
SUBSTITUTE SENATE BILL 5468

State of Washington

62nd Legislature

2012 Regular Session

By Senate Ways & Means (originally sponsored by Senators Pridemore, Shin, and Chase; by request of Governor Gregoire)

READ FIRST TIME 02/07/12.

1 AN ACT Relating to creating the office of forecast councils;
2 amending RCW 82.33.010, 82.33.020, 82.33.030, 43.88C.010, 43.88C.020,
3 43.88.120, 70.94.431, 70.94.483, and 41.06.087; adding a new chapter to
4 Title 43 RCW; creating new sections; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** The definitions in this section apply
7 throughout this chapter unless the context clearly requires otherwise.

8 (1) "Caseload," as used in this chapter, means the number of
9 persons expected to meet entitlement requirements and require the
10 services of public assistance programs, state correctional
11 institutions, state correctional noninstitutional supervision, state
12 institutions for juvenile offenders, the common school system, long-
13 term care, medical assistance, foster care, and adoption support.

14 (2) "Director" means the director of the office of forecast
15 councils.

16 (3) "Office" means the office of forecast councils.

17 NEW SECTION. **Sec. 2.** (1) There is created the office of forecast

1 councils. The economic and revenue forecast council is created within
2 the office of forecast councils. The caseload forecast council is
3 created within the office of forecast councils.

4 (2) The office is headed by a director appointed by the economic
5 and revenue forecast council and the caseload forecast council. The
6 chairs of the two councils shall develop a process for the selection of
7 the director. Approval by an affirmative vote of at least five members
8 of each council is required for any decisions regarding employment of
9 the director. The director must be employed for a term of three years.
10 At the end of the first year of each three-year term the councils shall
11 consider extension of the director's term by one year. The supervisor
12 of the economic and revenue forecast council serves as the first
13 director for the office beginning July 1, 2011, for the remainder of
14 his or her original term. The council may fix the compensation of the
15 director.

16 (3) The director may employ staff as necessary to perform the
17 duties imposed by this chapter and to perform the duties necessary to
18 support the work of the economic and revenue forecast council and the
19 caseload forecast council.

20 **Sec. 3.** RCW 82.33.010 and 1990 c 229 s 1 are each amended to read
21 as follows:

22 (1) The economic and revenue forecast council is hereby created
23 within the office of forecast councils. The economic and revenue
24 forecast council (~~((shall))~~) consists of two individuals appointed by the
25 governor and four individuals, one of whom is appointed by the
26 chairperson of each of the two largest political caucuses in the senate
27 and house of representatives. The chair of the economic and revenue
28 forecast council (~~((shall))~~) must be selected from among the four caucus
29 appointees. The economic and revenue forecast council may select such
30 other officers as the members deem necessary.

31 (2) The (~~((council))~~) director shall (~~((employ an economic and revenue~~
32 ~~forecast supervisor to))~~) supervise the preparation of all economic and
33 revenue forecasts. (~~((As used in this chapter, "supervisor" means the~~
34 ~~economic and revenue forecast supervisor. Approval by an affirmative~~
35 ~~vote of at least five members of the council is required for any~~
36 ~~decisions regarding employment of the supervisor. Employment of the~~
37 ~~supervisor shall terminate after each term of three years. At the end~~

1 of the first year of each three year term the council shall consider
2 extension of the supervisor's term by one year. The council may fix
3 the compensation of the supervisor. The supervisor shall employ staff
4 sufficient to accomplish the purposes of this section.)

5 (3) The economic and revenue forecast council (~~shall~~) oversees
6 the preparation of and approve, by an affirmative vote of at least four
7 members, the official, optimistic, and pessimistic state economic and
8 revenue forecasts prepared under RCW 82.33.020 (as recodified by this
9 act). If the economic and revenue forecast council is unable to
10 approve a forecast before a date required in RCW 82.33.020 (as
11 recodified by this act), the (~~supervisor~~) director shall submit the
12 forecast without approval and the forecast (~~shall have~~) has the same
13 effect as if approved by the economic and revenue forecast council.

14 (4) ((A)) An economic and revenue forecast councilmember who does
15 not cast an affirmative vote for approval of the official economic and
16 revenue forecast may request, and the (~~supervisor~~) director shall
17 provide, an alternative economic and revenue forecast based on
18 assumptions specified by the member.

19 (5) Members of the economic and revenue forecast council (~~shall~~)
20 serve without additional compensation but (~~shall~~) must be reimbursed
21 for travel expenses in accordance with RCW 44.04.120 while attending
22 sessions of the economic and revenue forecast council or on official
23 business authorized by the economic and revenue forecast council.
24 Nonlegislative members of the economic and revenue forecast council
25 (~~shall~~) must be reimbursed for travel expenses in accordance with RCW
26 43.03.050 and 43.03.060.

27 **Sec. 4.** RCW 82.33.020 and 2005 c 319 s 137 are each amended to
28 read as follows:

29 (1) Four times each year the (~~supervisor~~) director shall prepare,
30 subject to the approval of the economic and revenue forecast council
31 under RCW 82.33.010 (as recodified by this act):

32 (a) An official state economic and revenue forecast;

33 (b) An unofficial state economic and revenue forecast based on
34 optimistic economic and revenue projections; (~~and~~)

35 (c) An unofficial state economic and revenue forecast based on
36 pessimistic economic and revenue projections; and

1 (d) An unofficial budget projection, in conjunction with the office
2 of financial management, that encompasses revenue projections and
3 expenditure projections for the current biennium and the following two
4 biennia.

5 (2) The ((~~supervisor~~)) director shall submit forecasts prepared
6 under this section, along with any unofficial forecasts provided under
7 RCW 82.33.010 (as recodified by this act), to the governor and the
8 members of the committees on ways and means and the chairs of the
9 committees on transportation of the senate and house of
10 representatives, including one copy to the staff of each of the
11 committees, on or before November 20th, February 20th in the even-
12 numbered years, March 20th in the odd-numbered years, June 20th, and
13 September 20th. In addition, the director shall submit an unofficial,
14 preliminary state revenue forecast on or around February 6th in even-
15 numbered years, March 6th in odd-numbered years, and November 6th in
16 each year. All forecasts ((~~shall~~)) must include both estimated
17 receipts and estimated revenues in conformance with generally accepted
18 accounting principles as provided by RCW 43.88.037.

19 (3) All agencies of state government shall provide to the
20 ((~~supervisor~~)) director immediate access to all information relating to
21 economic and revenue forecasts. Revenue collection information
22 ((~~shall~~)) must be available to the ((~~supervisor~~)) director the first
23 business day following the conclusion of each collection period.

24 (4) The economic and revenue forecast ((~~supervisor~~)) director and
25 staff shall ((~~co-locate and~~)) share information, data, and files with
26 the tax research section of the department of revenue but ((~~shall~~)) may
27 not duplicate the duties and functions of one another.

28 (5) As part of its forecasts under subsection (1) of this section,
29 the ((~~supervisor~~)) director shall provide estimated revenue from
30 tuition fees as defined in RCW 28B.15.020.

31 **Sec. 5.** RCW 82.33.030 and 1984 c 138 s 3 are each amended to read
32 as follows:

33 The administrator of the legislative evaluation and accountability
34 program committee may request, and the ((~~supervisor~~)) director shall
35 provide, alternative economic and revenue forecasts based on
36 assumptions specified by the administrator.

1 **Sec. 6.** RCW 43.88C.010 and 2000 c 90 s 1 are each amended to read
2 as follows:

3 (1) The caseload forecast council is hereby created. The caseload
4 forecast council (~~((shall))~~) consists of two individuals appointed by the
5 governor and four individuals, one of whom is appointed by the
6 chairperson of each of the two largest political caucuses in the senate
7 and house of representatives. The chair of the caseload forecast
8 council (~~((shall))~~) must be selected from among the four caucus
9 appointees. The caseload forecast council may select such other
10 officers as the members deem necessary.

11 (2) The (~~((council))~~) director shall (~~((employ a caseload forecast~~
12 ~~supervisor to))~~) supervise the preparation of all caseload forecasts.
13 (~~((As used in this chapter, "supervisor" means the caseload forecast~~
14 ~~supervisor.~~

15 ~~(3) Approval by an affirmative vote of at least five members of the~~
16 ~~council is required for any decisions regarding employment of the~~
17 ~~supervisor. Employment of the supervisor shall terminate after each~~
18 ~~term of three years. At the end of the first year of each three year~~
19 ~~term the council shall consider extension of the supervisor's term by~~
20 ~~one year. The council may fix the compensation of the supervisor. The~~
21 ~~supervisor shall employ staff sufficient to accomplish the purposes of~~
22 ~~this section.~~

23 ~~(4))~~ (3) The caseload forecast council (~~((shall))~~) oversees the
24 preparation of and approves, by an affirmative vote of at least four
25 members, the official state caseload forecasts prepared under RCW
26 43.88C.020 (as recodified by this act). If the caseload forecast
27 council is unable to approve a forecast before a date required in RCW
28 43.88C.020 (as recodified by this act), the (~~((supervisor))~~) director
29 shall submit the forecast without approval and the forecast (~~((shall~~
30 ~~have))~~) has the same effect as if approved by the caseload forecast
31 council.

32 ~~((+5))~~ (4) A caseload forecast councilmember who does not cast an
33 affirmative vote for approval of the official caseload forecast may
34 request, and the (~~((supervisor))~~) director shall provide, an alternative
35 forecast based on assumptions specified by the member.

36 ~~((+6))~~ (5) Members of the caseload forecast council (~~((shall))~~)
37 serve without additional compensation but (~~((shall))~~) must be reimbursed
38 for travel expenses in accordance with RCW 44.04.120 while attending

1 sessions of the caseload forecast council or on official business
2 authorized by the caseload forecast council. Nonlegislative members of
3 the council (~~shall~~) must be reimbursed for travel expenses in
4 accordance with RCW 43.03.050 and 43.03.060.

5 ~~((7) "Caseload," as used in this chapter, means the number of
6 persons expected to meet entitlement requirements and require the
7 services of public assistance programs, state correctional
8 institutions, state correctional noninstitutional supervision, state
9 institutions for juvenile offenders, the common school system, long-
10 term care, medical assistance, foster care, and adoption support.~~

11 ~~((8) Unless the context clearly requires otherwise, the definitions
12 provided in RCW 43.88.020 apply to this chapter.))~~

13 **Sec. 7.** RCW 43.88C.020 and 1997 c 168 s 2 are each amended to read
14 as follows:

15 (1) In consultation with the caseload forecast work group
16 established under RCW 43.88C.030 (as recodified by this act), and
17 subject to the approval of the caseload forecast council under RCW
18 43.88C.010 (as recodified by this act), the (~~supervisor~~) director
19 shall prepare:

20 (a) An official state caseload forecast; and

21 (b) Other caseload forecasts based on alternative assumptions as
22 the council may determine.

23 (2) The (~~supervisor~~) director shall submit caseload forecasts
24 prepared under this section, along with any unofficial forecasts
25 provided under RCW 43.88C.010 (as recodified by this act), to the
26 governor and the members of the legislative fiscal committees,
27 including one copy to the staff of each of the committees. The
28 forecasts (~~shall~~) must be submitted at least three times each year
29 and on such dates as the caseload forecast council determines will
30 facilitate the development of budget proposals by the governor and the
31 legislature.

32 (3) All agencies of state government shall provide to the
33 (~~supervisor~~) director immediate access to all information relating to
34 caseload forecasts.

35 (4) The administrator of the legislative evaluation and
36 accountability program committee may request, and the (~~supervisor~~)

1 director shall provide, alternative caseload forecasts based on
2 assumptions specified by the administrator.

3 (5) The official state caseload forecast under this section
4 (~~shall~~) must be the basis of the governor's budget document as
5 provided in RCW 43.88.030 and utilized by the legislature in the
6 development of the omnibus biennial appropriations act.

7 **Sec. 8.** RCW 43.88.120 and 2000 2nd sp.s. c 4 s 13 are each amended
8 to read as follows:

9 (1) Each agency engaged in the collection of revenues shall prepare
10 estimated revenues and estimated receipts for the current and ensuing
11 biennium and shall submit the estimates to the director of financial
12 management and the director of revenue at times and in the form
13 specified by the directors, along with any other information which the
14 directors may request. (~~For those agencies required to develop six-~~
15 ~~year programs and financial plans under RCW 44.40.070, six year revenue~~
16 ~~estimates shall be submitted to the director of financial management~~
17 ~~and the transportation committees of the senate and the house of~~
18 ~~representatives unless the responsibility for reporting these revenue~~
19 ~~estimates is assumed elsewhere.))~~

20 (2) A copy of such revenue estimates (~~shall~~) must be
21 simultaneously submitted to the economic and revenue forecast work
22 group when required by (~~the office of~~) the economic and revenue
23 forecast council.

24 **Sec. 9.** RCW 70.94.431 and 1995 c 403 s 630 are each amended to
25 read as follows:

26 (1)(a) Except as provided in RCW 43.05.060 through 43.05.080 and
27 43.05.150, and in addition to or as an alternate to any other penalty
28 provided by law, any person who violates any of the provisions of
29 chapter 70.94 RCW, chapter 70.120 RCW, or any of the rules in force
30 under such chapters may incur a civil penalty in an amount not to
31 exceed ten thousand dollars per day for each violation. Each such
32 violation (~~shall be~~) is a separate and distinct offense, and in case
33 of a continuing violation, each day's continuance (~~shall be~~) is a
34 separate and distinct violation.

35 (b) Any person who fails to take action as specified by an order

1 issued pursuant to this chapter (~~shall be~~) is liable for a civil
2 penalty of not more than ten thousand dollars for each day of continued
3 noncompliance.

4 (2)(a) Penalties incurred but not paid (~~shall~~) accrue interest,
5 beginning on the ninety-first day following the date that the penalty
6 becomes due and payable, at the highest rate allowed by RCW 19.52.020
7 on the date that the penalty becomes due and payable. If violations or
8 penalties are appealed, interest (~~shall~~) does not begin to accrue
9 until the thirty-first day following final resolution of the appeal.

10 (b) The maximum penalty amounts established in this section may be
11 increased annually to account for inflation as determined by (~~the~~
12 ~~state office of~~) the economic and revenue forecast council.

13 (3) Each act of commission or omission which procures, aids or
14 abets in the violation (~~shall be~~) is considered a violation under the
15 provisions of this section and subject to the same penalty. The
16 penalties provided in this section (~~shall be~~) are imposed pursuant to
17 RCW 43.21B.300.

18 (4) All penalties recovered under this section by the department
19 (~~shall~~) must be paid into the state treasury and credited to the air
20 pollution control account established in RCW 70.94.015 or, if recovered
21 by the authority, (~~shall~~) must be paid into the treasury of the
22 authority and credited to its funds. If a prior penalty for the same
23 violation has been paid to a local authority, the penalty imposed by
24 the department under subsection (1) of this section (~~shall~~) must be
25 reduced by the amount of the payment.

26 (5) To secure the penalty incurred under this section, the state or
27 the authority (~~shall~~) will have a lien on any vessel used or operated
28 in violation of this chapter which (~~shall be~~) is enforced as provided
29 in RCW 60.36.050.

30 (6) Public or private entities that are recipients or potential
31 recipients of department grants, whether for air quality related
32 activities or not, may have such grants rescinded or withheld by the
33 department for failure to comply with provisions of this chapter.

34 (7) In addition to other penalties provided by this chapter,
35 persons knowingly under-reporting emissions or other information used
36 to set fees, or persons required to pay emission or permit fees who are
37 more than ninety days late with such payments may be subject to a
38 penalty equal to three times the amount of the original fee owed.

1 (8) By January 1, 1992, the department (~~shall~~) must develop rules
2 for excusing excess emissions from enforcement action if such excess
3 emissions are unavoidable. The rules (~~shall~~) must specify the
4 criteria and procedures for the department and local air authorities to
5 determine whether a period of excess emissions is excusable in
6 accordance with the state implementation plan.

7 **Sec. 10.** RCW 70.94.483 and 2003 1st sp.s. c 25 s 932 are each
8 amended to read as follows:

9 (1) The wood stove education and enforcement account is hereby
10 created in the state treasury. Money placed in the account (~~shall~~)
11 must include all money received under subsection (2) of this section
12 and any other money appropriated by the legislature. Money in the
13 account (~~shall~~) must be spent for the purposes of the wood stove
14 education program established under RCW 70.94.480 and for enforcement
15 of the wood stove program, and (~~shall be~~) is subject to legislative
16 appropriation. However, during the 2003-05 fiscal biennium, the
17 legislature may transfer from the wood stove education and enforcement
18 account to the air pollution control account such amounts as specified
19 in the omnibus operating budget bill.

20 (2) The department of ecology, with the advice of the advisory
21 committee, shall set a flat fee of thirty dollars, on the retail sale,
22 as defined in RCW 82.04.050, of each solid fuel burning device after
23 January 1, 1992. The fee (~~shall be~~) is imposed upon the consumer and
24 (~~shall~~) is not (~~be~~) subject to the retail sales tax provisions of
25 chapters 82.08 and 82.12 RCW. The fee may be adjusted annually above
26 thirty dollars to account for inflation as determined by the (~~state~~
27 ~~office of the~~) economic and revenue forecast council. The fee
28 (~~shall~~) must be collected by the department of revenue in conjunction
29 with the retail sales tax under chapter 82.08 RCW. If the seller fails
30 to collect the fee herein imposed or fails to remit the fee to the
31 department of revenue in the manner prescribed in chapter 82.08 RCW,
32 the seller (~~shall be~~) is personally liable to the state for the
33 amount of the fee. The collection provisions of chapter 82.32 RCW
34 (~~shall~~) apply. The department of revenue shall deposit fees
35 collected under this section in the wood stove education and
36 enforcement account.

1 **Sec. 11.** RCW 41.06.087 and 1997 c 168 s 4 are each amended to read
2 as follows:

3 In addition to the exemptions set forth in RCW 41.06.070, this
4 chapter does not apply to the (~~economic and revenue forecast~~
5 ~~supervisor and staff employed~~) director of the office of forecast
6 councils employed under (~~RCW 82.33.010 or the caseload forecast~~
7 ~~supervisor and staff employed under RCW 43.88C.010~~) section 2 of this
8 act.

9 NEW SECTION. **Sec. 12.** (1) The economic and revenue forecast
10 council is transferred to the office of forecast councils.

11 (2)(a) All reports, documents, surveys, books, records, files,
12 papers, or written material in the possession of the economic and
13 revenue forecast council shall be delivered to the custody of the
14 office of forecast councils. All cabinets, furniture, office
15 equipment, motor vehicles, and other tangible property employed by the
16 economic and revenue forecast council shall be made available to the
17 office of forecast councils. All funds, credits, or other assets held
18 by the economic and revenue forecast council shall be assigned to the
19 office of forecast councils.

20 (b) Any appropriations made to the economic and revenue forecast
21 council shall, on the effective date of this section, be transferred
22 and credited to the office of forecast councils.

23 (c) If any question arises as to the transfer of any personnel,
24 funds, books, documents, records, papers, files, equipment, or other
25 tangible property used or held in the exercise of the powers and the
26 performance of the duties and functions transferred, the director of
27 financial management shall make a determination as to the proper
28 allocation and certify the same to the state agencies concerned.

29 (3) All employees of the economic and revenue forecast council are
30 transferred to the jurisdiction of the office of forecast councils.
31 All employees classified under chapter 41.06 RCW, the state civil
32 service law, are assigned to the office of forecast councils to perform
33 their usual duties upon the same terms as formerly, without any loss of
34 rights, subject to any action that may be appropriate thereafter in
35 accordance with the laws and rules governing state civil service.

36 (4) All rules and all pending business before the economic and
37 revenue forecast council shall be continued and acted upon by the

1 office of forecast councils. All existing contracts and obligations
2 shall remain in full force and shall be performed by the office of
3 forecast councils.

4 (5) The transfer of the powers, duties, functions, and personnel of
5 the economic and revenue forecast council shall not affect the validity
6 of any act performed before the effective date of this section.

7 (6) If apportionments of budgeted funds are required because of the
8 transfers directed by this section, the director of financial
9 management shall certify the apportionments to the agencies affected,
10 the state auditor, and the state treasurer. Each of these shall make
11 the appropriate transfer and adjustments in funds and appropriation
12 accounts and equipment records in accordance with the certification.

13 NEW SECTION. **Sec. 13.** (1) The caseload forecast council is
14 transferred to the office of forecast councils.

15 (2)(a) All reports, documents, surveys, books, records, files,
16 papers, or written material in the possession of the caseload forecast
17 council shall be delivered to the custody of the office of forecast
18 councils. All cabinets, furniture, office equipment, motor vehicles,
19 and other tangible property employed by the caseload forecast council
20 shall be made available to the office of forecast councils. All funds,
21 credits, or other assets held by the caseload forecast council shall be
22 assigned to the office of forecast councils.

23 (b) Any appropriations made to the caseload forecast council shall,
24 on the effective date of this section, be transferred and credited to
25 the office of forecast councils.

26 (c) If any question arises as to the transfer of any personnel,
27 funds, books, documents, records, papers, files, equipment, or other
28 tangible property used or held in the exercise of the powers and the
29 performance of the duties and functions transferred, the director of
30 financial management shall make a determination as to the proper
31 allocation and certify the same to the state agencies concerned.

32 (3) All employees of the caseload forecast council are transferred
33 to the jurisdiction of the office of forecast councils. All employees
34 classified under chapter 41.06 RCW, the state civil service law, are
35 assigned to the office of forecast councils to perform their usual
36 duties upon the same terms as formerly, without any loss of rights,

1 subject to any action that may be appropriate thereafter in accordance
2 with the laws and rules governing state civil service.

3 (4) All rules and all pending business before the caseload forecast
4 council shall be continued and acted upon by the office of forecast
5 councils. All existing contracts and obligations shall remain in full
6 force and shall be performed by the office of forecast councils.

7 (5) The transfer of the powers, duties, functions, and personnel of
8 the caseload forecast council shall not affect the validity of any act
9 performed before the effective date of this section.

10 (6) If apportionments of budgeted funds are required because of the
11 transfers directed by this section, the director of financial
12 management shall certify the apportionments to the agencies affected,
13 the state auditor, and the state treasurer. Each of these shall make
14 the appropriate transfer and adjustments in funds and appropriation
15 accounts and equipment records in accordance with the certification.

16 NEW SECTION. **Sec. 14.** Sections 1 and 2 of this act constitute a
17 new chapter in Title 43 RCW.

18 NEW SECTION. **Sec. 15.** All provisions of chapters 82.33 and 43.88C
19 RCW are recodified in chapter 43.--- RCW (the new chapter created under
20 section 14 of this act).

21 NEW SECTION. **Sec. 16.** This act takes effect July 1, 2012.

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