

ESSB 5831 - H AMD TO APP COMM AMD (H-5900.1/08) **1463**
By Representative Conway

WITHDRAWN 03/07/2008

1 On page 15, line 11 of the amendment, after "section." insert "The
2 department may set the examination fee by contract with the
3 professional testing agency. However, the examination fee the
4 department charges must cover, but not exceed, the costs of preparing
5 and administering the examination."

6 On page 15, line 20 of the amendment, after "limit." insert
7 "However, each time an examination is given, the applicant must first
8 pay the required examination fee."

9 On page 23, after line 4 of the amendment, insert the following:

10 "NEW SECTION. **Sec. 22.** CIVIL PENALTIES. Any person found in
11 violation of this chapter shall be assessed a penalty not to exceed
12 five thousand dollars. The department shall set by rule a schedule of
13 penalties for violating this chapter. Each day that a person violates
14 this chapter is a separate violation. Any penalties collected by the
15 department under this chapter shall be deposited into the plumbing and
16 HVAC/R certificate fund."

17 Renumber the remaining sections consecutively and correct any
18 internal references accordingly.

19 On page 23, after line 10 of the amendment, insert the following:

20 "NEW SECTION. **Sec. 23.** FEES. (1) The department shall charge
21 fees for the issuance, renewal, and reinstatement of all certificates
22 and examinations required by this chapter. The department shall set
23 the fee amounts by rule.

24 (2) The fees collected under this section shall cover the full
25 costs of issuing the registrations and the certificates required by

1 this chapter, devising and administering the examinations required by
2 this chapter, and administering and enforcing this chapter and chapter
3 18.106 RCW.

4 NEW SECTION. **Sec. 24.** DEPOSITS. All moneys received by the
5 department from certificates, examinations, or any other sources under
6 this chapter shall be paid to the state treasurer as ex officio
7 custodian thereof and placed in a special fund designated as the
8 "plumbing and HVAC/R certificate fund." The treasurer shall pay out
9 upon vouchers duly and regularly issued therefore and approved by the
10 director. The treasurer shall keep an accurate record of payments into
11 the fund, and of all disbursements from the fund. The fund shall be
12 charged with its pro rata share of the cost of administering the fund."

13 Renumber the remaining sections consecutively and correct any
14 internal references accordingly.

15 On page 27, line 16 of the amendment, after "chapter." insert "The
16 appeal must be accompanied by a certified check for two hundred
17 dollars, which shall be returned to the assessed person if the decision
18 of the department is not sustained following the final decision in the
19 appeal. If the final decision sustains the decision of the department,
20 the department must apply the two hundred dollars to the payment of the
21 expenses of the appeal, including costs charged by the office of
22 administrative hearings."

23 On page 28, after line 15 of the amendment, insert the following:

24 "**Sec. 32.** RCW 18.106.125 and 1983 c 124 s 17 are each amended to
25 read as follows:

26 The department shall charge fees for issuance, renewal, and
27 reinstatement of all certificates and permits and for examinations
28 required by this chapter. The department shall set the fees by rule.

29 The fees collected under this chapter and chapter 18.-- RCW (the
30 new chapter created in section 32 of this act) shall cover the full
31 cost of issuing the certificates and permits, devising and
32 administering the examinations, and administering and enforcing this

1 chapter and chapter 18.-- RCW (the new chapter created in section 32 of
2 this act). The costs shall include travel, per diem, and
3 administrative support costs.

4 **Sec. 33.** RCW 18.106.130 and 1973 1st ex.s. c 175 s 13 are each
5 amended to read as follows:

6 All moneys received from certificates, permits, or other
7 sources(~~(τ)~~) shall be paid to the state treasurer as ex officio
8 custodian thereof and (~~(by him)~~) placed in a special fund designated as
9 the (~~(ϖ)~~)plumbing and HVAC/R certificate fund(~~(ϖ)~~). (~~(He)~~) The
10 treasurer shall pay out upon vouchers duly and regularly issued
11 therefor and approved by the director. The treasurer shall keep an
12 accurate record of payments into (~~(said)~~) the fund(~~(τ)~~) and of all
13 disbursement (~~(therefrom)~~) from the fund. (~~(Said)~~) The fund shall be
14 charged with its pro rata share of the cost of administering (~~(said)~~)
15 the fund.

16 **Sec. 34.** RCW 43.84.092 and 2007 c 514 s 3 and 2007 c 356 s 9 are
17 each reenacted and amended to read as follows:

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

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

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

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

13 (a) The following accounts and funds shall receive their
14 proportionate share of earnings based upon each account's and fund's
15 average daily balance for the period: The capitol building
16 construction account, the Cedar River channel construction and
17 operation account, the Central Washington University capital projects
18 account, the charitable, educational, penal and reformatory
19 institutions account, the Columbia river basin water supply development
20 account, the common school construction fund, the county criminal
21 justice assistance account, the county sales and use tax equalization
22 account, the data processing building construction account, the
23 deferred compensation administrative account, the deferred compensation
24 principal account, the department of retirement systems expense
25 account, the developmental disabilities community trust account, the
26 drinking water assistance account, the drinking water assistance
27 administrative account, the drinking water assistance repayment
28 account, the Eastern Washington University capital projects account,
29 the education construction fund, the education legacy trust account,
30 the election account, the emergency reserve fund, the energy freedom
31 account, The Evergreen State College capital projects account, the
32 federal forest revolving account, the freight congestion relief
33 account, the freight mobility investment account, the freight mobility
34 multimodal account, the health services account, the public health
35 services account, the health system capacity account, the personal
36 health services account, the state higher education construction
37 account, the higher education construction account, the highway
38 infrastructure account, the high-occupancy toll lanes operations

1 account, the plumbing and HVAC/R certificate fund, the industrial
2 insurance premium refund account, the judges' retirement account, the
3 judicial retirement administrative account, the judicial retirement
4 principal account, the local leasehold excise tax account, the local
5 real estate excise tax account, the local sales and use tax account,
6 the medical aid account, the mobile home park relocation fund, the
7 multimodal transportation account, the municipal criminal justice
8 assistance account, the municipal sales and use tax equalization
9 account, the natural resources deposit account, the oyster reserve land
10 account, the pension funding stabilization account, the perpetual
11 surveillance and maintenance account, the public employees' retirement
12 system plan 1 account, the public employees' retirement system combined
13 plan 2 and plan 3 account, the public facilities construction loan
14 revolving account beginning July 1, 2004, the public health
15 supplemental account, the public works assistance account, the Puyallup
16 tribal settlement account, the real estate appraiser commission
17 account, the regional mobility grant program account, the resource
18 management cost account, the rural Washington loan fund, the site
19 closure account, the small city pavement and sidewalk account, the
20 special wildlife account, the state employees' insurance account, the
21 state employees' insurance reserve account, the state investment board
22 expense account, the state investment board commingled trust fund
23 accounts, the supplemental pension account, the Tacoma Narrows toll
24 bridge account, the teachers' retirement system plan 1 account, the
25 teachers' retirement system combined plan 2 and plan 3 account, the
26 tobacco prevention and control account, the tobacco settlement account,
27 the transportation infrastructure account, the transportation
28 partnership account, the traumatic brain injury account, the tuition
29 recovery trust fund, the University of Washington bond retirement fund,
30 the University of Washington building account, the volunteer
31 firefighters' and reserve officers' relief and pension principal fund,
32 the volunteer firefighters' and reserve officers' administrative fund,
33 the Washington fruit express account, the Washington judicial
34 retirement system account, the Washington law enforcement officers' and
35 firefighters' system plan 1 retirement account, the Washington law
36 enforcement officers' and firefighters' system plan 2 retirement
37 account, the Washington public safety employees' plan 2 retirement
38 account, the Washington school employees' retirement system combined

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

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

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

34 **Sec. 35.** RCW 43.84.092 and 2007 c 514 s 3, 2007 c 513 s 1, and
35 2007 c 356 s 9 are each reenacted and amended to read as follows:

36 (1) All earnings of investments of surplus balances in the state

1 treasury shall be deposited to the treasury income account, which
2 account is hereby established in the state treasury.

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

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

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

30 The following accounts and funds shall receive their proportionate
31 share of earnings based upon each account's and fund's average daily
32 balance for the period: The aeronautics account, the aircraft search
33 and rescue account, the capitol building construction account, the
34 Cedar River channel construction and operation account, the Central
35 Washington University capital projects account, the charitable,
36 educational, penal and reformatory institutions account, the Columbia
37 river basin water supply development account, the common school
38 construction fund, the county arterial preservation account, the county

1 criminal justice assistance account, the county sales and use tax
2 equalization account, the data processing building construction
3 account, the deferred compensation administrative account, the deferred
4 compensation principal account, the department of licensing services
5 account, the department of retirement systems expense account, the
6 developmental disabilities community trust account, the drinking water
7 assistance account, the drinking water assistance administrative
8 account, the drinking water assistance repayment account, the Eastern
9 Washington University capital projects account, the education
10 construction fund, the education legacy trust account, the election
11 account, the emergency reserve fund, the energy freedom account, the
12 essential rail assistance account, The Evergreen State College capital
13 projects account, the federal forest revolving account, the ferry bond
14 retirement fund, the freight congestion relief account, the freight
15 mobility investment account, the freight mobility multimodal account,
16 the grade crossing protective fund, the health services account, the
17 public health services account, the health system capacity account, the
18 personal health services account, the high capacity transportation
19 account, the state higher education construction account, the higher
20 education construction account, the highway bond retirement fund, the
21 highway infrastructure account, the highway safety account, the high-
22 occupancy toll lanes operations account, the plumbing and HVAC/R
23 certificate fund, the industrial insurance premium refund account, the
24 judges' retirement account, the judicial retirement administrative
25 account, the judicial retirement principal account, the local leasehold
26 excise tax account, the local real estate excise tax account, the local
27 sales and use tax account, the medical aid account, the mobile home
28 park relocation fund, the motor vehicle fund, the motorcycle safety
29 education account, the multimodal transportation account, the municipal
30 criminal justice assistance account, the municipal sales and use tax
31 equalization account, the natural resources deposit account, the oyster
32 reserve land account, the pension funding stabilization account, the
33 perpetual surveillance and maintenance account, the pilotage account,
34 the public employees' retirement system plan 1 account, the public
35 employees' retirement system combined plan 2 and plan 3 account, the
36 public facilities construction loan revolving account beginning July 1,
37 2004, the public health supplemental account, the public transportation
38 systems account, the public works assistance account, the Puget Sound

1 capital construction account, the Puget Sound ferry operations account,
2 the Puyallup tribal settlement account, the real estate appraiser
3 commission account, the recreational vehicle account, the regional
4 mobility grant program account, the resource management cost account,
5 the rural arterial trust account, the rural Washington loan fund, the
6 safety and education account, the site closure account, the small city
7 pavement and sidewalk account, the special category C account, the
8 special wildlife account, the state employees' insurance account, the
9 state employees' insurance reserve account, the state investment board
10 expense account, the state investment board commingled trust fund
11 accounts, the state patrol highway account, the supplemental pension
12 account, the Tacoma Narrows toll bridge account, the teachers'
13 retirement system plan 1 account, the teachers' retirement system
14 combined plan 2 and plan 3 account, the tobacco prevention and control
15 account, the tobacco settlement account, the transportation 2003
16 account (nickel account), the transportation equipment fund, the
17 transportation fund, the transportation improvement account, the
18 transportation improvement board bond retirement account, the
19 transportation infrastructure account, the transportation partnership
20 account, the traumatic brain injury account, the tuition recovery trust
21 fund, the University of Washington bond retirement fund, the University
22 of Washington building account, the urban arterial trust account, the
23 volunteer firefighters' and reserve officers' relief and pension
24 principal fund, the volunteer firefighters' and reserve officers'
25 administrative fund, the Washington fruit express account, the
26 Washington judicial retirement system account, the Washington law
27 enforcement officers' and firefighters' system plan 1 retirement
28 account, the Washington law enforcement officers' and firefighters'
29 system plan 2 retirement account, the Washington public safety
30 employees' plan 2 retirement account, the Washington school employees'
31 retirement system combined plan 2 and 3 account, the Washington state
32 health insurance pool account, the Washington state patrol retirement
33 account, the Washington State University building account, the
34 Washington State University bond retirement fund, the water pollution
35 control revolving fund, and the Western Washington University capital
36 projects account. Earnings derived from investing balances of the
37 agricultural permanent fund, the normal school permanent fund, the
38 permanent common school fund, the scientific permanent fund, and the

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

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

8 Renumber the remaining sections consecutively and correct any
9 internal references accordingly.

10 On page 28, beginning on line 24 of the amendment, strike all of
11 section 35 and insert the following:

12 "NEW SECTION. **Sec. 35.** EFFECTIVE DATE. Except for section 35 of
13 this act, this act takes effect July 1, 2008.

14 NEW SECTION. **Sec. 36.** Section 34 of this act expires July 1,
15 2009.

16 NEW SECTION. **Sec. 37.** Section 35 of this act takes effect July 1,
17 2009."

18 Correct the title.

EFFECT: Requires the Department of Labor and Industries
(Department) to charge fees for certificates and examinations, and to
set a fee schedule by rule. Requires that fees cover program costs.

Requires the Department to set a civil penalty schedule by rule.

Provides that all moneys received from certificates, examinations,
penalties, and other sources be deposited in the Plumbing and HVAC/R
Certificate Fund, and that this fund retain its share of interest
earnings.

Requires that appeals of infractions be accompanied by a certified
check for \$200. Specifies that the check must be returned if the
Department's decision is not sustained, and that the money must be
applied to appeal expenses if the Department's decision is sustained.

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