
SECOND SUBSTITUTE HOUSE BILL 1897

State of Washington 58th Legislature 2004 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Kenney, Chandler, Conway and Condotta)

READ FIRST TIME 02/06/04.

1 AN ACT Relating to real estate appraisers; amending RCW 18.140.005,
2 18.140.010, 18.140.020, 18.140.030, 18.140.060, 18.140.070, 18.140.100,
3 18.140.110, 18.140.120, 18.140.130, 18.140.140, 18.140.150, 18.140.155,
4 18.140.160, 18.140.170, 18.140.200, 18.140.202, 18.140.220, and
5 18.140.260; reenacting and amending RCW 43.84.092 and 43.84.092; adding
6 a new section to chapter 18.140 RCW; providing effective dates;
7 providing an expiration date; and declaring an emergency.

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

9 **Sec. 1.** RCW 18.140.005 and 1996 c 182 s 1 are each amended to read
10 as follows:

11 (1) It is the intent of the legislature that only individuals who
12 meet and maintain minimum standards of competence and conduct
13 established under this chapter for certified ~~((or))~~, licensed, or
14 registered real estate appraisers may provide real estate appraisal
15 services to the public.

16 (2) It is the further intent of the legislature to provide for the
17 proper supervision and training of new entrants to the appraiser
18 profession through the implementation of the state-registered appraiser
19 trainee classification.

1 **Sec. 2.** RCW 18.140.010 and 2000 c 249 s 1 are each amended to read
2 as follows:

3 (~~As used in this chapter,~~) The (~~following terms have the~~
4 ~~meanings indicated~~) definitions in this section apply throughout this
5 chapter unless the context clearly requires otherwise.

6 (1) "Appraisal" means the act or process of estimating value; an
7 estimate of value; or of or pertaining to appraising and related
8 functions.

9 (2) "Appraisal report" means any communication, written or oral, of
10 an appraisal, review, or consulting service in accordance with the
11 standards of professional conduct or practice, adopted by the director,
12 that is transmitted to the client upon completion of an assignment.

13 (3) "Appraisal assignment" means an engagement for which an
14 appraiser is employed or retained to act, or would be perceived by
15 third parties or the public as acting, as a disinterested third party
16 in rendering an unbiased analysis, opinion, or conclusion relating to
17 the value of specified interests in, or aspects of, identified real
18 estate. The term "appraisal assignment" may apply to valuation work
19 and analysis work.

20 (4) "Brokers price opinion" means an oral or written report of
21 property value that is prepared by a real estate broker or salesperson
22 licensed under chapter 18.85 RCW.

23 (5) "Certified appraisal" means an appraisal prepared or signed by
24 a state-certified real estate appraiser. A certified appraisal
25 represents to the public that it meets the appraisal standards defined
26 in this chapter.

27 (6) "Client" means any party for whom an appraiser performs a
28 service.

29 (7) "Commission" means the real estate appraiser commission of the
30 state of Washington.

31 (8) "Comparative market analysis" means a brokers price opinion.

32 (9) "Department" means the department of licensing.

33 (10) "Director" means the director of the department of licensing.

34 (11) "Expert review appraiser" means a state-certified or state-
35 licensed real estate appraiser chosen by the director for the purpose
36 of providing appraisal review assistance to the director.

37 (12) "Federal department" means an executive department of the

1 United States of America specifically concerned with housing finance
2 issues, such as the department of housing and urban development, the
3 department of veterans affairs, or their legal federal successors.

4 (13) "Federal financial institutions regulatory agency" means the
5 board of governors of the federal reserve system, the federal deposit
6 insurance corporation, the office of the comptroller of the currency,
7 the office of thrift supervision, the national credit union
8 administration, their successors and/or such other agencies as may be
9 named in future amendments to 12 U.S.C. Sec. 3350(6).

10 (14) "Federal secondary mortgage marketing agency" means the
11 federal national mortgage association, the government national mortgage
12 association, the federal home loan mortgage corporation, their
13 successors and/or such other similarly functioning housing finance
14 agencies as may be federally chartered in the future.

15 (15) "Federally related transaction" means any real estate-related
16 financial transaction that the federal financial institutions
17 regulatory agency or the resolution trust corporation engages in,
18 contracts for, or regulates; and that requires the services of an
19 appraiser.

20 (16) "Financial institution" means any person doing business under
21 the laws of this state or the United States relating to banks, bank
22 holding companies, savings banks, trust companies, savings and loan
23 associations, credit unions, consumer loan companies, and the
24 affiliates, subsidiaries, and service corporations thereof.

25 (17) "Licensed appraisal" means an appraisal prepared or signed by
26 a state-licensed real estate appraiser. A licensed appraisal
27 represents to the public that it meets the appraisal standards defined
28 in this chapter.

29 (18) "Mortgage broker" for the purpose of this chapter means a
30 mortgage broker licensed under chapter 19.146 RCW, any mortgage broker
31 approved and subject to audit by the federal national mortgage
32 association, the government national mortgage association, or the
33 federal home loan mortgage corporation as provided in RCW 19.146.020,
34 any mortgage broker approved by the United States secretary of housing
35 and urban development for participation in any mortgage insurance under
36 the national housing act, 12 U.S.C. Sec. 1201, and the affiliates,
37 subsidiaries, and service corporations thereof.

1 (19) "Real estate" means an identified parcel or tract of land,
2 including improvements, if any.

3 (20) "Real estate-related financial transaction" means any
4 transaction involving:

5 (a) The sale, lease, purchase, investment in, or exchange of real
6 property, including interests in property, or the financing thereof;

7 (b) The refinancing of real property or interests in real property;
8 and

9 (c) The use of real property or interests in property as security
10 for a loan or investment, including mortgage-backed securities.

11 (21) "Real property" means one or more defined interests, benefits,
12 or rights inherent in the ownership of real estate.

13 (22) "Review" means the act or process of critically studying an
14 appraisal report prepared by another.

15 (23) "Specialized appraisal services" means all appraisal services
16 which do not fall within the definition of appraisal assignment. The
17 term "specialized appraisal service" may apply to valuation work and to
18 analysis work. Regardless of the intention of the client or employer,
19 if the appraiser would be perceived by third parties or the public as
20 acting as a disinterested third party in rendering an unbiased
21 analysis, opinion, or conclusion, the work is classified as an
22 appraisal assignment and not a specialized appraisal service.

23 (24) "State-certified general real estate appraiser" means a person
24 certified by the director to develop and communicate real estate
25 appraisals of all types of property. A state-certified general real
26 estate appraiser may designate or identify an appraisal rendered by him
27 or her as a "certified appraisal."

28 (25) "State-certified residential real estate appraiser" means a
29 person certified by the director to develop and communicate real estate
30 appraisals of all types of residential property of one to four units
31 without regard to transaction value or complexity and nonresidential
32 property having a transaction value as specified in rules adopted by
33 the director. A state certified residential real estate appraiser may
34 designate or identify an appraisal rendered by him or her as a
35 "certified appraisal."

36 (26) "State-licensed real estate appraiser" means a person licensed
37 by the director to develop and communicate real estate appraisals of

1 noncomplex one to four residential units and complex one to four
2 residential units and nonresidential property having transaction values
3 as specified in rules adopted by the director.

4 (27) "State-registered appraiser trainee," "trainee," or "trainee
5 real estate appraiser" means a person registered by the director under
6 section 20 of this act to develop and communicate real estate
7 appraisals under the immediate and personal direction of a state-
8 certified real estate appraiser. Appraisals are limited to those types
9 of properties that the supervisory appraiser is permitted by their
10 current credential, and that the supervisory appraiser is competent and
11 qualified to appraise. By signing the appraisal report, or being
12 identified in the certification or addenda as having lent significant
13 professional assistance, the state-registered appraiser trainee accepts
14 total and complete individual responsibility for all content, analyses,
15 and conclusions in the report.

16 (28) "Supervisory appraiser" means a person holding a currently
17 valid certificate issued by the director as a state-certified real
18 estate appraiser providing direct supervision to another state-
19 certified, state-licensed, or state-registered appraiser trainee. The
20 supervisory appraiser must be in good standing in each jurisdiction
21 that he or she is credentialed. The supervisory appraiser must sign
22 all appraisal reports. By signing the appraisal report, the
23 supervisory appraiser accepts full responsibility for all content,
24 analyses, and conclusions in the report.

25 **Sec. 3.** RCW 18.140.020 and 1998 c 120 s 1 are each amended to read
26 as follows:

27 (1) No person other than a state-certified or state-licensed real
28 estate appraiser may receive compensation of any form for a real estate
29 appraisal or an appraisal review, except that a state-registered
30 appraiser trainee may receive compensation from one or more supervisory
31 appraisers or the supervisory appraiser's employer for appraisal
32 assignments. ((However,))

33 (2) Compensation may be provided for brokers price opinions
34 prepared by a real estate licensee, licensed under chapter 18.85 RCW.

35 ((+2)) (3) No person, other than a state-certified ((or)),
36 state-licensed real estate appraiser, or a state-registered appraiser trainee

1 may assume or use that title or any title, designation, or abbreviation
2 likely to create the impression of certification (~~(e)~~), licensure, or
3 registration as a real estate appraiser by this state.

4 (~~(3)~~) (4) A person who is not certified (~~(e)~~), licensed, or
5 registered under this chapter shall not prepare any appraisal of real
6 estate located in this state, except as provided under subsection
7 (~~(1)~~) (2) of this section.

8 (~~(4)~~) (5) This section does not preclude a staff employee of a
9 governmental entity from performing an appraisal or an appraisal
10 assignment within the scope of his or her employment insofar as the
11 performance of official duties for the governmental entity are
12 concerned. Such an activity for the benefit of the governmental entity
13 is exempt from the requirements of this chapter.

14 (~~(5)~~) (6) This chapter does not preclude an individual person
15 licensed by the state of Washington as a real estate broker or as a
16 real estate salesperson from issuing a brokers price opinion. However,
17 if the brokers price opinion is written, or given as evidence in any
18 legal proceeding, and is issued to a person who is not a prospective
19 seller, buyer, lessor, or lessee as the only intended user, then the
20 brokers price opinion shall contain a statement, in an obvious location
21 within the written document or specifically and affirmatively in spoken
22 testimony, that substantially states: "This brokers price opinion is
23 not an appraisal as defined in chapter 18.140 RCW and has been prepared
24 by a real estate licensee, licensed under chapter 18.85 RCW, who
25 (is/is not) also state-certified or state-licensed as a real
26 estate appraiser under chapter 18.140 RCW." However, the brokers price
27 opinion issued under this subsection may not be used as an appraisal in
28 conjunction with a federally related transaction.

29 (~~(6)~~) (7) This section does not apply to an appraisal or an
30 appraisal review performed for a financial institution or mortgage
31 broker by an employee or third party, when such appraisal or appraisal
32 review is not required to be performed by a state-certified or state-
33 licensed real estate appraiser by the appropriate federal financial
34 institutions regulatory agency.

35 (~~(7)~~) (8) This section does not apply to an attorney licensed to
36 practice law in this state or to a certified public accountant, as
37 defined in RCW 18.04.025, who evaluates real property in the normal
38 scope of his or her professional services.

1 **Sec. 4.** RCW 18.140.030 and 2002 c 86 s 238 are each amended to
2 read as follows:

3 The director shall have the following powers and duties:

4 (1) To adopt rules in accordance with chapter 34.05 RCW necessary
5 to implement this chapter and chapter 18.235 RCW, with the advice and
6 approval of the commission;

7 (2) To receive and approve or deny applications for certification
8 or licensure as a state-certified or state-licensed real estate
9 appraiser and for registration as a state-registered appraiser trainee
10 under this chapter; to establish appropriate administrative procedures
11 for the processing of such applications; to issue certificates ~~((or))~~,
12 licenses, or registrations to qualified applicants pursuant to the
13 provisions of this chapter; and to maintain a ~~((register))~~ roster of
14 the names and addresses of individuals who are currently certified
15 ~~((or))~~, licensed, or registered under this chapter;

16 (3) To provide administrative assistance to the members of and to
17 keep records for the real estate appraiser commission;

18 (4) To solicit bids and enter into contracts with educational
19 testing services or organizations for the preparation of questions and
20 answers for certification or licensure examinations;

21 (5) To administer or contract for administration of certification
22 or licensure examinations at locations and times as may be required to
23 carry out the responsibilities under this chapter;

24 (6) To enter into contracts for professional services determined to
25 be necessary for adequate enforcement of this chapter;

26 (7) To consider recommendations by the real estate appraiser
27 commission relating to the experience, education, and examination
28 requirements for each classification of state-certified appraiser and
29 for licensure;

30 (8) To consider recommendations by the real estate appraiser
31 commission relating to the educational requirements for the state-
32 registered appraiser trainee classification;

33 (9) To consider recommendations by the real estate appraiser
34 commission relating to the maximum number of state-registered appraiser
35 trainees that each supervisory appraiser will be permitted to
36 supervise;

37 (10) To consider recommendations by the real estate appraiser

1 commission relating to continuing education requirements as a
2 prerequisite to renewal of certification or licensure;

3 ~~((9))~~ (11) To consider recommendations by the real estate
4 appraiser commission relating to standards of professional appraisal
5 conduct or practice in the enforcement of this chapter;

6 ~~((10))~~ (12) To employ such professional, clerical, and technical
7 assistance as may be necessary to properly administer the work of the
8 director;

9 ~~((11))~~ (13) To establish forms necessary to administer this
10 chapter;

11 ~~((12))~~ (14) To establish an expert review appraiser roster
12 comprised of state-certified or licensed real estate appraisers whose
13 purpose is to assist the director by applying their individual
14 expertise by reviewing real estate appraisals for compliance with this
15 chapter. Qualifications to act as an expert review appraiser shall be
16 established by the director with the advice of the commission. An
17 application to serve as an expert review appraiser shall be submitted
18 to the real estate appraiser program, and the roster of accepted expert
19 review appraisers shall be maintained by the department. An expert
20 review appraiser may be added to or deleted from that roster by the
21 director. The expert review appraiser shall be reimbursed for expenses
22 in the same manner as the department reimburses the commission; and

23 ~~((13))~~ (15) To do all other things necessary to carry out the
24 provisions of this chapter and minimally meet the requirements of
25 federal guidelines regarding state certification or licensure of
26 appraisers and registration of state-registered appraiser trainees that
27 the director determines are appropriate for state-certified and state-
28 licensed appraisers and state-registered appraiser trainees in this
29 state.

30 **Sec. 5.** RCW 18.140.060 and 1993 c 30 s 6 are each amended to read
31 as follows:

32 (1) Applications for examinations, original certification ~~((or))~~,
33 licensure, or registration, and renewal certification ~~((or))~~,
34 licensure, or registration shall be made in writing to the department
35 on forms approved by the director. Applications for original and
36 renewal certification ~~((or))~~, licensure, or registration shall include

1 a statement confirming that the applicant shall comply with applicable
2 rules and regulations and that the applicant understands the penalties
3 for misconduct.

4 (2) The appropriate fees shall accompany all applications for
5 examination, reexamination, original certification ~~((or))~~, licensure,
6 or registration, and renewal certification ~~((or))~~, licensure, or
7 registration.

8 **Sec. 6.** RCW 18.140.070 and 1993 c 30 s 7 are each amended to read
9 as follows:

10 There shall be two categories of state-certified real estate
11 appraisers, one category of state-licensed real estate appraisers, and
12 ~~((two categories of state-certified real estate appraisers))~~ one
13 category of state-registered appraiser trainee as follows:

- 14 (1) The ~~((state-licensed))~~ state-certified general real estate
15 appraiser;
- 16 (2) The state-certified residential real estate appraiser;
- 17 (3) The ~~((state-certified general))~~ state-licensed real estate
18 appraiser; and
- 19 (4) The state-registered appraiser trainee.

20 **Sec. 7.** RCW 18.140.100 and 1993 c 30 s 10 are each amended to read
21 as follows:

22 An original ~~((license or))~~ certificate or license shall be issued
23 to persons who have satisfactorily passed the written examination as
24 endorsed by the Appraiser Qualifications Board of the Appraisal
25 Foundation and as adopted by the director.

26 **Sec. 8.** RCW 18.140.110 and 1993 c 30 s 11 are each amended to read
27 as follows:

28 Every applicant for ~~((licensing or))~~ certification, licensing, or
29 registration who is not a resident of this state shall submit, with the
30 application for ~~((licensing or))~~ certification, licensing, or
31 registration an irrevocable consent that service of process upon him or
32 her may be made by service on the director if, in an action against the
33 applicant in a court of this state arising out of the applicant's
34 activities as a state-certified or state-licensed real estate appraiser

1 or (~~state-certified real estate~~) state-registered appraiser trainee,
2 the plaintiff cannot, in the exercise of due diligence, obtain personal
3 service upon the applicant.

4 **Sec. 9.** RCW 18.140.120 and 1993 c 30 s 12 are each amended to read
5 as follows:

6 An applicant for (~~licensure or~~) certification or licensure who is
7 currently (~~licensed or~~) certified or licensed and in good standing
8 under the laws of another state may obtain a (~~license or~~) certificate
9 or license as a Washington (~~state-licensed or~~) state-certified or
10 state-licensed real estate appraiser without being required to satisfy
11 the examination requirements of this chapter if: The director
12 determines that the (~~licensure or~~) certification or licensure
13 requirements are substantially similar to those found in Washington
14 state; and that the other state has a written reciprocal agreement to
15 provide similar treatment to holders of Washington state (~~licenses~~
16 ~~and/or~~) certificates and/or licenses.

17 **Sec. 10.** RCW 18.140.130 and 1996 c 182 s 6 are each amended to
18 read as follows:

19 (1) Each original and renewal (~~license or~~) certificate, license,
20 or registration issued under this chapter shall expire on the
21 applicant's second birthday following issuance of the (~~license or~~)
22 certificate, license, or registration.

23 (2) To be renewed as a (~~state-licensed or~~) state-certified or
24 state-licensed real estate appraiser or state-registered appraiser
25 trainee, the holder of a valid (~~license or~~) certificate, license, or
26 registration shall apply and pay the prescribed fee to the director no
27 earlier than one hundred twenty days prior to the expiration date of
28 the (~~license or~~) certificate, license, or registration and shall
29 demonstrate satisfaction of any continuing education requirements.

30 (3) If a person fails to renew a (~~license or~~) certificate,
31 license, or registration prior to its expiration and no more than one
32 year has passed since the person last held a valid (~~license or~~)
33 certificate, license, or registration, the person may obtain a renewal
34 (~~license or~~) certificate, license, or registration by satisfying all
35 of the requirements for renewal and paying late renewal fees.

1 **Sec. 12.** RCW 18.140.150 and 1996 c 182 s 8 are each amended to
2 read as follows:

3 (1) The term (~~("state-licensed" or~~) "state-certified real estate
4 appraiser," "state-licensed real estate appraiser," or "state-
5 registered appraiser trainee" may only be used to refer to individuals
6 who hold the (~~(license or~~) certificate, license, or registration and
7 may not be used following or immediately in connection with the name or
8 signature of a firm, partnership, corporation, group, or limited
9 liability company, or in such manner that it might be interpreted as
10 referring to a firm, partnership, corporation, group, limited liability
11 company, or anyone other than an individual holder of the (~~(license~~
12 ~~or~~) certificate, license, or registration.

13 (2) No (~~(license or~~) certificate, license, or registration may be
14 issued under this chapter to a corporation, partnership, firm, limited
15 liability company, or group. This shall not be construed to prevent a
16 (~~(state-licensed or~~) state-certified or state-licensed appraiser from
17 signing an appraisal report on behalf of a corporation, partnership,
18 firm, group practice, or limited liability company, nor may it be
19 construed to prevent a state-registered appraiser trainee from signing
20 an appraisal report under the supervision of a state-certified real
21 estate appraiser on behalf of a corporation, partnership, firm, group
22 practice, or limited liability company.

23 **Sec. 13.** RCW 18.140.155 and 2001 c 78 s 1 are each amended to read
24 as follows:

25 (1) A real estate appraiser from another state who is (~~(licensed~~
26 ~~or~~) certified or licensed by another state may apply for registration
27 to receive temporary (~~(licensing or~~) certification or licensing in
28 Washington by paying a fee and filing a notarized application with the
29 department on a form provided by the department.

30 (2) The director is authorized to adopt by rule the term or
31 duration of the (~~(licensing and~~) certification and licensing
32 privileges granted under the provisions of this section. (~~(Licensing~~
33 ~~or~~) Certification or licensing shall not be renewed. However, an
34 applicant may receive an extension of a temporary practice permit to
35 complete an assignment, provided that a written request is received by
36 the department prior to the expiration date, stating the reason for the
37 extension.

1 (3) A temporary practice permit issued under this section allows an
2 appraiser to perform independent appraisal services required by a
3 contract for appraisal services.

4 (4) Persons granted temporary (~~licensing or~~) certification or
5 licensing privileges under this section shall not advertise or
6 otherwise hold themselves out as being (~~licensed or~~) certified or
7 licensed by the state of Washington.

8 (5) Persons granted temporary (~~licensure or~~) certification or
9 licensure are subject to all provisions under this chapter.

10 **Sec. 14.** RCW 18.140.160 and 2002 c 86 s 239 are each amended to
11 read as follows:

12 In addition to the unprofessional conduct described in RCW
13 18.235.130, the director may take disciplinary action for the following
14 conduct, acts, or conditions:

15 (1) Failing to meet the minimum qualifications for state
16 (~~licensure or~~) certification, licensure, or registration established
17 by or pursuant to this chapter;

18 (2) Paying money other than the fees provided for by this chapter
19 to any employee of the director or the commission to procure state
20 (~~licensure or~~) certification, licensure, or registration under this
21 chapter;

22 (3) Continuing to act as a (~~state-licensed or~~) state-certified
23 real estate appraiser, state-licensed real estate appraiser, or state-
24 registered appraiser trainee when his or her (~~license or~~)
25 certificate, license, or registration is on an expired status;

26 (4) Violating any provision of this chapter or any lawful rule made
27 by the director pursuant thereto;

28 (5) Issuing an appraisal report on any real property in which the
29 appraiser has an interest unless his or her interest is clearly stated
30 in the appraisal report; and

31 (6) Being affiliated as an (~~employee or independent contractor~~
32 ~~with a state-licensed or state-certified real estate appraiser when the~~
33 ~~appraiser's license or certificate has been revoked due to disciplinary~~
34 ~~action)) employer, independent contractor, or supervisory appraiser of
35 a state-certified real estate appraiser, state-licensed real estate
36 appraiser, or state-registered appraiser trainee whose certification,
37 license, or registration is currently in a suspended or revoked status.~~

1 **Sec. 15.** RCW 18.140.170 and 2002 c 86 s 240 are each amended to
2 read as follows:

3 The director may investigate the actions of a (~~(state-licensed or)~~)
4 state-certified or state-licensed real estate appraiser or a state-
5 registered appraiser trainee or an applicant for (~~(licensure or)~~)
6 certification, licensure, or registration or (~~(relicensure or)~~)
7 recertification, relicensure, or reregistration. Upon receipt of
8 information indicating that a (~~(state-licensed or)~~) state-certified or
9 state-licensed real estate appraiser or state-registered appraiser
10 trainee under this chapter may have violated this chapter, the director
11 may cause one or more of the staff investigators to make an
12 investigation of the facts to determine whether or not there is
13 admissible evidence of any such violation. If technical assistance is
14 required, a staff investigator may consult with one or more of the
15 members of the commission.

16 **Sec. 16.** RCW 18.140.200 and 1996 c 293 s 19 are each amended to
17 read as follows:

18 The director shall suspend the certificate (~~(or)~~), license, or
19 registration of any person who has been certified by a lending agency
20 and reported to the director for nonpayment or default on a federally
21 or state-guaranteed educational loan or service-conditional
22 scholarship. Prior to the suspension, the agency must provide the
23 person an opportunity for a brief adjudicative proceeding under RCW
24 34.05.485 through 34.05.494 and issue a finding of nonpayment or
25 default on a federally or state-guaranteed educational loan or service-
26 conditional scholarship. The person's certificate (~~(or)~~), license, or
27 registration shall not be reissued until the person provides the
28 director a written release issued by the lending agency stating that
29 the person is making payments on the loan in accordance with a
30 repayment agreement approved by the lending agency. If the person has
31 continued to meet all other requirements for certification (~~(or)~~),
32 licensure, or registration during the suspension, reinstatement shall
33 be automatic upon receipt of the notice and payment of any
34 reinstatement fee the director may impose.

35 **Sec. 17.** RCW 18.140.202 and 1997 c 58 s 832 are each amended to
36 read as follows:

1 The director shall immediately suspend any ~~((license or))~~
2 certificate, license, or registration issued under this chapter if the
3 holder has been certified pursuant to RCW 74.20A.320 by the department
4 of social and health services as a person who is not in compliance with
5 a support order ~~((or a residential or visitation order))~~. If the
6 person has continued to meet all other requirements for reinstatement
7 during the suspension, reissuance of the ~~((license or))~~ certificate,
8 license, or registration shall be automatic upon the director's receipt
9 of a release issued by the department of social and health services
10 stating that the person is in compliance with the order.

11 **Sec. 18.** RCW 18.140.220 and 1996 c 182 s 12 are each amended to
12 read as follows:

13 Any person acting as a state-certified or state-licensed real
14 estate appraiser or state-registered appraiser trainee without a
15 certificate ~~((or))~~, license, or registration that is currently valid is
16 guilty of a misdemeanor.

17 **Sec. 19.** RCW 18.140.260 and 2002 c 86 s 241 are each amended to
18 read as follows:

19 The real estate appraiser commission account is created in the
20 state treasury. All fees received by the department for certificates,
21 licenses, registrations, renewals, examinations, and audits must be
22 forwarded to the state treasurer who must credit the money to the
23 account. All fines and civil penalties ordered pursuant to RCW
24 18.140.020, 18.140.160, or 18.235.110 against holders of ~~((licenses,~~)
25 certificates, licenses, or registrations issued under the provisions of
26 this chapter must be paid to the account. All expenses incurred in
27 carrying out the certification, licensing, and registration activities
28 of the department under this chapter must be paid from the account as
29 authorized by legislative appropriation. Any residue in the account
30 shall be accumulated and shall not revert to the general fund at the
31 end of the biennium. ~~((All earnings of investments of balances in the
32 account shall be credited to the general fund.))~~ Any fund balance
33 remaining in the general fund attributable to the real estate appraiser
34 commission account as of July 1, 2003, must be transferred to the real
35 estate appraiser commission account.

1 NEW SECTION. **Sec. 20.** A new section is added to chapter 18.140
2 RCW to read as follows:

3 (1) The director may issue an original registration as a state-
4 registered trainee real estate appraiser, to be valid for a term not
5 exceeding two years together with a maximum of two renewals, which must
6 be completed within seven years from the original date of registration,
7 unless either period is interrupted by service in the armed forces of
8 the United States of America.

9 (2) A trainee real estate appraiser may not provide appraisal
10 services other than through and under the direct supervision of a
11 state-certified general real estate appraiser or a state-certified
12 residential real estate appraiser.

13 **Sec. 21.** RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, and
14 2003 c 48 s 2 are each reenacted and amended to read as follows:

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

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

33 (3) Except for the provisions of RCW 43.84.160, the treasury income
34 account may be utilized for the payment of purchased banking services
35 on behalf of treasury funds including, but not limited to, depository,
36 safekeeping, and disbursement functions for the state treasury and
37 affected state agencies. The treasury income account is subject in all

1 respects to chapter 43.88 RCW, but no appropriation is required for
2 payments to financial institutions. Payments shall occur prior to
3 distribution of earnings set forth in subsection (4) of this section.

4 (4) Monthly, the state treasurer shall distribute the earnings
5 credited to the treasury income account. The state treasurer shall
6 credit the general fund with all the earnings credited to the treasury
7 income account except:

8 (a) The following accounts and funds shall receive their
9 proportionate share of earnings based upon each account's and fund's
10 average daily balance for the period: The capitol building
11 construction account, the Cedar River channel construction and
12 operation account, the Central Washington University capital projects
13 account, the charitable, educational, penal and reformatory
14 institutions account, the common school construction fund, the county
15 criminal justice assistance account, the county sales and use tax
16 equalization account, the data processing building construction
17 account, the deferred compensation administrative account, the deferred
18 compensation principal account, the department of retirement systems
19 expense account, the drinking water assistance account, the drinking
20 water assistance administrative account, the drinking water assistance
21 repayment account, the Eastern Washington University capital projects
22 account, the education construction fund, the election account, the
23 emergency reserve fund, The Evergreen State College capital projects
24 account, the federal forest revolving account, the health services
25 account, the public health services account, the health system capacity
26 account, the personal health services account, the state higher
27 education construction account, the higher education construction
28 account, the highway infrastructure account, the industrial insurance
29 premium refund account, the judges' retirement account, the judicial
30 retirement administrative account, the judicial retirement principal
31 account, the local leasehold excise tax account, the local real estate
32 excise tax account, the local sales and use tax account, the medical
33 aid account, the mobile home park relocation fund, the multimodal
34 transportation account, the municipal criminal justice assistance
35 account, the municipal sales and use tax equalization account, the
36 natural resources deposit account, the oyster reserve land account, the
37 perpetual surveillance and maintenance account, the public employees'
38 retirement system plan 1 account, the public employees' retirement

1 system combined plan 2 and plan 3 account, the public facilities
2 construction loan revolving account beginning July 1, 2004, the public
3 health supplemental account, the Puyallup tribal settlement account,
4 the real estate appraiser commission account, the regional
5 transportation investment district account, the resource management
6 cost account, the site closure account, the special wildlife account,
7 the state employees' insurance account, the state employees' insurance
8 reserve account, the state investment board expense account, the state
9 investment board commingled trust fund accounts, the supplemental
10 pension account, the Tacoma Narrows toll bridge account, the teachers'
11 retirement system plan 1 account, the teachers' retirement system
12 combined plan 2 and plan 3 account, the tobacco prevention and control
13 account, the tobacco settlement account, the transportation
14 infrastructure account, the tuition recovery trust fund, the University
15 of Washington bond retirement fund, the University of Washington
16 building account, the volunteer fire fighters' and reserve officers'
17 relief and pension principal fund, the volunteer fire fighters' and
18 reserve officers' administrative fund, the Washington fruit express
19 account, the Washington judicial retirement system account, the
20 Washington law enforcement officers' and fire fighters' system plan 1
21 retirement account, the Washington law enforcement officers' and fire
22 fighters' system plan 2 retirement account, the Washington school
23 employees' retirement system combined plan 2 and 3 account, the
24 Washington state health insurance pool account, the Washington state
25 patrol retirement account, the Washington State University building
26 account, the Washington State University bond retirement fund, the
27 water pollution control revolving fund, and the Western Washington
28 University capital projects account. Earnings derived from investing
29 balances of the agricultural permanent fund, the normal school
30 permanent fund, the permanent common school fund, the scientific
31 permanent fund, and the state university permanent fund shall be
32 allocated to their respective beneficiary accounts. All earnings to be
33 distributed under this subsection (4)(a) shall first be reduced by the
34 allocation to the state treasurer's service fund pursuant to RCW
35 43.08.190.

36 (b) The following accounts and funds shall receive eighty percent
37 of their proportionate share of earnings based upon each account's or
38 fund's average daily balance for the period: The aeronautics account,

1 the aircraft search and rescue account, the county arterial
2 preservation account, the department of licensing services account, the
3 essential rail assistance account, the ferry bond retirement fund, the
4 grade crossing protective fund, the high capacity transportation
5 account, the highway bond retirement fund, the highway safety account,
6 the motor vehicle fund, the motorcycle safety education account, the
7 pilotage account, the public transportation systems account, the Puget
8 Sound capital construction account, the Puget Sound ferry operations
9 account, the recreational vehicle account, the rural arterial trust
10 account, the safety and education account, the special category C
11 account, the state patrol highway account, the transportation 2003
12 account (nickel account), the transportation equipment fund, the
13 transportation fund, the transportation improvement account, the
14 transportation improvement board bond retirement account, and the urban
15 arterial trust account.

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

19 **Sec. 22.** RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, 2003
20 c 150 s 2, and 2003 c 48 s 2 are each reenacted and amended to read as
21 follows:

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

25 (2) The treasury income account shall be utilized to pay or receive
26 funds associated with federal programs as required by the federal cash
27 management improvement act of 1990. The treasury income account is
28 subject in all respects to chapter 43.88 RCW, but no appropriation is
29 required for refunds or allocations of interest earnings required by
30 the cash management improvement act. Refunds of interest to the
31 federal treasury required under the cash management improvement act
32 fall under RCW 43.88.180 and shall not require appropriation. The
33 office of financial management shall determine the amounts due to or
34 from the federal government pursuant to the cash management improvement
35 act. The office of financial management may direct transfers of funds
36 between accounts as deemed necessary to implement the provisions of the

1 cash management improvement act, and this subsection. Refunds or
2 allocations shall occur prior to the distributions of earnings set
3 forth in subsection (4) of this section.

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

12 (4) Monthly, the state treasurer shall distribute the earnings
13 credited to the treasury income account. The state treasurer shall
14 credit the general fund with all the earnings credited to the treasury
15 income account except:

16 (a) The following accounts and funds shall receive their
17 proportionate share of earnings based upon each account's and fund's
18 average daily balance for the period: The capitol building
19 construction account, the Cedar River channel construction and
20 operation account, the Central Washington University capital projects
21 account, the charitable, educational, penal and reformatory
22 institutions account, the common school construction fund, the county
23 criminal justice assistance account, the county sales and use tax
24 equalization account, the data processing building construction
25 account, the deferred compensation administrative account, the deferred
26 compensation principal account, the department of retirement systems
27 expense account, the drinking water assistance account, the drinking
28 water assistance administrative account, the drinking water assistance
29 repayment account, the Eastern Washington University capital projects
30 account, the education construction fund, the election account, the
31 emergency reserve fund, The Evergreen State College capital projects
32 account, the federal forest revolving account, the health services
33 account, the public health services account, the health system capacity
34 account, the personal health services account, the state higher
35 education construction account, the higher education construction
36 account, the highway infrastructure account, the industrial insurance
37 premium refund account, the judges' retirement account, the judicial
38 retirement administrative account, the judicial retirement principal

1 account, the local leasehold excise tax account, the local real estate
2 excise tax account, the local sales and use tax account, the medical
3 aid account, the mobile home park relocation fund, the multimodal
4 transportation account, the municipal criminal justice assistance
5 account, the municipal sales and use tax equalization account, the
6 natural resources deposit account, the oyster reserve land account, the
7 perpetual surveillance and maintenance account, the public employees'
8 retirement system plan 1 account, the public employees' retirement
9 system combined plan 2 and plan 3 account, the public facilities
10 construction loan revolving account beginning July 1, 2004, the public
11 health supplemental account, the public works assistance account, the
12 Puyallup tribal settlement account, the real estate appraiser
13 commission account, the regional transportation investment district
14 account, the resource management cost account, the site closure
15 account, the special wildlife account, the state employees' insurance
16 account, the state employees' insurance reserve account, the state
17 investment board expense account, the state investment board commingled
18 trust fund accounts, the supplemental pension account, the Tacoma
19 Narrows toll bridge account, the teachers' retirement system plan 1
20 account, the teachers' retirement system combined plan 2 and plan 3
21 account, the tobacco prevention and control account, the tobacco
22 settlement account, the transportation infrastructure account, the
23 tuition recovery trust fund, the University of Washington bond
24 retirement fund, the University of Washington building account, the
25 volunteer fire fighters' and reserve officers' relief and pension
26 principal fund, the volunteer fire fighters' and reserve officers'
27 administrative fund, the Washington fruit express account, the
28 Washington judicial retirement system account, the Washington law
29 enforcement officers' and fire fighters' system plan 1 retirement
30 account, the Washington law enforcement officers' and fire fighters'
31 system plan 2 retirement account, the Washington school employees'
32 retirement system combined plan 2 and 3 account, the Washington state
33 health insurance pool account, the Washington state patrol retirement
34 account, the Washington State University building account, the
35 Washington State University bond retirement fund, the water pollution
36 control revolving fund, and the Western Washington University capital
37 projects account. Earnings derived from investing balances of the
38 agricultural permanent fund, the normal school permanent fund, the

1 permanent common school fund, the scientific permanent fund, and the
2 state university permanent fund shall be allocated to their respective
3 beneficiary accounts. All earnings to be distributed under this
4 subsection (4)(a) shall first be reduced by the allocation to the state
5 treasurer's service fund pursuant to RCW 43.08.190.

6 (b) The following accounts and funds shall receive eighty percent
7 of their proportionate share of earnings based upon each account's or
8 fund's average daily balance for the period: The aeronautics account,
9 the aircraft search and rescue account, the county arterial
10 preservation account, the department of licensing services account, the
11 essential rail assistance account, the ferry bond retirement fund, the
12 grade crossing protective fund, the high capacity transportation
13 account, the highway bond retirement fund, the highway safety account,
14 the motor vehicle fund, the motorcycle safety education account, the
15 pilotage account, the public transportation systems account, the Puget
16 Sound capital construction account, the Puget Sound ferry operations
17 account, the recreational vehicle account, the rural arterial trust
18 account, the safety and education account, the special category C
19 account, the state patrol highway account, the transportation 2003
20 account (nickel account), the transportation equipment fund, the
21 transportation fund, the transportation improvement account, the
22 transportation improvement board bond retirement account, and the urban
23 arterial trust account.

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

27 NEW SECTION. **Sec. 23.** Section 21 of this act expires July 1,
28 2005.

29 NEW SECTION. **Sec. 24.** Section 22 of this act takes effect July 1,
30 2005.

31 NEW SECTION. **Sec. 25.** (1) Sections 1, 2, 4, 5, 7, 9, 13, and 19
32 of this act are necessary for the immediate preservation of the public
33 peace, health, or safety, or support of the state government and its
34 existing public institutions, and take effect July 1, 2004.

1 (2) Sections 3, 6, 8, 10 through 12, 14 through 18, and 20 of this
2 act take effect April 1, 2005.

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