
SENATE BILL 5382

State of Washington **55th Legislature** **1997 Regular Session**

By Senators Swecker, Rasmussen, Rossi, Hargrove and Strannigan

Read first time 01/24/97. Referred to Committee on Ways & Means.

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

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

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

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

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

1 actions, from the owner or person responsible, under RCW 76.04.660
2 shall be deposited in the landowner contingency forest fire suppression
3 account.

4 When a determination is made that the fire was started by other
5 than a landowner operation, moneys expended from this account in the
6 suppression of such fire shall be recovered from the general fund
7 appropriations as may be available for emergency fire suppression
8 costs. The department shall deposit in the landowner contingency
9 forest fire suppression account moneys paid out of the account which
10 are later recovered, less reasonable costs of recovery.

11 This account shall be established and renewed by an annual special
12 forest fire suppression account assessment paid by participating
13 landowners at a rate to be established by the department. In
14 establishing assessments, the department shall seek to establish and
15 thereafter reestablish a balance in the account of three million
16 dollars including earnings credited to the account under RCW 43.84.092.
17 The department may establish a flat fee assessment of no more than
18 seven dollars and fifty cents for participating landowners owning
19 parcels of fifty acres or less. For participating landowners owning
20 parcels larger than fifty acres, the department may charge the flat fee
21 assessment plus a per acre assessment for every acre over fifty acres.
22 The per acre assessment established by the department may not exceed
23 fifteen cents per acre per year. The assessments may differ to
24 equitably distribute the assessment based on emergency fire suppression
25 cost experience necessitated by landowner operations. Amounts assessed
26 for this account shall be a lien upon the forest lands with respect to
27 which the assessment is made and may be collected as directed by the
28 department in the same manner as forest protection assessments.
29 Payment of emergency costs from this account shall in no way restrict
30 the right of the department to recover costs pursuant to RCW 76.04.495
31 or other laws.

32 When the department determines that a forest fire was started in
33 the course of or as a result of a landowner operation, it shall notify
34 the forest fire advisory board of the determination. The determination
35 shall be final, unless, within ninety days of the notification, the
36 forest fire advisory board or an interested party serves a request for
37 a hearing before the department. The hearing shall constitute an
38 adjudicative proceeding under chapter 34.05 RCW, the administrative

1 procedure act, and an appeal shall be in accordance with RCW 34.05.510
2 through 34.05.598.

3 **Sec. 2.** RCW 43.84.092 and 1996 c 262 s 4 are each amended to read
4 as follows:

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

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

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

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

35 (a) The following accounts and funds shall receive their
36 proportionate share of earnings based upon each account's and fund's
37 average daily balance for the period: The capitol building
38 construction account, the Cedar River channel construction and

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

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

10 (b) The following accounts and funds shall receive eighty percent
11 of their proportionate share of earnings based upon each account's or
12 fund's average daily balance for the period: The aeronautics account,
13 the aircraft search and rescue account, the central Puget Sound public
14 transportation account, the city hardship assistance account, the
15 county arterial preservation account, the department of licensing
16 services account, the economic development account, the essential rail
17 assistance account, the essential rail banking account, the ferry bond
18 retirement fund, the gasohol exemption holding account, the grade
19 crossing protective fund, the high capacity transportation account, the
20 highway bond retirement fund, the highway construction stabilization
21 account, the highway safety account, the marine operating fund, the
22 motor vehicle fund, the motorcycle safety education account, the
23 pilotage account, the public transportation systems account, the Puget
24 Sound capital construction account, the Puget Sound ferry operations
25 account, the recreational vehicle account, the rural arterial trust
26 account, the safety and education account, the small city account, the
27 special category C account, the state patrol highway account, the
28 transfer relief account, the transportation capital facilities account,
29 the transportation equipment fund, the transportation fund, the
30 transportation improvement account, the transportation revolving loan
31 account, and the urban arterial trust account.

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

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