
SENATE BILL 5468

State of Washington 62nd Legislature 2011 Regular Session

By Senators Pridemore, Shin, and Chase; by request of Governor Gregoire

Read first time 01/26/11. Referred to Committee on Government Operations, Tribal Relations & Elections.

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; providing an effective date; and
5 declaring an emergency.

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

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

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

15 (2) "Director" means the director of the office of forecast
16 councils; and

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

1 NEW SECTION. Sec. 2. (1) There is created the office of forecast
2 councils. The economic and revenue forecast council is created within
3 the office of forecast councils. The caseload forecast council is
4 created within the office of forecast councils.

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

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

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

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

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

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

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

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

20 (5) Members of the economic and revenue forecast council (~~shall~~)
21 serve without additional compensation but (~~shall~~) must be reimbursed
22 for travel expenses in accordance with RCW 44.04.120 while attending
23 sessions of the economic and revenue forecast council or on official
24 business authorized by the economic and revenue forecast council.
25 Nonlegislative members of the economic and revenue forecast council
26 (~~shall~~) must be reimbursed for travel expenses in accordance with RCW
27 43.03.050 and 43.03.060.

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

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

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

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

36 (c) An unofficial state economic and revenue forecast based on
37 pessimistic economic and revenue projections.

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

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

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

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

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

29 The administrator of the legislative evaluation and accountability
30 program committee may request, and the (~~supervisor~~) director shall
31 provide, alternative economic and revenue forecasts based on
32 assumptions specified by the administrator.

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

35 (1) The caseload forecast council is hereby created. The caseload
36 forecast council (~~shall~~) consists of two individuals appointed by the

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

7 (2) The (~~council~~) director shall (~~employ a caseload forecast~~
8 ~~supervisor to~~) supervise the preparation of all caseload forecasts.
9 (~~As used in this chapter, "supervisor" means the caseload forecast~~
10 ~~supervisor.~~

11 (~~3~~) Approval by an affirmative vote of at least five members of the
12 council is required for any decisions regarding employment of the
13 supervisor. Employment of the supervisor shall terminate after each
14 term of three years. At the end of the first year of each three-year
15 term the council shall consider extension of the supervisor's term by
16 one year. The council may fix the compensation of the supervisor. The
17 supervisor shall employ staff sufficient to accomplish the purposes of
18 this section.

19 (~~4~~) (3) The caseload forecast council (~~shall~~) oversees the
20 preparation of and approves, by an affirmative vote of at least four
21 members, the official state caseload forecasts prepared under RCW
22 43.88C.020 (as recodified by this act). If the caseload forecast
23 council is unable to approve a forecast before a date required in RCW
24 43.88C.020 (as recodified by this act), the (~~supervisor~~) director
25 shall submit the forecast without approval and the forecast (~~shall~~
26 ~~have~~) has the same effect as if approved by the caseload forecast
27 council.

28 (~~5~~) (4) A caseload forecast council member who does not cast an
29 affirmative vote for approval of the official caseload forecast may
30 request, and the (~~supervisor~~) director shall provide, an alternative
31 forecast based on assumptions specified by the member.

32 (~~6~~) (5) Members of the caseload forecast council (~~shall~~)
33 serve without additional compensation but (~~shall~~) must be reimbursed
34 for travel expenses in accordance with RCW 44.04.120 while attending
35 sessions of the caseload forecast council or on official business
36 authorized by the caseload forecast council. Nonlegislative members of
37 the council (~~shall~~) must be reimbursed for travel expenses in
38 accordance with RCW 43.03.050 and 43.03.060.

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

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

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

11 (1) In consultation with the caseload forecast work group
12 established under RCW 43.88C.030 (as recodified by this act), and
13 subject to the approval of the caseload forecast council under RCW
14 43.88C.010 (as recodified by this act), the (~~(supervisor)~~) director
15 shall prepare:

16 (a) An official state caseload forecast; and

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

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

28 (3) All agencies of state government shall provide to the
29 (~~(supervisor)~~) director immediate access to all information relating to
30 caseload forecasts.

31 (4) The administrator of the legislative evaluation and
32 accountability program committee may request, and the (~~(supervisor)~~)
33 director shall provide, alternative caseload forecasts based on
34 assumptions specified by the administrator.

35 (5) The official state caseload forecast under this section
36 (~~(shall)~~) must be the basis of the governor's budget document as

1 provided in RCW 43.88.030 and utilized by the legislature in the
2 development of the omnibus biennial appropriations act.

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

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

16 (2) A copy of such revenue estimates (~~shall~~) must be
17 simultaneously submitted to the economic and revenue forecast work
18 group when required by (~~the office of~~) the economic and revenue
19 forecast council.

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

22 (1)(a) Except as provided in RCW 43.05.060 through 43.05.080 and
23 43.05.150, and in addition to or as an alternate to any other penalty
24 provided by law, any person who violates any of the provisions of
25 chapter 70.94 RCW, chapter 70.120 RCW, or any of the rules in force
26 under such chapters may incur a civil penalty in an amount not to
27 exceed ten thousand dollars per day for each violation. Each such
28 violation (~~shall be~~) is a separate and distinct offense, and in case
29 of a continuing violation, each day's continuance (~~shall be~~) is
30 a separate and distinct violation.

31 (b) Any person who fails to take action as specified by an order
32 issued pursuant to this chapter (~~shall be~~) is liable for a civil
33 penalty of not more than ten thousand dollars for each day of continued
34 noncompliance.

35 (2)(a) Penalties incurred but not paid (~~shall~~) accrue interest,
36 beginning on the ninety-first day following the date that the penalty

1 becomes due and payable, at the highest rate allowed by RCW 19.52.020
2 on the date that the penalty becomes due and payable. If violations or
3 penalties are appealed, interest (~~((shall))~~) does not begin to accrue
4 until the thirty-first day following final resolution of the appeal.

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

8 (3) Each act of commission or omission which procures, aids or
9 abets in the violation (~~((shall-be))~~) is considered a violation under the
10 provisions of this section and subject to the same penalty. The
11 penalties provided in this section (~~((shall-be))~~) are imposed pursuant to
12 RCW 43.21B.300.

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

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

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

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

34 (8) By January 1, 1992, the department (~~((shall))~~) must develop rules
35 for excusing excess emissions from enforcement action if such excess
36 emissions are unavoidable. The rules (~~((shall))~~) must specify the
37 criteria and procedures for the department and local air authorities to

1 determine whether a period of excess emissions is excusable in
2 accordance with the state implementation plan.

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

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

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

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

35 In addition to the exemptions set forth in RCW 41.06.070, this
36 chapter does not apply to the (~~economic and revenue forecast~~

1 ~~supervisor and staff employed~~) director of the office of forecast
2 councils employed under ((~~RCW 82.33.010 or the caseload forecast~~
3 ~~supervisor and staff employed under RCW 43.88C.010~~)) section 2 of this
4 act.

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

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

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

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

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

32 (4) All rules and all pending business before the economic and
33 revenue forecast council shall be continued and acted upon by the
34 office of forecast councils. All existing contracts and obligations
35 shall remain in full force and shall be performed by the office of
36 forecast councils.

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

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

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

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

20 (b) Any appropriations made to the caseload forecast council shall,
21 on the effective date of this section, be transferred and credited to
22 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 caseload forecast council are transferred
30 to the jurisdiction of the office of forecast councils. All employees
31 classified under chapter 41.06 RCW, the state civil service law, are
32 assigned to the office of forecast councils to perform their usual
33 duties upon the same terms as formerly, without any loss of rights,
34 subject to any action that may be appropriate thereafter in accordance
35 with the laws and rules governing state civil service.

36 (4) All rules and all pending business before the caseload forecast

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

4 (5) The transfer of the powers, duties, functions, and personnel of
5 the caseload forecast council shall not affect the validity of any act
6 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. 14.** Sections 1 and 2 of this act constitute a
14 new chapter in Title 43 RCW.

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

18 NEW SECTION. **Sec. 16.** This act is necessary for the immediate
19 preservation of the public peace, health, or safety, or support of the
20 state government and its existing public institutions, and takes effect
21 July 1, 2011.

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