provided in section 1 of this act, no appropriation is required for
31 expenditures.

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

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

3 There is created a landowner contingency forest fire suppression
4 account in the state treasury. Moneys in the account may be spent only
5 as provided in this section. Disbursements from the account shall be
6 on authorization of the commissioner of public lands or the
7 commissioner's designee. The account is subject to the allotment
8 procedure provided under chapter 43.88 RCW(~~(, but)~~). Except as
9 provided in section 1 of this act, no appropriation is required for
10 disbursements from the fund.

11 The department may expend from this account the amounts as may be
12 available and as it considers appropriate for the payment of emergency
13 fire costs resulting from a participating landowner fire. The
14 department may, when moneys are available from the landowner
15 contingency forest fire suppression account, expend moneys for
16 summarily abating, isolating, or reducing an extreme fire hazard under
17 RCW 76.04.660. All moneys recovered as a result of the department's
18 actions, from the owner or person responsible, under RCW 76.04.660
19 shall be deposited in the landowner contingency forest fire suppression
20 account.

21 When a determination is made that the fire was started by other
22 than a landowner operation, moneys expended from this account in the
23 suppression of such fire shall be recovered from the general fund
24 appropriations as may be available for emergency fire suppression
25 costs. The department shall deposit in the landowner contingency
26 forest fire suppression account moneys paid out of the account which
27 are later recovered, less reasonable costs of recovery.

28 This account shall be established and renewed by an annual special
29 forest fire suppression account assessment paid by participating
30 landowners at a rate to be established by the department. In
31 establishing assessments, the department shall seek to establish and
32 thereafter reestablish a balance in the account of three million
33 dollars. The department may establish a flat fee assessment of no more
34 than seven dollars and fifty cents for participating landowners owning
35 parcels of fifty acres or less. For participating landowners owning
36 parcels larger than fifty acres, the department may charge the flat fee
37 assessment plus a per acre assessment for every acre over fifty acres.
38 The per acre assessment established by the department may not exceed
39 fifteen cents per acre per year. The assessments may differ to

1 equitably distribute the assessment based on emergency fire suppression
2 cost experience necessitated by landowner operations. Amounts assessed
3 for this account shall be a lien upon the forest lands with respect to
4 which the assessment is made and may be collected as directed by the
5 department in the same manner as forest protection assessments.
6 Payment of emergency costs from this account shall in no way restrict
7 the right of the department to recover costs pursuant to RCW 76.04.495
8 or other laws.

9 When the department determines that a forest fire was started in
10 the course of or as a result of a landowner operation, it shall notify
11 the forest fire advisory board of the determination. The determination
12 shall be final, unless, within ninety days of the notification, the
13 forest fire advisory board or an interested party serves a request for
14 a hearing before the department. The hearing shall constitute an
15 adjudicative proceeding under chapter 34.05 RCW, the administrative
16 procedure act, and an appeal shall be in accordance with RCW 34.05.510
17 through 34.05.598.

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

20 The state wildlife conservation reward fund is established in the
21 custody of the state treasurer. The director shall deposit in the fund
22 all moneys designated to be placed in the fund by rule of the director.
23 Moneys in the fund shall be spent to provide rewards to persons
24 informing the department about violations of this title or rules
25 adopted pursuant to this title. Disbursements from the fund shall be
26 on the authorization of the director or the director's designee. The
27 fund is subject to the allotment procedure provided under chapter 43.88
28 RCW(~~(, but)~~). Except as provided in section 1 of this act, no
29 appropriation is required for disbursements from the fund.

30 NEW SECTION. **Sec. 20.** If any part of this act is found to be in
31 conflict with federal requirements that are a prescribed condition to
32 the allocation of federal funds to the state, the conflicting part of
33 this act is inoperative solely to the extent of the conflict and with
34 respect to the agencies directly affected, and this finding does not
35 affect the operation of the remainder of this act in its application to
36 the agencies concerned. Rules adopted under this act must meet federal

1 requirements that are a necessary condition to the receipt of federal
2 funds by the state.

3 NEW SECTION. **Sec. 21.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 22.** This act takes effect July 1, 1999.

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