
HOUSE BILL 1450

State of Washington

58th Legislature

2003 Regular Session

By Representatives Sommers, Fromhold and Wallace; by request of Office of Financial Management

Read first time 01/27/2003. Referred to Committee on Appropriations.

1 AN ACT Relating to consolidating fish and wildlife accounts to
2 implement the 2003-2005 omnibus operating appropriations bill; amending
3 RCW 46.09.170, 76.12.110, 77.12.170, 77.12.810, 77.12.820, 77.12.858,
4 77.32.440, 77.44.030, 77.60.150, 77.60.160, 90.56.510, 43.21B.300,
5 77.12.177, 77.65.230, 77.65.240, 77.70.150, 77.70.190, 77.70.300,
6 77.70.440, 77.95.090, 82.27.070, 82.36.330, 77.95.090, 70.95E.080,
7 70.95E.090, 70.105D.070, and 82.19.040; reenacting and amending RCW
8 43.84.092; adding a new section to chapter 77.04 RCW; repealing RCW
9 43.21K.170, 77.44.050, 77.85.170, 77.95.130, 77.70.320, 77.70.330, and
10 70.93.180.

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

12 **Sec. 1.** RCW 46.09.170 and 1995 c 166 s 9 are each amended to read
13 as follows:

14 (1) From time to time, but at least once each year, the state
15 treasurer shall refund from the motor vehicle fund one percent of the
16 motor vehicle fuel tax revenues collected under chapter 82.36 RCW,
17 based on the tax rate in effect January 1, 1990, less proper deductions
18 for refunds and costs of collection as provided in RCW 46.68.090. The
19 treasurer shall place these funds in the general fund as follows:

1 (a) Forty percent shall be credited to the ORV and nonhighway
2 vehicle account and administered by the department of natural resources
3 solely for planning, maintenance, and management of ORV recreation
4 facilities, nonhighway roads, and nonhighway road recreation
5 facilities. The funds under this subsection shall be expended in
6 accordance with the following limitations:

7 (i) Not more than five percent may be expended for information
8 programs under this chapter;

9 (ii) Not less than ten percent and not more than fifty percent may
10 be expended for ORV recreation facilities;

11 (iii) Not more than twenty-five percent may be expended for
12 maintenance of nonhighway roads;

13 (iv) Not more than fifty percent may be expended for nonhighway
14 road recreation facilities;

15 (v) Ten percent shall be transferred to the interagency committee
16 for outdoor recreation for grants to law enforcement agencies in those
17 counties where the department of natural resources maintains ORV
18 facilities. This amount is in addition to those distributions made by
19 the interagency committee for outdoor recreation under (d)(i) of this
20 subsection;

21 (b) Three and one-half percent shall be credited to the (~~ORV and~~
22 ~~nonhighway vehicle account~~) state wildlife fund and administered by
23 the department of fish and wildlife solely for the acquisition,
24 planning, development, maintenance, and management of nonhighway roads
25 and recreation facilities;

26 (c) Two percent shall be credited to the ORV and nonhighway vehicle
27 account and administered by the parks and recreation commission solely
28 for the maintenance and management of ORV use areas and facilities; and

29 (d) Fifty-four and one-half percent, together with the funds
30 received by the interagency committee for outdoor recreation under RCW
31 46.09.110, shall be credited to the nonhighway and off-road vehicle
32 activities program account to be administered by the committee for
33 planning, acquisition, development, maintenance, and management of ORV
34 recreation facilities and nonhighway road recreation facilities; ORV
35 user education and information; and ORV law enforcement programs. The
36 funds under this subsection shall be expended in accordance with the
37 following limitations:

1 (i) Not more than twenty percent may be expended for ORV education,
2 information, and law enforcement programs under this chapter;

3 (ii) Not less than an amount equal to the funds received by the
4 interagency committee for outdoor recreation under RCW 46.09.110 and
5 not more than sixty percent may be expended for ORV recreation
6 facilities;

7 (iii) Not more than twenty percent may be expended for nonhighway
8 road recreation facilities.

9 (2) On a yearly basis an agency may not, except as provided in RCW
10 46.09.110, expend more than ten percent of the funds it receives under
11 this chapter for general administration expenses incurred in carrying
12 out this chapter.

13 **Sec. 2.** RCW 76.12.110 and 2000 2nd sp.s. c 1 s 915 are each
14 amended to read as follows:

15 There is created a forest development account in the state
16 treasury. The state treasurer shall keep an account of all sums
17 deposited therein and expended or withdrawn therefrom. Any sums placed
18 in the account shall be pledged for the purpose of paying interest and
19 principal on the bonds issued by the department, and for the purchase
20 of land for growing timber. Any bonds issued shall constitute a first
21 and prior claim and lien against the account for the payment of
22 principal and interest. No sums for the above purposes shall be
23 withdrawn or paid out of the account except upon approval of the
24 department.

25 Appropriations may be made by the legislature from the forest
26 development account to the department for the purpose of carrying on
27 the activities of the department on state forest lands, lands managed
28 on a sustained yield basis as provided for in RCW 79.68.040, and for
29 reimbursement of expenditures that have been made or may be made from
30 the resource management cost account in the management of state forest
31 lands. For the 1999-2001 fiscal biennium, moneys from the account
32 shall be distributed as directed in the omnibus appropriations act to
33 the beneficiaries of the revenues derived from state forest lands.
34 Funds that accrue to the state from such a distribution shall be
35 deposited into the ((~~salmon recovery account~~)) state wildlife fund.
36 These funds ((~~shall~~)) may be used for a grant program for cities and

1 counties for the preservation and restoration of riparian, marine, and
2 estuarine areas.

3 **Sec. 3.** RCW 77.12.170 and 2001 c 253 s 15 are each amended to read
4 as follows:

5 (1) There is established in the state treasury the state wildlife
6 fund which consists of moneys as directed by the legislature and
7 received from:

8 (a) Rentals or concessions of the department;

9 (b) The sale of real or personal property held for department
10 purposes;

11 (c) The sale of licenses, permits, tags, and stamps required by
12 chapter 77.32 RCW and RCW 77.65.490, except annual resident adult
13 saltwater and all shellfish licenses, which shall be deposited into the
14 state general fund;

15 (d) Fees for informational materials published by the department;

16 (e) Fees for personalized vehicle license plates as provided in
17 chapter 46.16 RCW;

18 (f) Articles or wildlife sold by the director under this title;

19 (g) Compensation for damage to department property or wildlife
20 losses or contributions, gifts, or grants received under RCW 77.12.320
21 or 77.32.380;

22 (h) Excise tax on anadromous game fish collected under chapter
23 82.27 RCW;

24 (i) The sale of personal property seized by the department for
25 fish, shellfish, or wildlife violations; ~~((and))~~

26 (j) The department's share of revenues from auctions and raffles
27 authorized by the commission; and

28 (k) Fees and voluntary contributions collected by state agencies
29 under RCW 43.21K.150.

30 (2) State and county officers receiving any moneys listed in
31 subsection (1) of this section shall deposit them in the state treasury
32 to be credited to the state wildlife fund.

33 (3) Expenditures from the fund may include but are not limited to
34 the following:

35 (a) Salmon recovery;

36 (b) The warm water game fish enhancement program, including the

1 development of warm water pond and lake habitat, culture of warm water
2 game fish habitat, management of warm water fish populations, and other
3 practical activities that will improve the fishing for warm water fish;

4 (c) Purposes consistent with the environmental excellence program
5 under chapter 43.21K RCW; and

6 (d) Fisheries enhancement and habitat restoration by regional
7 fisheries enhancement groups.

8 **Sec. 4.** RCW 77.12.810 and 1998 c 191 s 30 are each amended to read
9 as follows:

10 As provided in RCW 77.32.440, a portion of each small game hunting
11 license fee shall be deposited in the ((eastern Washington pheasant
12 enhancement account created in RCW 77.12.820)) state wildlife fund.

13 **Sec. 5.** RCW 77.12.820 and 1997 c 422 s 5 are each amended to read
14 as follows:

15 ((The eastern Washington pheasant enhancement account is created in
16 the custody of the state treasurer.)) All receipts under RCW 77.12.810
17 must be deposited in the ((account. Moneys in the account are subject
18 to legislative appropriation and shall be used for the purpose of
19 funding the eastern Washington pheasant enhancement program)) state
20 wildlife fund. The department may use moneys from the ((account)) fund
21 to improve pheasant habitat or to purchase or produce pheasants. ((Not
22 less than eighty percent of expenditures from the account must be used
23 to purchase or produce pheasants. The eastern Washington pheasant
24 enhancement account funds must not be used for the purchase of land.))
25 The ((account)) fund may be used to offer grants to improve pheasant
26 habitat on public or private lands that are open to public hunting.
27 The department may enter partnerships with private landowners,
28 nonprofit corporations, cooperative groups, and federal or state
29 agencies for the purposes of pheasant habitat enhancement in areas that
30 will be available for public hunting.

31 **Sec. 6.** RCW 77.12.858 and 2000 c 107 s 230 are each amended to
32 read as follows:

33 All receipts from the salmon stamp program created under RCW
34 77.12.850 through 77.12.860 must be deposited into the ((regional
35 fisheries enhancement salmonid recovery account created under RCW

1 77.95.130)) state wildlife fund. Expenditures from the ((account))
2 fund may be used ((only)) for the purposes specified in RCW 77.95.130
3 and chapter 342, Laws of 1999. The department shall report biennially
4 to the legislature on the amount of money the salmon stamp program has
5 generated.

6 **Sec. 7.** RCW 77.32.440 and 1999 c 235 s 2 are each amended to read
7 as follows:

8 ((~~(1)~~)) The commission shall adopt rules to continue funding
9 current enhancement programs ((at levels equal to the participation of
10 licensees in each of the individual enhancement programs)). All
11 enhancement funding will continue to be deposited directly into the
12 ((individual accounts created for each enhancement)) state wildlife
13 fund.

14 ((~~(2)~~ In implementing subsection (1) of this section with regard to
15 warm water game fish, the department shall deposit in the warm water
16 game fish account the sum of one million two hundred fifty thousand
17 dollars each fiscal year during the fiscal years 1999 and 2000, based
18 on two hundred fifty thousand warm water anglers. Beginning in fiscal
19 year 2001, and each year thereafter, the deposit to the warm water game
20 fish account established in this subsection shall be adjusted annually
21 to reflect the actual numbers of license holders fishing for warm water
22 game fish based on an annual survey of licensed anglers from the
23 previous year conducted by the department beginning with the April 1,
24 1999, to March 31, 2000, license year survey.))

25 **Sec. 8.** RCW 77.44.030 and 1998 c 191 s 29 are each amended to read
26 as follows:

27 (1) As provided in RCW 77.32.440, a portion of each freshwater and
28 combination fishing license fee shall be deposited into the ((warm
29 water game fish account)) state wildlife fund.

30 (2) ((The department shall use the most cost-effective format in
31 designing and administering the warm water game fish surcharge
32 {account}.

33 ~~(3)~~ A warm water game fish account shall)) Moneys in the state
34 wildlife fund from the receipts under RCW 77.32.440 may be used for
35 enhancement of largemouth bass, smallmouth bass, walleye, black
36 crappie, white crappie, channel catfish, and tiger musky.

1 **Sec. 9.** RCW 77.60.150 and 2001 c 273 s 1 are each amended to read
2 as follows:

3 (1) The department shall initiate a pilot project to evaluate the
4 feasibility and potential of intensively culturing shellfish on
5 currently nonproductive oyster reserve land in Puget Sound. The pilot
6 program shall include no fewer than three long-term lease agreements
7 with commercial shellfish growers. Except as provided in subsection
8 (4) of this section, revenues from the lease of such lands shall be
9 deposited in the (~~oyster reserve land account created in RCW~~
10 ~~77.60.160~~) state wildlife fund.

11 (2) The department shall form one advisory committee each for the
12 Willapa Bay oyster reserve lands and the Puget Sound oyster reserve
13 lands. The advisory committees shall make recommendations on
14 management practices to conserve, protect, and develop oyster reserve
15 lands. The advisory committees may make recommendations regarding the
16 management practices on oyster reserve lands, in particular to ensure
17 that they are managed in a manner that will: (a) Increase revenue
18 through production of high-value shellfish; (b) not be detrimental to
19 the market for shellfish grown on nonreserve lands; and (c) avoid
20 negative impacts to existing shellfish populations. The advisory
21 committees may also make recommendation on the distribution of funds in
22 RCW 77.60.160(2)(a). The department shall attempt to structure each
23 advisory committee to include equal representation between shellfish
24 growers that participate in reserve sales and shellfish growers that do
25 not.

26 (3) The department shall submit a brief progress report on the
27 status of the pilot programs to the appropriate standing committees of
28 the legislature by January 7, 2003.

29 (4) The department of natural resources, in consultation with the
30 department of fish and wildlife, shall administer the leases for oyster
31 reserves entered into under this chapter. In administering the leases,
32 the department of natural resources shall exercise its authority under
33 RCW 79.96.090. Vacation of state oyster reserves by the department of
34 fish and wildlife shall not be a requirement for the department of
35 natural resources to lease any oyster reserves under this section. The
36 department of natural resources may recover reasonable costs directly
37 associated with the administration of the leases for oyster reserves
38 entered into under this chapter. All administrative fees collected by

1 the department of natural resources pursuant to this section shall be
2 deposited into the resource management cost account established in RCW
3 79.64.020. The department of fish and wildlife may not assess charges
4 to recover the costs of consulting with the department of natural
5 resources under this subsection.

6 (5) The Puget Sound pilot program shall not include the culture of
7 geoduck.

8 **Sec. 10.** RCW 77.60.160 and 2001 c 273 s 2 are each amended to read
9 as follows:

10 (1) (~~The oyster reserve land account is created in the state~~
11 ~~treasury.~~) All receipts from revenues from the lease of land or sale
12 of shellfish from oyster reserve lands must be deposited into the
13 (~~account. Moneys in the account may be spent only after~~
14 ~~appropriation. Expenditures from the account may be used only as~~
15 ~~provided in this section~~) state wildlife fund.

16 (2) (~~Funds~~) Moneys in the (~~account~~) fund from receipts under
17 subsection (1) of this section shall be used for the following purposes
18 (~~provided for in this subsection~~):

19 (a) Up to forty percent for the management expenses incurred by the
20 department that are directly attributable to the management of the
21 oyster reserve lands and for the expenses associated with new research
22 and development activities at the Pt. Whitney and Nahcotta shellfish
23 laboratories managed by the department. As used in this subsection,
24 "new research and development activities" includes an emphasis on the
25 control of aquatic nuisance species and burrowing shrimp;

26 (b) Up to ten percent may be deposited into the state general fund;
27 and

28 (c) All remaining funds (~~in the account~~) from receipts under
29 subsection (1) of this section shall be used for the shellfish - on-
30 site sewage grant program established in RCW 90.71.100.

31 **Sec. 11.** RCW 90.56.510 and 2000 c 69 s 22 are each amended to read
32 as follows:

33 (1) The oil spill prevention account is created in the state
34 treasury. All receipts from RCW 82.23B.020(2) shall be deposited in
35 the account. Moneys from the account may be spent only after
36 appropriation. The account is subject to allotment procedures under

1 chapter 43.88 RCW. If, on the first day of any calendar month, the
2 balance of the oil spill response account is greater than nine million
3 dollars and the balance of the oil spill prevention account exceeds the
4 unexpended appropriation for the current biennium, then the tax under
5 RCW 82.23B.020(2) shall be suspended on the first day of the next
6 calendar month until the beginning of the following biennium, provided
7 that the tax shall not be suspended during the last six months of the
8 biennium. If the tax imposed under RCW 82.23B.020(2) is suspended
9 during two consecutive biennia, the department shall by November 1st
10 after the end of the second biennium, recommend to the appropriate
11 standing committees an adjustment in the tax rate. For the biennium
12 ending June 30, 1999, and the biennium ending June 30, 2001, the state
13 treasurer may transfer a total of up to one million dollars from the
14 oil spill response account to the oil spill prevention account to
15 support appropriations made from the oil spill prevention account in
16 the omnibus appropriations act adopted not later than June 30, 1999.

17 (2) Expenditures from the (~~oil spill prevention account shall~~)
18 state wildlife fund may be used (~~exclusively~~) for the administrative
19 costs related to the purposes of this chapter, and chapters 90.48,
20 88.40, and 88.46 RCW. Starting with the 1995-1997 biennium, the
21 legislature shall give activities of state agencies related to
22 prevention of oil spills priority in funding from the (~~oil spill~~
23 ~~prevention account~~) state wildlife fund. Costs of prevention include
24 the costs of:

- 25 (a) Routine responses not covered under RCW 90.56.500;
26 (b) Management and staff development activities;
27 (c) Development of rules and policies and the statewide plan
28 provided for in RCW 90.56.060;
29 (d) Facility and vessel plan review and approval, drills,
30 inspections, investigations, enforcement, and litigation;
31 (e) Interagency coordination and public outreach and education;
32 (f) Collection and administration of the tax provided for in
33 chapter 82.23B RCW; and
34 (g) Appropriate travel, goods and services, contracts, and
35 equipment.

36 NEW SECTION. **Sec. 12.** A new section is added to chapter 77.04 RCW
37 to read as follows:

1 (1) The license buyback and resource administration account is
2 created in the state treasury. Moneys in the account may be spent only
3 after appropriation. The account is subject to allotment procedures
4 under chapter 43.88 RCW.

5 (2) The license buyback and resource administration account
6 includes but is not limited to moneys received from:

7 (a) Sea cucumber dive fishing license surcharges as provided in RCW
8 77.70.190;

9 (b) Sea urchin dive fishing license surcharges as provided in RCW
10 77.70.150;

11 (c) All revenues from fees under RCW 77.70.430;

12 (d) An amount equivalent to one cent per gallon from each marine
13 use refund claim under RCW 82.36.330;

14 (e) Revenues from fees from the transfer of each Dungeness crab-
15 coastal fishery license assessed under RCW 77.65.020;

16 (f) Delivery fees assessed under RCW 77.70.300; and

17 (g) Any license surcharge under RCW 77.65.240.

18 (3) Moneys in the account may be spent for the following purposes:

19 (a) Processing appeals related to the issuance of Dungeness crab-
20 coastal fishery licenses; and

21 (b) Coastal crab management activities.

22 **Sec. 13.** RCW 43.21B.300 and 2001 c 36 s 2 are each amended to read
23 as follows:

24 (1) Any civil penalty provided in RCW 18.104.155, 70.94.431,
25 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.48.144, 90.56.310, and
26 90.56.330 shall be imposed by a notice in writing, either by certified
27 mail with return receipt requested or by personal service, to the
28 person incurring the penalty from the department or the local air
29 authority, describing the violation with reasonable particularity.
30 Within fifteen days after the notice is received, the person incurring
31 the penalty may apply in writing to the department or the authority for
32 the remission or mitigation of the penalty. Upon receipt of the
33 application, the department or authority may remit or mitigate the
34 penalty upon whatever terms the department or the authority in its
35 discretion deems proper. The department or the authority may ascertain
36 the facts regarding all such applications in such reasonable manner and
37 under such rules as it may deem proper and shall remit or mitigate the

1 penalty only upon a demonstration of extraordinary circumstances such
2 as the presence of information or factors not considered in setting the
3 original penalty.

4 (2) Any penalty imposed under this section may be appealed to the
5 pollution control hearings board in accordance with this chapter if the
6 appeal is filed with the hearings board and served on the department or
7 authority thirty days after receipt by the person penalized of the
8 notice imposing the penalty or thirty days after receipt of the notice
9 of disposition of the application for relief from penalty.

10 (3) A penalty shall become due and payable on the later of:

11 (a) Thirty days after receipt of the notice imposing the penalty;

12 (b) Thirty days after receipt of the notice of disposition on
13 application for relief from penalty, if such an application is made; or

14 (c) Thirty days after receipt of the notice of decision of the
15 hearings board if the penalty is appealed.

16 (4) If the amount of any penalty is not paid to the department
17 within thirty days after it becomes due and payable, the attorney
18 general, upon request of the department, shall bring an action in the
19 name of the state of Washington in the superior court of Thurston
20 county, or of any county in which the violator does business, to
21 recover the penalty. If the amount of the penalty is not paid to the
22 authority within thirty days after it becomes due and payable, the
23 authority may bring an action to recover the penalty in the superior
24 court of the county of the authority's main office or of any county in
25 which the violator does business. In these actions, the procedures and
26 rules of evidence shall be the same as in an ordinary civil action.

27 (5) All penalties recovered shall be paid into the state treasury
28 and credited to the general fund except those penalties imposed
29 pursuant to RCW 18.104.155, which shall be credited to the reclamation
30 account as provided in RCW 18.104.155(7), RCW 70.94.431, the
31 disposition of which shall be governed by that provision, RCW
32 70.105.080, which shall be credited to the hazardous waste control and
33 elimination account, created by RCW 70.105.180, and RCW 90.56.330,
34 which shall be credited to the (~~coastal protection fund created by RCW~~
35 ~~90.48.390~~) license buyback and resource administration account.

36 **Sec. 14.** RCW 43.84.092 and 2002 c 242 s 2, 2002 c 114 s 24, and
37 2002 c 56 s 402 are each reenacted and amended to read as follows:

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

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

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

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

1 equalization account, the data processing building construction
2 account, the deferred compensation administrative account, the deferred
3 compensation principal account, the department of retirement systems
4 expense account, the drinking water assistance account, the drinking
5 water assistance administrative account, the drinking water assistance
6 repayment account, the Eastern Washington University capital projects
7 account, the education construction fund, the emergency reserve fund,
8 the federal forest revolving account, the health services account, the
9 public health services account, the health system capacity account, the
10 personal health services account, the state higher education
11 construction account, the higher education construction account, the
12 highway infrastructure account, the industrial insurance premium refund
13 account, the judges' retirement account, the judicial retirement
14 administrative account, the judicial retirement principal account, the
15 local leasehold excise tax account, the local real estate excise tax
16 account, the local sales and use tax account, the medical aid account,
17 the mobile home park relocation fund, the multimodal transportation
18 account, the municipal criminal justice assistance account, the
19 municipal sales and use tax equalization account, the natural resources
20 deposit account, (~~the oyster reserve land account,~~) the perpetual
21 surveillance and maintenance account, the public employees' retirement
22 system plan 1 account, the public employees' retirement system combined
23 plan 2 and plan 3 account, the public facilities construction loan
24 revolving account beginning July 1, 2004, the public health
25 supplemental account, the Puyallup tribal settlement account, the
26 regional transportation investment district account, the resource
27 management cost account, the site closure account, the special wildlife
28 account, the state employees' insurance account, the state employees'
29 insurance reserve account, the state investment board expense account,
30 the state investment board commingled trust fund accounts, the
31 supplemental pension account, the Tacoma Narrows toll bridge account,
32 the teachers' retirement system plan 1 account, the teachers'
33 retirement system combined plan 2 and plan 3 account, the tobacco
34 prevention and control account, the tobacco settlement account, the
35 transportation infrastructure account, the tuition recovery trust fund,
36 the University of Washington bond retirement fund, the University of
37 Washington building account, the volunteer fire fighters' and reserve
38 officers' relief and pension principal fund, the volunteer fire

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

19 (b) The following accounts and funds shall receive eighty percent
20 of their proportionate share of earnings based upon each account's or
21 fund's average daily balance for the period: The aeronautics account,
22 the aircraft search and rescue account, the county arterial
23 preservation account, the department of licensing services account, the
24 essential rail assistance account, the ferry bond retirement fund, the
25 grade crossing protective fund, the high capacity transportation
26 account, the highway bond retirement fund, the highway safety account,
27 the motor vehicle fund, the motorcycle safety education account, the
28 pilotage account, the public transportation systems account, the Puget
29 Sound capital construction account, the Puget Sound ferry operations
30 account, 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 equipment
33 fund, the transportation fund, the transportation improvement account,
34 the transportation improvement board bond retirement account, and the
35 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 earnings
38 without the specific affirmative directive of this section.

1 **Sec. 15.** RCW 77.12.177 and 2001 c 253 s 16 are each amended to
2 read as follows:

3 (1) Except as provided in this title, state and county officers
4 receiving the following moneys shall deposit them in the state general
5 fund:

6 (a) The sale of commercial licenses required under this title,
7 except for licenses issued under RCW 77.65.490; and

8 (b) Moneys received for damages to food fish or shellfish.

9 (2) The director shall make weekly remittances to the state
10 treasurer of moneys collected by the department.

11 (3) All fines and forfeitures collected or assessed by a district
12 court for a violation of this title or rule of the department shall be
13 remitted as provided in chapter 3.62 RCW.

14 (4) Proceeds from the sale of food fish or shellfish taken in test
15 fishing conducted by the department, to the extent that these proceeds
16 exceed the estimates in the budget approved by the legislature, may be
17 allocated as unanticipated receipts under RCW 43.79.270 to reimburse
18 the department for unanticipated costs for test fishing operations in
19 excess of the allowance in the budget approved by the legislature.

20 (5) Proceeds from the sale of salmon carcasses and salmon eggs from
21 state general funded hatcheries by the department of general
22 administration shall be deposited in the (~~regional fisheries~~
23 ~~enhancement group account established in RCW 77.95.090~~) license
24 buyback and resource administration account.

25 (6) Moneys received by the commission under RCW 77.12.039, to the
26 extent these moneys exceed estimates in the budget approved by the
27 legislature, may be allocated as unanticipated receipts under RCW
28 43.79.270. Allocations under this subsection shall be made only for
29 the specific purpose for which the moneys were received, unless the
30 moneys were received in settlement of a claim for damages to food fish
31 or shellfish, in which case the moneys may be expended for the
32 conservation of these resources.

33 (7) Proceeds from the sale of herring spawn on kelp fishery
34 licenses by the department, to the extent those proceeds exceed
35 estimates in the budget approved by the legislature, may be allocated
36 as unanticipated receipts under RCW 43.79.270. Allocations under this
37 subsection shall be made only for herring management, enhancement, and
38 enforcement.

1 **Sec. 16.** RCW 77.65.230 and 2000 c 107 s 44 are each amended to
2 read as follows:

3 A surcharge of fifty dollars shall be collected with each Dungeness
4 crab-coastal fishery license issued under RCW 77.65.220 until June 30,
5 2000, and with each Dungeness crab-coastal class B fishery license
6 issued under RCW 77.65.220 until December 31, 1997. Moneys collected
7 under this section shall be placed in the (~~Dungeness crab appeals~~
8 ~~account hereby created in the state treasury. The account is subject~~
9 ~~to allotment procedures under chapter 43.88 RCW, but no appropriation~~
10 ~~is required for expenditures. Expenditures from the account shall only~~
11 ~~be used for processing appeals related to the issuance of Dungeness~~
12 ~~crab coastal fishery licenses~~)) license buyback and resource
13 administration account.

14 **Sec. 17.** RCW 77.65.240 and 2000 c 107 s 45 are each amended to
15 read as follows:

16 A surcharge of one hundred twenty dollars shall be collected with
17 each Dungeness crab-coastal fishery license and with each Dungeness
18 crab-coastal class B fishery license issued under RCW 77.65.220.
19 Moneys collected under this section shall be placed in the (~~coastal~~
20 ~~crab account created under RCW 77.70.320~~)) license buyback and resource
21 administration account.

22 **Sec. 18.** RCW 77.70.150 and 2001 c 253 s 58 are each amended to
23 read as follows:

24 (1) A sea urchin dive fishery license is required to take sea
25 urchins for commercial purposes. A sea urchin dive fishery license
26 authorizes the use of only one diver in the water at any time during
27 sea urchin harvest operations. If the same vessel has been designated
28 on two sea urchin dive fishery licenses, two divers may be in the
29 water. A natural person may not hold more than two sea urchin dive
30 fishery licenses.

31 (2) Except as provided in subsection (6) of this section, the
32 director shall issue no new sea urchin dive fishery licenses. For
33 licenses issued for the year 2000 and thereafter, the director shall
34 renew existing licenses only to a natural person who held the license
35 at the end of the previous year. If a sea urchin dive fishery license
36 is not held by a natural person as of December 31, 1999, it is not

1 renewable. However, if the license is not held because of revocation
2 or suspension of licensing privileges, the director shall renew the
3 license in the name of a natural person at the end of the revocation or
4 suspension if the license holder applies for renewal of the license
5 before the end of the year in which the revocation or suspension ends.

6 (3) Where a licensee failed to obtain the license during the
7 previous year because of a license suspension or revocation by the
8 director or the court, the licensee may qualify for a license by
9 establishing that the person held such a license during the last year
10 in which the person was eligible.

11 (4) Surcharges as provided for in this section shall be collected
12 and deposited into the (~~sea urchin dive fishery account hereby created~~
13 ~~in the custody of the state treasurer. Only the director or the~~
14 ~~director's designee may authorize expenditures from the account. The~~
15 ~~sea urchin dive fishery account is subject to allotment procedures~~
16 ~~under chapter 43.88 RCW, but no appropriation is required for~~
17 ~~expenditures~~) license buyback and resource administration account.
18 Expenditures from the account (~~shall only~~) may be used to retire sea
19 urchin licenses until the number of licenses is reduced to twenty-five,
20 and thereafter shall only be used for sea urchin management and
21 enforcement.

22 (a) A surcharge of one hundred dollars shall be charged with each
23 sea urchin dive fishery license renewal for licenses issued in 2000
24 through 2005.

25 (b) For licenses issued for the year 2000 and thereafter, a
26 surcharge shall be charged on the sea urchin dive fishery license for
27 designating an alternate operator. The surcharge shall be as follows:
28 Five hundred dollars for the first year or each of the first two
29 consecutive years after 1999 that any alternate operator is designated
30 and two thousand five hundred dollars each year thereafter that any
31 alternate operator is designated.

32 (5) Sea urchin dive fishery licenses are transferable. After
33 December 31, 1999, there is a surcharge to transfer a sea urchin dive
34 fishery license. The surcharge is five hundred dollars for the first
35 transfer of a license valid for calendar year 2000, and two thousand
36 five hundred dollars for any subsequent transfer, whether occurring in
37 the year 2000 or thereafter. Notwithstanding this subsection, a one-

1 time transfer exempt from surcharge applies for a transfer from the
2 natural person licensed on January 1, 2000, to that person's spouse or
3 child.

4 (6) If fewer than twenty-five natural persons are eligible for sea
5 urchin dive fishery licenses, the director may accept applications for
6 new licenses. The additional licenses may not cause more than twenty-
7 five natural persons to be eligible for a sea urchin dive fishery
8 license. New licenses issued under this section shall be distributed
9 according to rules of the department that recover the value of such
10 licensed privilege.

11 **Sec. 19.** RCW 77.70.190 and 2001 c 253 s 59 are each amended to
12 read as follows:

13 (1) A sea cucumber dive fishery license is required to take sea
14 cucumbers for commercial purposes. A sea cucumber dive fishery license
15 authorizes the use of only one diver in the water at any time during
16 sea cucumber harvest operations. If the same vessel has been
17 designated on two sea cucumber dive fishery licenses, two divers may be
18 in the water. A natural person may not hold more than two sea cucumber
19 dive fishery licenses.

20 (2) Except as provided in subsection (6) of this section, the
21 director shall issue no new sea cucumber dive fishery licenses. For
22 licenses issued for the year 2000 and thereafter, the director shall
23 renew existing licenses only to a natural person who held the license
24 at the end of the previous year. If a sea cucumber dive fishery
25 license is not held by a natural person as of December 31, 1999, it is
26 not renewable. However, if the license is not held because of
27 revocation or suspension of licensing privileges, the director shall
28 renew the license in the name of a natural person at the end of the
29 revocation or suspension if the license holder applies for renewal of
30 the license before the end of the year in which the revocation or
31 suspension ends.

32 (3) Where a licensee failed to obtain the license during either of
33 the previous two years because of a license suspension by the director
34 or the court, the licensee may qualify for a license by establishing
35 that the person held such a license during the last year in which the
36 person was eligible.

1 (4) Surcharges as provided for in this section shall be collected
2 and deposited into the (~~sea cucumber dive fishery account hereby~~
3 ~~created in the custody of the state treasurer. Only the director or~~
4 ~~the director's designee may authorize expenditures from the account.~~
5 ~~The sea cucumber dive fishery account is subject to allotment~~
6 ~~procedures under chapter 43.88 RCW, but no appropriation is required~~
7 ~~for expenditures)) license buyback and resource administration account.
8 Expenditures from the account (~~shall only~~) may be used to retire sea
9 cucumber licenses until the number of licenses is reduced to twenty-
10 five, and thereafter shall only be used for sea cucumber management and
11 enforcement.~~

12 (a) A surcharge of one hundred dollars shall be charged with each
13 sea cucumber dive fishery license renewal for licenses issued in 2000
14 through 2005.

15 (b) For licenses issued for the year 2000 and thereafter, a
16 surcharge shall be charged on the sea cucumber dive fishery license for
17 designating an alternate operator. The surcharge shall be as follows:
18 Five hundred dollars for the first year or each of the first two
19 consecutive years after 1999 that any alternate operator is designated
20 and two thousand five hundred dollars each year thereafter that any
21 alternate operator is designated.

22 (5) Sea cucumber dive fishery licenses are transferable. After
23 December 31, 1999, there is a surcharge to transfer a sea cucumber dive
24 fishery license. The surcharge is five hundred dollars for the first
25 transfer of a license valid for calendar year 2000 and two thousand
26 five hundred dollars for any subsequent transfer whether occurring in
27 the year 2000 or thereafter. Notwithstanding this subsection, a one-
28 time transfer exempt from surcharge applies for a transfer from the
29 natural person licensed on January 1, 2000, to that person's spouse or
30 child.

31 (6) If fewer than twenty-five persons are eligible for sea cucumber
32 dive fishery licenses, the director may accept applications for new
33 licenses. The additional licenses may not cause more than twenty-five
34 natural persons to be eligible for a sea cucumber dive fishery license.
35 New licenses issued under this section shall be distributed according
36 to rules of the department that recover the value of such licensed
37 privilege.

1 **Sec. 20.** RCW 77.70.300 and 2000 c 107 s 77 are each amended to
2 read as follows:

3 A person commercially fishing for Dungeness crab in offshore waters
4 outside of Washington state jurisdiction shall obtain a Dungeness crab
5 offshore delivery license from the director if the person does not
6 possess a valid Dungeness crab-coastal fishery license or a valid
7 Dungeness crab-coastal class B fishery license and the person wishes to
8 land Dungeness crab into a place or a port in the state. The annual
9 fee for a Dungeness crab offshore delivery license is two hundred fifty
10 dollars. The director may specify restrictions on landings of offshore
11 Dungeness crab in Washington state as authorized in RCW 77.70.290.

12 Fees from the offshore Dungeness crab delivery license shall be
13 placed in the ~~((coastal crab account created in RCW 77.70.320))~~ license
14 buyback and resource administration account.

15 **Sec. 21.** RCW 77.70.440 and 2001 c 234 s 2 are each amended to read
16 as follows:

17 ~~((The Puget Sound crab pot buoy tag account is created in the~~
18 ~~custody of the state treasurer.))~~ All revenues from fees from RCW
19 77.70.430 must be deposited into the license buyback and resource
20 administration account. Expenditures from this account may be used for
21 the production of crab pot buoy tags and the administration of a Puget
22 Sound crab pot buoy tag program. ~~((Only the director or the director's~~
23 ~~designee may authorize expenditures from the account. The account is~~
24 ~~subject to allotment procedures under chapter 43.88 RCW but no~~
25 ~~appropriation is required for expenditures.))~~

26 **Sec. 22.** RCW 77.95.090 and 2000 c 107 s 106 are each amended to
27 read as follows:

28 ~~((The dedicated regional fisheries enhancement group account is~~
29 ~~created in the custody of the state treasurer. Only the commission or~~
30 ~~the commission's designee may authorize expenditures from the account.~~
31 ~~The account is subject to allotment procedures under chapter 43.88 RCW,~~
32 ~~but no appropriation is required for expenditures.))~~

33 A portion of each recreational fishing license fee shall be used as
34 provided in RCW 77.32.440. A surcharge of one hundred dollars shall be
35 collected on each commercial salmon fishery license, each salmon
36 delivery license, and each salmon charter license sold in the state.

1 All receipts shall be placed in the (~~regional fisheries enhancement~~
2 ~~group~~) license buyback and resource administration account and
3 (~~shall~~) may be used (~~exclusively~~) for regional fisheries
4 enhancement group projects for the purposes of RCW 77.95.110. (~~Funds~~
5 ~~from the regional fisheries enhancement group account shall not serve~~
6 ~~as replacement funding for department operated salmon projects that~~
7 ~~exist on January 1, 1991.~~)

8 All revenue from the department's sale of salmon carcasses and eggs
9 that return to group facilities shall be deposited in the (~~regional~~
10 ~~fisheries enhancement group~~) license buyback and resource
11 administration account for use by the regional fisheries enhancement
12 group that produced the surplus. The commission shall adopt rules to
13 implement this section pursuant to chapter 34.05 RCW.

14 **Sec. 23.** RCW 82.27.070 and 1999 c 126 s 4 are each amended to read
15 as follows:

16 All taxes collected by the department of revenue under this chapter
17 shall be deposited in the state general fund except for the excise tax
18 on anadromous game fish, which shall be deposited in the wildlife fund,
19 and, during the period January 1, 2000, to December 31, 2005, twenty-
20 five forty-sixths of the revenues derived from the excise tax on sea
21 urchins collected under RCW 82.27.020 shall be deposited into the (~~sea~~
22 ~~urchin dive fishery account created in RCW 75.30.210~~) license buyback
23 and resource administration account, and twenty-five forty-sixths of
24 the revenues derived from the excise tax on sea cucumbers collected
25 under RCW 82.27.020 shall be deposited into the (~~sea cucumber dive~~
26 ~~fishery account created in RCW 75.30.250~~) license buyback and resource
27 administration account.

28 **Sec. 24.** RCW 82.36.330 and 1998 c 176 s 39 are each amended to
29 read as follows:

30 Upon the approval of the director of the claim for refund, the
31 state treasurer shall draw a warrant upon the state treasury for the
32 amount of the claim in favor of the person making such claim and the
33 warrant shall be paid from the excise tax collected on motor vehicle
34 fuel: PROVIDED, That the state treasurer shall deduct from each marine
35 use refund claim an amount equivalent to one cent per gallon and shall
36 deposit the same in the (~~coastal protection fund created by RCW~~

1 90.48.390)) license buyback and resource administration account.
2 Applications for refunds of excise tax shall be filed in the office of
3 the director not later than the close of the last business day of a
4 period thirteen months from the date of purchase of such motor fuel,
5 and if not filed within this period the right to refund shall be
6 forever barred, except that such limitation shall not apply to claims
7 for loss or destruction of motor vehicle fuel as provided by the
8 provisions of RCW 82.36.370. The department shall pay interest of one
9 percent on any refund payable under this chapter that is issued more
10 than thirty state business days after the receipt of a claim properly
11 filed and completed in accordance with this section. After the end of
12 the thirty business-day period, additional interest shall accrue at the
13 rate of one percent on the amount payable for each thirty calendar-day
14 period, until the refund is issued. Any person or the member of any
15 firm or the officer or agent of any corporation who makes any false
16 statement in any claim required for the refund of excise tax, as
17 provided in this chapter, or who collects or causes to be repaid to him
18 or to any other person any such refund without being entitled to the
19 same under the provisions of this chapter shall be guilty of a gross
20 misdemeanor.

21 **Sec. 25.** RCW 77.95.090 and 2000 c 107 s 106 are each amended to
22 read as follows:

23 The dedicated regional fisheries enhancement group account is
24 created in the custody of the state treasurer. Only the commission or
25 the commission's designee may authorize expenditures from the account.
26 The account is subject to allotment procedures under chapter 43.88 RCW,
27 but no appropriation is required for expenditures.

28 A portion of each recreational fishing license fee shall be used as
29 provided in RCW 77.32.440. A surcharge of one hundred dollars shall be
30 collected on each commercial salmon fishery license, each salmon
31 delivery license, and each salmon charter license sold in the state.
32 All receipts shall be placed in the (~~regional fisheries enhancement~~
33 ~~group account and shall be used exclusively for regional fisheries~~
34 ~~enhancement group projects for the purposes of RCW 77.95.110.~~ Funds
35 ~~from the regional fisheries enhancement group account shall not serve~~
36 ~~as replacement funding for department operated salmon projects that~~
37 ~~exist on January 1, 1991~~) salmon recovery account.

1 All revenue from the department's sale of salmon carcasses and eggs
2 that return to group facilities shall be deposited in the (~~regional~~
3 ~~fisheries enhancement group account for use by the regional fisheries~~
4 ~~enhancement group that produced the surplus~~) salmon recovery account.
5 The commission shall adopt rules to implement this section pursuant to
6 chapter 34.05 RCW.

7 **Sec. 26.** RCW 70.95E.080 and 1991 sp.s. c 13 s 75 are each amended
8 to read as follows:

9 (~~The hazardous waste assistance account is hereby created in the~~
10 ~~state treasury.~~) The following moneys shall be deposited into the
11 (~~hazardous waste assistance~~) state toxics control account:

12 (1) Those revenues which are raised by the fees imposed under RCW
13 70.95E.020 and 70.95E.030;

14 (2) Penalties and surcharges collected under chapter 70.95C RCW and
15 this chapter; and

16 (3) Any other moneys appropriated or transferred to the account by
17 the legislature. (~~Moneys in the hazardous waste assistance account~~
18 ~~may be spent only for the purposes of this chapter following~~
19 ~~legislative appropriation.~~)

20 **Sec. 27.** RCW 70.95E.090 and 1995 c 207 s 4 are each amended to
21 read as follows:

22 The department may use funds in the (~~hazardous waste assistance~~)
23 state toxics control account to provide technical assistance and
24 compliance education assistance to hazardous substance users and waste
25 generators, to provide grants to local governments, and for
26 administration of this chapter.

27 Technical assistance may include the activities authorized under
28 chapter 70.95C RCW and RCW 70.105.170 to encourage hazardous waste
29 reduction and hazardous use reduction and the assistance provided for
30 by RCW 70.105.100(2).

31 Compliance education may include the activities authorized under
32 RCW 70.105.100(2) to train local agency officials and to inform
33 hazardous substance users and hazardous waste generators and owners and
34 operators of hazardous waste management facilities of the requirements
35 of chapter 70.105 RCW and related federal laws and regulations. To the

1 extent practicable, the department shall contract with private
2 businesses to provide compliance education.

3 Grants to local governments shall be used for small quantity
4 generator technical assistance and compliance education components of
5 their moderate risk waste plans as required by RCW 70.105.220.

6 **Sec. 28.** RCW 70.105D.070 and 2001 c 27 s 2 are each amended to
7 read as follows:

8 (1) The state toxics control account and the local toxics control
9 account are hereby created in the state treasury.

10 (2) The following moneys shall be deposited into the state toxics
11 control account: (a) Those revenues which are raised by the tax
12 imposed under RCW 82.21.030 and which are attributable to that portion
13 of the rate equal to thirty-three one-hundredths of one percent; (b)
14 the costs of remedial actions recovered under this chapter or chapter
15 70.105A RCW; (c) penalties collected or recovered under this chapter;
16 (~~and~~) (d) one hundred percent of the revenues raised or collected
17 under RCW 70.95E.080; (e) eighty percent of all taxes imposed in RCW
18 82.19.010 and fines and bail forfeitures collected or received under
19 chapter 70.93 RCW; and (f) any other money appropriated or transferred
20 to the account by the legislature. Moneys in the account may be used
21 only to carry out the purposes of this chapter, including but not
22 limited to the following activities:

23 (i) The state's responsibility for hazardous waste planning,
24 management, regulation, enforcement, technical assistance, and public
25 education required under chapter 70.105 RCW;

26 (ii) The state's responsibility for solid waste planning,
27 management, regulation, enforcement, technical assistance, and public
28 education required under chapter 70.95 RCW;

29 (iii) The hazardous waste cleanup program required under this
30 chapter;

31 (iv) State matching funds required under the federal cleanup law;

32 (v) Financial assistance for local programs in accordance with
33 chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

34 (vi) State government programs for the safe reduction, recycling,
35 or disposal of hazardous wastes from households, small businesses, and
36 agriculture;

37 (vii) Hazardous materials emergency response training;

1 (viii) Water and environmental health protection and monitoring
2 programs;

3 (ix) Programs authorized under chapter 70.146 RCW;

4 (x) A public participation program, including regional citizen
5 advisory committees;

6 (xi) Public funding to assist potentially liable persons to pay for
7 the costs of remedial action in compliance with cleanup standards under
8 RCW 70.105D.030(2)(e) but only when the amount and terms of such
9 funding are established under a settlement agreement under RCW
10 70.105D.040(4) and when the director has found that the funding will
11 achieve both (A) a substantially more expeditious or enhanced cleanup
12 than would otherwise occur, and (B) the prevention or mitigation of
13 unfair economic hardship; (~~and~~))

14 (xii) Development and demonstration of alternative management
15 technologies designed to carry out the top two hazardous waste
16 management priorities of RCW 70.105.150;

17 (xiii) Litter collection programs, central coordination function
18 for litter control efforts statewide, the biennial litter survey under
19 RCW 70.93.200(8), and for statewide public awareness programs under RCW
20 70.93.200(7); and

21 (xiv) Waste reduction and recycling efforts.

22 (3) The following moneys shall be deposited into the local toxics
23 control account: Those revenues which are raised by the tax imposed
24 under RCW 82.21.030 and which are attributable to that portion of the
25 rate equal to thirty-seven one-hundredths of one percent; and twenty
26 percent of the total funds raised under subsection (2)(e) of this
27 section.

28 (a) Moneys deposited in the local toxics control account shall be
29 used by the department for grants or loans to local governments for the
30 following purposes (~~in descending order of priority~~): (i) Remedial
31 actions; (ii) hazardous waste plans and programs under chapter 70.105
32 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C,
33 70.95I, and 70.105 RCW; (iv) funds for a program to assist in the
34 assessment and cleanup of sites of methamphetamine production, but not
35 to be used for the initial containment of such sites, consistent with
36 the responsibilities and intent of RCW 69.50.511; (~~and~~) (v) waste
37 reduction, litter control, and recycling; and (vi) cleanup and disposal
38 of hazardous substances from abandoned or derelict vessels that pose a

1 threat to human health or the environment. For purposes of this
2 subsection (3)(a)(~~(v)~~) (vi), "abandoned or derelict vessels" means
3 vessels that have little or no value and either have no identified
4 owner or have an identified owner lacking financial resources to clean
5 up and dispose of the vessel. Funds for plans and programs shall be
6 allocated consistent with the priorities and matching requirements
7 established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW.
8 (~~During the 1999-2001 fiscal biennium, moneys in the account may also~~
9 ~~be used for the following activities: Conducting a study of whether~~
10 ~~dioxins occur in fertilizers, soil amendments, and soils; reviewing~~
11 ~~applications for registration of fertilizers; and conducting a study of~~
12 ~~plant uptake of metals.))~~

13 (b) Funds may also be appropriated to the department of health to
14 implement programs to reduce testing requirements under the federal
15 safe drinking water act for public water systems. The department of
16 health shall reimburse the account from fees assessed under RCW
17 70.119A.115 by June 30, 1995.

18 (4) Except for unanticipated receipts under RCW 43.79.260 through
19 43.79.282, moneys in the state and local toxics control accounts may be
20 spent only after appropriation by statute.

21 (5) One percent of the moneys deposited into the state and local
22 toxics control accounts from the tax collected under RCW 82.21.030
23 shall be allocated only for public participation grants to persons who
24 may be adversely affected by a release or threatened release of a
25 hazardous substance and to not-for-profit public interest
26 organizations. The primary purpose of these grants is to facilitate
27 the participation by persons and organizations in the investigation and
28 remedying of releases or threatened releases of hazardous substances
29 and to implement the state's solid and hazardous waste management
30 priorities. (~~However, during the 1999-2001 fiscal biennium, funding~~
31 ~~may not be granted to entities engaged in lobbying activities, and~~
32 ~~applicants may not be awarded grants if their cumulative grant awards~~
33 ~~under this section exceed two hundred thousand dollars.)) No grant may
34 exceed sixty thousand dollars. Grants may be renewed annually. Moneys
35 appropriated for public participation from either account which are not
36 expended at the close of any biennium shall revert to the state toxics
37 control account.~~

1 (6) No moneys deposited into either the state or local toxics
2 control account may be used for solid waste incinerator feasibility
3 studies, construction, maintenance, or operation.

4 (7) The department shall adopt rules for grant or loan issuance and
5 performance.

6 **Sec. 29.** RCW 82.19.040 and 2001 c 118 s 6 are each amended to read
7 as follows:

8 (1) To the extent applicable, all of the definitions of chapter
9 82.04 RCW and all of the provisions of chapter 82.32 RCW apply to the
10 tax imposed in this chapter.

11 (2) Eighty percent of the taxes collected under this chapter shall
12 be deposited in the ((~~waste reduction, recycling, and litter control~~
13 account under RCW 70.93.180)) state toxics control account and twenty
14 percent of the taxes collected under this chapter shall be deposited
15 into the local toxics control account.

16 NEW SECTION. **Sec. 30.** The following acts or parts of acts are
17 each repealed:

18 (1) RCW 43.21K.170 (Environmental excellence account) and 1997 c
19 381 s 32;

20 (2) RCW 77.44.050 (Warm water game fish account--Created--Use of
21 moneys) and 1999 c 235 s 1 & 1996 c 222 s 5;

22 (3) RCW 77.85.170 (Salmon recovery account) and 1999 sp.s. c 13 s
23 16; and

24 (4) RCW 77.95.130 (Regional fisheries enhancement salmonid recovery
25 account--Created) and 1997 c 389 s 3.

26 NEW SECTION. **Sec. 31.** The following acts or parts of acts are
27 each repealed:

28 (1) RCW 77.70.320 (Coastal crab account--Created--Revenues--
29 Expenditures) and 2000 c 107 s 79, 1997 c 418 s 4, & 1994 c 260 s 6;
30 and

31 (2) RCW 77.70.330 (Coastal crab account expenditures--Management of
32 coastal crab resource) and 1994 c 260 s 8.

33 NEW SECTION. **Sec. 32.** RCW 70.93.180 (Waste reduction, recycling,

1 and litter control account--Distribution) and 1998 c 257 s 5, 1992 c
2 175 s 8, 1991 sp.s. c 13 s 40, 1985 c 57 s 68, 1983 c 277 s 3, & 1971
3 ex.s. c 307 s 18 are each repealed.

--- END ---