
SUBSTITUTE HOUSE BILL 1313

State of Washington

62nd Legislature

2012 Regular Session

By House General Government Appropriations & Oversight (originally sponsored by Representatives Green, Sells, Reykdal, Morris, and Kirby)

READ FIRST TIME 02/06/12.

1 AN ACT Relating to soil and wetland scientists; amending RCW
2 18.235.020 and 43.24.150; adding a new chapter to Title 18 RCW;
3 creating a new section; and providing effective dates.

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

5 NEW SECTION. **Sec. 1.** The legislature intends to regulate soil
6 science and wetland science as professions by establishing minimum
7 standards of ethical conduct and professional responsibility and by
8 establishing professional education and experience requirements for
9 those persons representing to the public that they are soil scientists
10 or wetland scientists certified by the state. Nothing in this chapter
11 prevents uncertified soil scientists or uncertified wetland scientists
12 from conducting their normal work and activities, as long as they do
13 not use the regulated title defined in this chapter. Nothing in this
14 chapter prevents other professionals in related agriculture, earth and
15 physical sciences from performing their normal and customary work and
16 activities as long as they do not use the regulated title defined in
17 this chapter. This list of other professionals includes, but is not
18 limited to: Engineers, geologists, surveyors, geotechnical

1 professionals, architects, landscape architects, foresters,
2 agronomists, farmers, ranchers, biologists, planners, and environmental
3 professionals.

4 NEW SECTION. **Sec. 2.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Board" means the regulatory board created in section 5 of this
7 act.

8 (2) "Department" means the department of licensing.

9 (3) "Director" means the director of the department of licensing.

10 (4) "Holder" means a person who has been issued a certificate under
11 this chapter.

12 (5) "Responsible charge" means the exercise of fully independent
13 control and direction of soil science or wetland science work, or both,
14 or the supervision of the work, and being fully responsible,
15 answerable, accountable, or liable for the results.

16 (6) "Soil" means a living ecosystem that is composed of living and
17 once-living organic materials combined with inorganic mineral materials
18 derived from the break down and weathering of rocks at the earth's
19 surface. Soil develops as a result of weathering processes that
20 reflect effects of climate, topography or position on landscape, and
21 biogeochemical processes acting on the original parent material over
22 time. These changes occur as a result of the four agents of soil
23 formation: Additions, losses, translocations, and transformations.
24 Soil extends from the surface of the earth down to undifferentiated or
25 unweathered parent material.

26 (7)(a) "Soil science" means the science that:

27 (i) Involves the study of various aspects of the living soil
28 ecosystem and includes the following focused subject areas:

29 (A) Soil physics;

30 (B) Soil chemistry and mineralogy;

31 (C) Soil biochemistry;

32 (D) Soil fertility; and

33 (E) Soil genesis, soil geomorphology, and classification; and

34 (ii) Can be used to provide information for projects including, but
35 not limited to, the following:

36 (A) Management of water quantity by calculating hydraulic

1 conductivity and utilizing or monitoring near-surface infiltration and
2 percolation capabilities on a soil-specific basis;

3 (B) Treatment of polluted water using soil microbial populations
4 working in concert with natural soil chemistry and mineralogy;

5 (C) Treatment of polluted soils using soil biochemical and physical
6 applications;

7 (D) Preparation of soil erosion control plans, or evaluation of
8 soil erosion potential;

9 (E) Interpretation of soil morphology or hydrology that indicates
10 a wetland condition;

11 (F) Conservation, protection, and enhancement of soil carbon
12 sequestration and storage processes for the purposes of reducing carbon
13 dioxide and other greenhouse gases; and

14 (G) Preparation of detailed soil maps that can be used for
15 site-specific soil management, such as erosion control plans.

16 (b) "Soil science" does not describe a state-regulated practice,
17 and does not mean the study, description, amelioration, or engineering
18 of unconsolidated materials above bedrock as defined in traditional
19 practice of geologists, engineers, and foresters. Soil science
20 specifically does not include practice of soil mechanics or the
21 evaluation of mass wasting or landslide processes with the exception of
22 studies involved with surface soil erosion and standard soil physics
23 processes.

24 (8) "State certified soil scientist" means a person who, by reason
25 of the person's knowledge of soil science, mathematics, the
26 environment, and the supporting physical and life sciences, acquired by
27 education and practical experience, has met the qualifications
28 established under this chapter, and has been issued a certificate as a
29 soil scientist by the director.

30 (9) "State certified wetland scientist" means a person who, by
31 reason of the person's knowledge of wetland science, mathematics, the
32 environment, and the supporting physical and life sciences, acquired by
33 education and practical experience, has met the qualifications
34 established under this chapter, and has been issued a certificate as a
35 wetland scientist by the director.

36 (10) "Wetland" has the same meaning as in RCW 36.70A.030.

37 (11)(a) "Wetland science" means the science that:

1 (i) Studies wetland systems and includes, but is not limited to,
2 the following focused subject areas:

3 (A) Wetland delineation, which is the formal identification and
4 flagging of the wetland edge on the land surface;

5 (B) Wetland mitigation, which provides compensation to offset
6 wetland or wetland buffer losses as required by federal, state, or
7 local regulations;

8 (C) Wetland classification, which defines and groups wetlands into
9 discrete ecologically or geomorphically based units which are used to
10 create management plans or to rate wetlands;

11 (D) Wetland rating, which is used to evaluate a wetland's quality
12 based on individual functions and values;

13 (E) Wetland monitoring, including vegetation, soil sampling, and
14 near-surface hydrology monitoring; and

15 (F) Wetland ecology, which evaluates the interrelationship of
16 organisms and their wetland environments; and

17 (ii) Can be used to provide information for projects including, but
18 not limited to, the following:

19 (A) Providing assistance with defining developable portions of a
20 property, based on local regulations, as might be limited by wetland or
21 stream presence and their related buffers; or

22 (B) Assessing wetland type or functions for purposes of identifying
23 compensation or mitigation; or

24 (C) Carrying out long-term wetland monitoring programs, intended to
25 define whether an implemented mitigation plan has met specified permit
26 requirements and conditions established by local, state, or federal
27 government officials.

28 (b) "Wetland science" does not describe a state-regulated practice,
29 and does not mean the study, description, and amelioration of wetlands
30 as is specifically defined or carried out in traditional practice of
31 geologists, engineers, and foresters.

32 NEW SECTION. **Sec. 3.** (1) Except as provided in subsection (2) of
33 this section, it is unlawful for a person to use in connection with the
34 person's name or otherwise assume or advertise the title state
35 certified soil scientist or state certified wetland scientist unless
36 the person has received the appropriate certification under this
37 chapter.

1 (2) Subsection (1) of this section may not be interpreted to apply
2 to:

3 (a) Officers and employees of the United States using the title of
4 certified soil scientist or certified wetland scientist solely as such
5 officers or employees;

6 (b) Persons using the title of certified soil scientist or
7 certified wetland scientist on manuscripts or reports resulting from
8 research at an academic institution; and

9 (c) Persons using the title of certified soil scientist or
10 certified wetland scientist while teaching soil science or wetland
11 science or related physical or natural sciences in an academic
12 institution.

13 NEW SECTION. **Sec. 4.** Whether a person or entity retains the
14 services of persons certified under this chapter to provide analysis or
15 advice on soil science or wetland science is not admissible in an
16 action for damages or negligence nor is it evidence of noncompliance in
17 any action by state, local, or federal governments to enforce an order
18 or regulation.

19 NEW SECTION. **Sec. 5.** (1)(a) There is created a board for soil
20 scientists and wetland scientists consisting of seven members appointed
21 by the director.

22 (b) Three members must be conversant with and experienced in the
23 soil science profession; three members must be conversant with and
24 experienced in the wetland science profession; and one member must
25 represent the public. Subsequent to the initial appointments, all
26 members except for the public member must be certified under this
27 chapter. Each member of the board must be a resident of the state.
28 The public member may not be or may not have ever been a state
29 certified soil scientist or a state certified wetland scientist and may
30 not employ or may not be employed by, or professionally or financially
31 associated with, a state certified soil scientist or state certified
32 wetland scientist.

33 (c) The director shall deliver a certificate of appointment to each
34 member of the board. The individuals appointed to the board must be
35 chosen from across the state, and from both public and private sectors,
36 utilizing geographic and experiential diversity as much as possible.

1 The terms of the members of the board must be three years, except that
2 the initial appointees to the board shall serve the following terms to
3 be specified by the director: Two members for one year; two members
4 for two years; and three members for three years. No member of the
5 board is eligible for reappointment to a third consecutive term, but
6 any member is eligible for reappointment after an absence of at least
7 one year from the board. Any member who is reappointed following an
8 absence of at least one year from the board is eligible for
9 reappointment to a second consecutive term and is again eligible for
10 reappointment after an absence of at least one year from the board. No
11 member of the board, other than the public member, may be considered
12 for reappointment if not certified in accordance with this chapter.

13 (2)(a) Members of the board serve until replaced by a subsequent
14 appointment, even if their appointment exceeds the length of their
15 term, but may resign prior to completing the term of appointment.

16 (b) The director may for just cause remove a member of the
17 regulatory board. The director shall appoint a new member to fill any
18 vacancy in the regulatory board for the remainder of the unexpired
19 term.

20 (3) The board shall elect a chair, a vice-chair, and a secretary.
21 The secretary may delegate his or her authority to the executive
22 director.

23 (4) The director shall employ an executive director, subject to
24 approval of the board.

25 (5) Members of the board must be compensated in accordance with RCW
26 43.03.240 and must be reimbursed for travel expenses in accordance with
27 RCW 43.03.050 and 43.03.060.

28 (6) Four members constitute a quorum of the board.

29 (7) At the request of the board, the director may appoint
30 additional temporary members to the board for assistance with rule
31 development and technical advice on complaints. Temporary members must
32 meet the same minimum qualifications as regular members of the board.
33 Temporary members have all the powers, duties, and immunities of
34 regular members of the board and must be compensated in accordance with
35 RCW 43.03.240 and must be reimbursed for travel expenses in accordance
36 with RCW 43.03.050 and 43.03.060. The director shall limit the term of
37 temporary members to one year, but may extend the original appointment
38 up to one additional year at the request of the board.

1 NEW SECTION. **Sec. 6.** The board has the following authority in
2 administering this chapter:

3 (1) To adopt, amend, and rescind rules as deemed necessary to carry
4 out this chapter;

5 (2) To establish the minimum qualification for applicants for
6 certification as provided by this chapter;

7 (3) To approve the method of administration for examinations
8 required by this chapter or by rule;

9 (4) To adopt or recognize examinations prepared by other
10 organizations;

11 (5) To set the time and place of examinations, with the approval of
12 the director;

13 (6) To adopt standards of professional conduct and practice. Rules
14 of professional conduct will be consistent with those outlined for
15 similarly regulated professions; and

16 (7) To take disciplinary action for violations of this chapter, as
17 provided in chapter 18.235 RCW.

18 NEW SECTION. **Sec. 7.** The director has the following authority in
19 administering this chapter:

20 (1) To adopt fees as provided in RCW 43.24.086;

21 (2) To administer certification examinations approved by the board;
22 and

23 (3) To make appointments or modify appointments to the board.

24 NEW SECTION. **Sec. 8.** (1) An applicant who applies for soil
25 scientist certification or wetland scientist certification before July
26 1, 2014, is considered qualified for certification, without further
27 written examination, if the applicant meets the standards described in
28 subsections (2)(a) and (3) of this section for soil scientists and
29 subsections (2)(a) and (4) of this section for wetland scientists.
30 After July 1, 2014, the applicants must meet all of the standards
31 described in subsections (2) and (3) of this section for soil
32 scientists and subsections (2) and (4) of this section for wetland
33 scientists in order to qualify for certification.

34 (2) In order to become either a state certified soil scientist or
35 a state certified wetland scientist, an applicant must:

1 (a) Be of good moral and ethical character as attested to by
2 letters of reference submitted by the applicant or as otherwise
3 determined by the director; and

4 (b) Pass an examination developed or accepted by the board covering
5 soil science subject matter for the soil scientist applicant or wetland
6 science subject matter for the wetland scientist applicant.

7 (3) For a Washington state certified soil scientist, an applicant
8 must:

9 (a) Have graduated from a course of study from an accredited
10 college or university with a four-year degree in soil science, or other
11 physical, or natural resources science curriculum considered
12 satisfactory to the board; and

13 (b) Have a documented record of a minimum of five years of
14 experience, obtained after completion of the majority of the academic
15 requirements specified in this section, in soil science work of a
16 character satisfactory to the board, demonstrating that the applicant
17 is qualified to assume responsible charge of the work upon
18 certification as a soil scientist. At least two years of the
19 experience must be gained under the supervision of a soil scientist
20 certified or credentialed in this or any other state, or under the
21 supervision of others who, in the opinion of the board, are qualified
22 to have responsible charge of soil science work. The board may accept
23 up to two years of postgraduate study, either M.S. or Ph.D., in soil
24 science research, or up to two years of research or teaching of soil
25 science at the college or university level, as qualifying experience,
26 provided that the graduate work, research or teaching, in the judgment
27 of the board, is comparable to experience obtained in the practice of
28 soil science.

29 (4) For a wetland scientist, the applicant must:

30 (a) Have graduated from a course of study from an accredited
31 college or university with a four-year degree in wetland science,
32 biology, ecology, soil science, environmental science, hydrology,
33 environmental studies, landscape architecture, or other biological,
34 physical, or natural resources science curriculums considered
35 satisfactory to the board. Other qualifying education or training may
36 be accepted in lieu of a four-year degree, including continuing
37 education classes or formal training in wetland science outside of a

1 college environment if the training is reviewed and considered
2 satisfactory to the board; and

3 (b) Have a documented record of a minimum of five years of
4 professional experience obtained after completion of the majority of
5 academic requirements specified in this section, in wetland science
6 work of a character satisfactory to the board, demonstrating that the
7 applicant is qualified to assume responsible charge of the work upon
8 certification as a wetland scientist. At least two years of the
9 experience must be gained under the supervision of a wetland scientist
10 certified or credentialed in this or any other state, or under the
11 supervision of others who, in the opinion of the board, are qualified
12 to have responsible charge of wetland science work. The board may
13 accept up to two years of postgraduate study, either M.S. or Ph.D., in
14 wetland science research, or up to two years of research or teaching of
15 wetland science at the college or university level, as qualifying
16 experience, provided that the graduate work, research or teaching, in
17 the judgment of the board, is comparable to experience obtained in the
18 practice of wetland science.

19 NEW SECTION. **Sec. 9.** (1) The examination for a soil scientist's
20 certificate or a wetland scientist's certificate shall be held at least
21 annually at such time and place as the board determines.

22 (2) The board shall determine the content, scope, and grading
23 process of the examination. The board may adopt an appropriate
24 national examination and grading procedure.

25 (3) Applicants who fail to pass any section of the examination
26 shall be permitted to retake the parts failed as prescribed by the
27 board. If the entire examination is not successfully completed within
28 five years, a retake of the entire examination shall be required.

29 NEW SECTION. **Sec. 10.** An application for certification must be
30 filed with the director on a form provided by the director. The
31 director may require any information and documentation that reasonably
32 relates to the need to determine whether the applicant meets the
33 criteria for certification. Fees for initial certification include
34 issuance of a certificate and are nonrefundable.

1 NEW SECTION. **Sec. 11.** (1) The director shall issue a certificate
2 to any applicant who has satisfactorily met all of the requirements of
3 this chapter for certification as a soil scientist or wetland
4 scientist. The certificate must show the full name of the holder, have
5 a unique certification number, and be signed by the director. The
6 issuance by the director of a certificate to an individual is prima
7 facie evidence that the person is entitled to all the rights and
8 privileges of a state certified soil scientist or a state certified
9 wetland scientist while the certificate remains unrevoked or unexpired.

10 (2) Each holder must obtain a seal of the design authorized by the
11 director, bearing the holder's name, certification number, and the
12 legend "Washington state certified soil scientist" or "Washington state
13 certified wetland scientist." Soil science or wetland science reports,
14 plans, and other technical documents prepared by or under the
15 responsible charge of the holder must be signed, dated, and stamped
16 with the seal or facsimile of the seal. Each signature and stamping
17 constitutes a certification by the holder that the document was
18 prepared by or under the holder's responsible charge and that, to the
19 holder's knowledge and belief, the document was prepared in accordance
20 with the requirements of this chapter.

21 NEW SECTION. **Sec. 12.** The director may, upon application and
22 payment of a fee determined by the director as provided in RCW
23 43.24.086, issue a certificate to any person who holds valid
24 credentials issued by the proper authority of any state, territory, or
25 possession of the United States, District of Columbia, or any foreign
26 country, if the applicant's qualifications, as evaluated by the board,
27 meet the requirements of this chapter and the rules adopted by the
28 board.

29 NEW SECTION. **Sec. 13.** The board shall require persons certified
30 under this chapter to obtain continuing professional development or
31 continuing education. The board may also require these certificate
32 holders to demonstrate maintenance of knowledge and skills as a
33 condition of certificate renewal, including peer review of work
34 products.

1 NEW SECTION. **Sec. 14.** Certificates issued under this chapter must
2 be renewed periodically on a date to be set by the director. Fees for
3 renewals must be set by the director by rule as provided in RCW
4 43.24.086. Any holder who fails to pay the prescribed fee must have
5 his or her certificate classified as delinquent. Certificate holders
6 who fail to pay the renewal fee within thirty days of the due date
7 shall pay a penalty fee equal to one year's renewal. Any certificate
8 that has been delinquent for five years or more may be reinstated in
9 conformance with rules adopted by the board.

10 NEW SECTION. **Sec. 15.** All receipts from fees and fines collected
11 under this chapter must be deposited into the business and professions
12 account described in RCW 43.24.150. Expenditures from the fees and
13 fines collected under this chapter deposited in the account may be used
14 only for the purposes of administering this chapter.

15 NEW SECTION. **Sec. 16.** In addition to the unprofessional conduct
16 described in RCW 18.235.130, the following conduct, acts, and
17 conditions constitute unprofessional conduct:

18 (1) Violating any of the provisions of this chapter or the rules
19 adopted under this chapter;

20 (2) Committing any other act, or failing to act, in a manner
21 contrary to normal professional conduct or contrary to a standard
22 generally expected of those practicing soil science or wetland science;

23 (3) Failing to respond to inquiries from clients or other
24 professionals regarding conflicts with the holder's work, opinions, or
25 procedures, in a manner that would be expected from a prudent
26 practitioner;

27 (4) Modifying another holder's work without notifying that holder
28 and clearly describing the modifications in writing and signing the
29 report describing the modifications. However, this subsection does not
30 apply when the plans, maps, or documents are modified by the owner to
31 reflect changes over time for the owner's own purposes and are not used
32 for submittals or bid documents;

33 (5) Offering or accepting money, goods, or other favors as
34 inducement to receive favorable consideration for a professional
35 assignment or as an inducement to approve, authorize, or influence the
36 granting of a professional assignment;

1 (6) Soliciting or accepting gratuities, directly or indirectly,
2 from contractors, their agents, or other parties dealing with clients
3 or employers in connection with work for which the holder is
4 responsible;

5 (7) Using privileged information coming to the holder in the course
6 of his or her assignments as a means of making personal profit beyond
7 their professional compensation;

8 (8) Requesting, proposing, or accepting professional commissions on
9 a contingent basis under circumstances in which the holder's integrity
10 may be compromised;

11 (9) Falsifying records, making false statements, intimidating or
12 slandering professional peers;

13 (10) Willfully attempting to interfere with a director's
14 investigation by falsifying records, making false statements, or
15 intimidating or influencing witnesses; or

16 (11) Willfully attempting to suborn another person to violate the
17 law, public policy, or his or her code of professional ethics.

18 NEW SECTION. **Sec. 17.** The director shall immediately suspend the
19 certificate of a person who has been certified pursuant to RCW
20 74.20A.320 by the department of social and health services as a person
21 who is not in compliance with a child support order. If the person has
22 continued to meet all other requirements for a certificate under this
23 chapter during the suspension, reissuance of the certificate must be
24 automatic upon the director's receipt of a release issued by the
25 department of social and health services stating that the holder is in
26 compliance with the child support order. The procedure in RCW
27 74.20A.320 is the exclusive administrative remedy for contesting the
28 establishment of noncompliance with a child support order, and
29 suspension of a certificate under this section, and satisfies the
30 requirements of RCW 34.05.422.

31 NEW SECTION. **Sec. 18.** The director shall suspend the certificate
32 or registration of any person who has been certified by a lending
33 agency and reported to the department for nonpayment or default on a
34 federally or state-guaranteed educational loan or service-conditional
35 scholarship. Prior to the suspension, the agency must provide the
36 person an opportunity for a brief adjudicative proceeding under RCW

1 34.05.485 through 34.05.494 and issue a finding of nonpayment or
2 default on a federally or state-guaranteed educational loan or
3 service-conditional scholarship. The person's certificate or
4 registration may not be reissued until the person provides the director
5 a written release issued by the lending agency stating that the person
6 is making payments on the loan in accordance with a repayment agreement
7 approved by the lending agency. If the person has continued to meet
8 all other requirements for certification or registration during the
9 suspension, reinstatement is automatic upon receipt of the notice and
10 payment of any reinstatement fee the director may impose.

11 NEW SECTION. **Sec. 19.** The uniform regulation of business and
12 professions act, chapter 18.235 RCW, governs the issuance and denial of
13 certificates, and the discipline of holders under this chapter.

14 **Sec. 20.** RCW 18.235.020 and 2010 c 179 s 18 are each amended to
15 read as follows:

16 (1) This chapter applies only to the director and the boards and
17 commissions having jurisdiction in relation to the businesses and
18 professions licensed under the chapters specified in this section.
19 This chapter does not apply to any business or profession not licensed
20 under the chapters specified in this section.

21 (2)(a) The director has authority under this chapter in relation to
22 the following businesses and professions:

23 (i) Auctioneers under chapter 18.11 RCW;

24 (ii) Bail bond agents and bail bond recovery agents under chapter
25 18.185 RCW;

26 (iii) Camping resorts' operators and salespersons under chapter
27 19.105 RCW;

28 (iv) Commercial telephone solicitors under chapter 19.158 RCW;

29 (v) Cosmetologists, barbers, manicurists, and estheticians under
30 chapter 18.16 RCW;

31 (vi) Court reporters under chapter 18.145 RCW;

32 (vii) Driver training schools and instructors under chapter 46.82
33 RCW;

34 (viii) Employment agencies under chapter 19.31 RCW;

35 (ix) For hire vehicle operators under chapter 46.72 RCW;

36 (x) Limousines under chapter 46.72A RCW;

- 1 (xi) Notaries public under chapter 42.44 RCW;
2 (xii) Private investigators under chapter 18.165 RCW;
3 (xiii) Professional boxing, martial arts, and wrestling under
4 chapter 67.08 RCW;
5 (xiv) Real estate appraisers under chapter 18.140 RCW;
6 (xv) Real estate brokers and salespersons under chapters 18.85 and
7 18.86 RCW;
8 (xvi) Security guards under chapter 18.170 RCW;
9 (xvii) Sellers of travel under chapter 19.138 RCW;
10 (xviii) Timeshares and timeshare salespersons under chapter 64.36
11 RCW;
12 (xix) Whitewater river outfitters under chapter 79A.60 RCW;
13 (xx) Home inspectors under chapter 18.280 RCW;
14 (xxi) Body artists, body piercers, and tattoo artists, and body
15 art, body piercing, and tattooing shops and businesses, under chapter
16 18.300 RCW; and
17 (xxii) Appraisal management companies under chapter 18.310 RCW.
18 (b) The boards and commissions having authority under this chapter
19 are as follows:
20 (i) The state board (~~(of registration)~~) for architects established
21 in chapter 18.08 RCW;
22 (ii) The Washington state collection agency board established in
23 chapter 19.16 RCW;
24 (iii) The state board of registration for professional engineers
25 and land surveyors established in chapter 18.43 RCW governing licenses
26 issued under chapters 18.43 and 18.210 RCW;
27 (iv) The funeral and cemetery board established in chapter 18.39
28 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;
29 (v) The state board of licensure for landscape architects
30 established in chapter 18.96 RCW; (~~and~~)
31 (vi) The state geologist licensing board established in chapter
32 18.220 RCW; and
33 (vii) The state board of soil scientists and wetland scientists
34 established in chapter 18.--- RCW (the new chapter created in section
35 23 of this act).

36 (3) In addition to the authority to discipline license holders, the
37 disciplinary authority may grant or deny licenses based on the
38 conditions and criteria established in this chapter and the chapters

1 specified in subsection (2) of this section. This chapter also governs
2 any investigation, hearing, or proceeding relating to denial of
3 licensure or issuance of a license conditioned on the applicant's
4 compliance with an order entered under RCW 18.235.110 by the
5 disciplinary authority.

6 **Sec. 21.** RCW 43.24.150 and 2011 c 298 s 25 are each amended to
7 read as follows:

8 (1) The business and professions account is created in the state
9 treasury. All receipts from business or professional licenses,
10 registrations, certifications, renewals, examinations, or civil
11 penalties assessed and collected by the department from the following
12 chapters must be deposited into the account:

- 13 (a) Chapter 18.11 RCW, auctioneers;
- 14 (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
- 15 (c) Chapter 18.145 RCW, court reporters;
- 16 (d) Chapter 18.165 RCW, private investigators;
- 17 (e) Chapter 18.170 RCW, security guards;
- 18 (f) Chapter 18.185 RCW, bail bond agents;
- 19 (g) Chapter 18.280 RCW, home inspectors;
- 20 (h) Chapter 19.16 RCW, collection agencies;
- 21 (i) Chapter 19.31 RCW, employment agencies;
- 22 (j) Chapter 19.105 RCW, camping resorts;
- 23 (k) Chapter 19.138 RCW, sellers of travel;
- 24 (l) Chapter 42.44 RCW, notaries public;
- 25 (m) Chapter 64.36 RCW, timeshares;
- 26 (n) Chapter 67.08 RCW, boxing, martial arts, and wrestling;
- 27 (o) Chapter 18.300 RCW, body art, body piercing, and tattooing;
- 28 (p) Chapter 79A.60 RCW, whitewater river outfitters; ~~((and))~~
- 29 (q) Chapter 19.158 RCW, commercial telephone solicitation; and
- 30 (r) Chapter 18.--- RCW (the new chapter created in section 23 of
31 this act), soil scientists and wetland scientists.

32 Moneys in the account may be spent only after appropriation.
33 Expenditures from the account may be used only for expenses incurred in
34 carrying out these business and professions licensing activities of the
35 department. Any residue in the account must be accumulated and may not
36 revert to the general fund at the end of the biennium.

1 (2) The director must biennially prepare a budget request based on
2 the anticipated costs of administering the business and professions
3 licensing activities listed in subsection (1) of this section, which
4 must include the estimated income from these business and professions
5 fees.

6 NEW SECTION. **Sec. 22.** If any provision of this act or its
7 application to any person or circumstance is held invalid, the
8 remainder of the act or the application of the provision to other
9 persons or circumstances is not affected.

10 NEW SECTION. **Sec. 23.** Sections 1 through 19 of this act
11 constitute a new chapter in Title 18 RCW.

12 NEW SECTION. **Sec. 24.** Sections 1, 2, 4 through 10, 15, and 20
13 through 22 of this act take effect July 1, 2012.

14 NEW SECTION. **Sec. 25.** Sections 3, 11 through 14, and 16 through
15 19 of this act take effect July 1, 2014.

16 NEW SECTION. **Sec. 26.** The director of the department of licensing
17 may take the necessary steps to ensure that sections 3, 10 through 13,
18 and 15 through 19 of this act are implemented by July 1, 2014.

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