

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5722**

52nd Legislature  
1991 Regular Session

Passed by the Senate March 13, 1991  
Yeas 44 Nays 0

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**President of the Senate**

Passed by the House April 19, 1991  
Yeas 97 Nays 0

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**Speaker of the  
House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5722** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**



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**SENATE BILL 5722**

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Passed Legislature - 1991 Regular Session

**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** Senators Oke and Owen; by request of Department of Natural Resources.

Read first time February 18, 1991. Referred to Committee on Environment & Natural Resources.

1            AN ACT Relating to interest rates for the department of natural  
2 resources; amending RCW 79.90.520, 79.90.535, and 76.04.620; and  
3 reenacting and amending RCW 76.04.630.

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

5            **Sec. 1.** RCW 79.90.520 and 1984 c 221 s 15 are each amended to  
6 read as follows:

7            The manager shall, by rule, provide for an administrative review  
8 of any aquatic land rent proposed to be charged. The rules shall  
9 require that the lessee or applicant for release file a request for  
10 review within thirty days after the manager has notified the lessee  
11 or applicant of the rent due. For leases issued by the department,  
12 the final authority for the review rests with the board of natural  
13 resources. For leases managed under RCW 79.90.475, the final

1 authority for the review rests with the appropriate port commission.  
2 If the request for review is made within thirty days after the  
3 manager's final determination as to the rental, the lessee may pay  
4 rent at the preceding year's rate pending completion of the review,  
5 and shall pay any additional rent or be entitled to a refund, with  
6 interest thirty days after announcement of the decision. The  
7 interest rate shall be ~~((the average rate of return for the prior  
8 calendar year on conventional real property mortgages as reported by  
9 the federal home loan bank board))~~ fixed, from time to time, by rule  
10 adopted by the board of natural resources and shall not be less than  
11 six percent per annum. Nothing in this section abrogates the right  
12 of an aggrieved party to pursue legal remedies ~~((including those  
13 under chapter 34.05 RCW))~~. For purposes of this section, "manager"  
14 is the department except where state-owned aquatic lands are managed  
15 by a port district, in which case "manager" is the port district.

16 **Sec. 2.** RCW 79.90.535 and 1984 c 221 s 18 are each amended to  
17 read as follows:

18 ~~((The lessee shall pay interest at the rate of one percent per  
19 month on rent or other sums owing to the department commencing  
20 thirty days after the date each rent or other sum is due and  
21 payable, unless there is review pending under RCW 79.90.520))~~ The  
22 interest rate and all interest rate guidelines shall be fixed, from  
23 time to time, by rule adopted by the board of natural resources and  
24 shall not be less than six percent per annum.

1       **Sec. 3.** RCW 76.04.620 and 1986 c 100 s 36 are each amended to  
2 read as follows:

3       Biennial general fund appropriations to the department of natural  
4 resources normally provide funds for the purpose of paying the  
5 emergency fire costs and expenses incurred and/or approved by the  
6 department in forest fire suppression or in reacting to any  
7 potential forest fire situation. When a determination is made that  
8 the fire started in the course of or as a result of a landowner  
9 operation, moneys expended from such appropriations in the  
10 suppression of the fire shall be recovered from the landowner  
11 contingency forest fire suppression account. The department shall  
12 transmit to the state treasurer for deposit in the general fund any  
13 such moneys which are later recovered. Moneys recovered during the  
14 biennium in which they are expended may be spent for purposes set  
15 forth in this section during the same biennium, without  
16 reappropriation. Loans between the general fund and the landowner  
17 contingency forest fire suppression account are authorized for  
18 emergency fire suppression. The loans shall not exceed the amount  
19 appropriated for emergency forest fire suppression costs and shall  
20 bear interest at the (~~then current rate of interest as determined~~  
21 ~~by the state treasurer~~) rate determined for interfund loans under  
22 RCW 79.64.030.

23       **Sec. 4.** RCW 76.04.630 and 1989 c 362 s 2 and 1989 c 175 s 162  
24 are each reenacted and amended to read as follows:

25       There is created a landowner contingency forest fire suppression  
26 account which shall be a separate account in the state treasury.

1 Moneys in the account may be spent only as provided in this section.  
2 Disbursements from the account shall be on authorization of the  
3 commissioner of public lands or the commissioner's designee. The  
4 account is subject to the allotment procedure provided under chapter  
5 43.88 RCW, but no appropriation is required for disbursements.

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

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

23 This account shall be established and renewed by a special forest  
24 fire suppression account assessment paid by participating landowners  
25 at a rate to be established by the department, but not to exceed  
26 fifteen cents per acre per year for such period of years as may be  
27 necessary to establish and thereafter reestablish a balance in the

1 account of three million dollars. The department may establish a  
2 minimum assessment for ownership parcels identified in RCW 76.04.610  
3 as paying the minimum assessment. The maximum assessment for these  
4 parcels shall not exceed the fees levied on a thirty-acre parcel.  
5 There shall be no assessment on each parcel of privately owned lands  
6 of less than two acres. The assessments may differ to equitably  
7 distribute the assessment based on emergency fire suppression cost  
8 experience necessitated by landowner operations. Amounts assessed  
9 for this account shall be a lien upon the forest lands with respect  
10 to which the assessment is made and may be collected as directed by  
11 the department in the same manner as forest protection assessments.  
12 This account shall be held by the state treasurer, who is authorized  
13 to invest so much of the account as is not necessary to meet current  
14 needs. Any interest earned on moneys from the account shall be  
15 deposited in and remain a part of the account and shall be computed  
16 as part of same in determining the balance thereof. Interfund loans  
17 to and from this account are authorized at the (~~current rate of~~  
18 ~~interest as determined by the state treasurer~~) rate determined for  
19 interfund loans under RCW 79.64.030, provided that the effect of the  
20 loan is considered for purposes of determining the assessments.  
21 Payment of emergency costs from this account shall in no way  
22 restrict the right of the department to recover costs pursuant to  
23 RCW 76.04.495 or other laws.

24 When the department determines that a forest fire was started in  
25 the course of or as a result of a landowner operation, it shall  
26 notify the forest fire advisory board of the determination. The  
27 determination shall be final, unless, within ninety days of the

1 notification, the forest fire advisory board or any interested party  
2 serves a request for a hearing before the department. The hearing  
3 shall constitute an adjudicative proceeding under chapter 34.05 RCW,  
4 the administrative procedure act, and any appeal shall be in  
5 accordance with RCW 34.05.510 through 34.05.598.