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SENATE BILL 6447

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State of Washington

62nd Legislature

2012 Regular Session

By Senators Frockt, Nelson, Chase, Conway, Keiser, Kohl-Welles, Harper, and Kline

Read first time 01/23/12. Referred to Committee on Higher Education & Workforce Development.

1 AN ACT Relating to state work-study funding; amending RCW  
2 23B.01.520, 23B.01.530, 24.03.405, 25.05.500, 25.10.916, 25.15.805,  
3 43.24.086, and 43.70.250; creating a new section; providing an  
4 effective date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that the state  
7 work-study program is the second oldest program of its kind in the  
8 country and has been serving students and employers in Washington state  
9 for nearly forty years. This program is a vital component of financial  
10 aid that helps low and middle-income students earn money for college  
11 while gaining valuable experience in jobs that are related to their  
12 career goals. Therefore, the legislature intends to preserve the  
13 current level of funding in the state work-study program.

14 The legislature also recognizes that education and training,  
15 particularly for high-level skills, are key ingredients to economic  
16 growth and competitiveness and is a shared concern of the state,  
17 businesses, and professionals. Thus, the legislature finds that it is  
18 a joint responsibility of the state, businesses, and professionals to

1 invest in the successful training of the future workforce, which  
2 includes programs that support students gaining the necessary work-  
3 related experience.

4 It is for these reasons that the legislature intends to add a  
5 surcharge to business and professional licenses to help generate  
6 revenue for the state work-study program. However, in recognition of  
7 the state's share in this responsibility, the legislature acknowledges  
8 that the revenue generated from this source will only be a partial  
9 funding source.

10 **Sec. 2.** RCW 23B.01.520 and 1989 c 165 s 18 are each amended to  
11 read as follows:

12 Every domestic corporation, except one for which existing law  
13 provides a different fee schedule, shall pay for filing of its articles  
14 of incorporation and its first year's license a fee of one hundred  
15 seventy-five dollars plus a ten dollar surcharge. Revenue collected  
16 from the ten dollar surcharge shall be deposited in the education  
17 legacy trust account created in RCW 83.100.230 and must be used solely  
18 to fund the state work-study program established in chapter 28B.12 RCW.

19 **Sec. 3.** RCW 23B.01.530 and 2010 1st sp.s. c 29 s 2 are each  
20 amended to read as follows:

21 For the privilege of doing business, every corporation organized  
22 under the laws of this state, except the corporations for which  
23 existing law provides a different fee schedule, must make and file a  
24 statement in the form prescribed by the secretary of state and must pay  
25 an annual license fee plus a ten dollar surcharge each year following  
26 incorporation, on or before the expiration date of its corporate  
27 license, to the secretary of state. Revenue collected from the ten  
28 dollar surcharge shall be deposited in the education legacy trust  
29 account created in RCW 83.100.230 and must be used solely to fund the  
30 state work-study program established in chapter 28B.12 RCW. The  
31 secretary of state must collect an annual license fee of sixty dollars  
32 for corporations that are not inactive corporations, of which ten  
33 dollars is designated to be deposited into the secretary's revolving  
34 fund per RCW 43.07.130. The secretary of state must collect an annual  
35 license fee for inactive corporations as established by the secretary  
36 of state in rule. As used in this section, "inactive corporation"

1 means a corporation that certifies at the time of filing under this  
2 section that it did not engage in any business activities during the  
3 year ending on the expiration date of its corporate license.

4 **Sec. 4.** RCW 24.03.405 and 2010 1st sp.s. c 29 s 3 are each amended  
5 to read as follows:

6 (1) The secretary of state must establish by rule, fees for the  
7 following:

8 (a) Filing articles of incorporation.

9 (b) Filing an annual report of a domestic or foreign corporation.

10 (c) Filing an application of a foreign corporation for a  
11 certificate of authority to conduct affairs in this state.

12 (d) An application for reinstatement under RCW 24.03.386.

13 (e) Filing articles of amendment or restatement or an amendment or  
14 supplement to an application for reinstatement.

15 (f) Filing articles of merger or consolidation.

16 (g) Filing a statement of change of address of registered office or  
17 change of registered agent, or revocation, resignation, or any  
18 combination of these.

19 (h) Filing articles of dissolution.

20 (i) Filing an application of a foreign corporation for an amended  
21 certificate of authority to conduct affairs in this state.

22 (j) Filing an application for withdrawal of a foreign corporation  
23 and issuing a certificate of withdrawal.

24 (k) Filing a certificate by a foreign corporation of the  
25 appointment of a registered agent.

26 (l) Filing a certificate of election adopting the provisions of  
27 chapter 24.03 RCW.

28 (m) Filing an application to reserve a corporate name.

29 (n) Filing a notice of transfer of a reserved corporate name.

30 (o) Filing a name registration.

31 (p) Filing any other statement or report authorized for filing  
32 under this chapter.

33 (2) Fees collected according to subsection (1)(a) and (c) of this  
34 section must include a ten dollar surcharge. The revenue collected  
35 from the ten dollar surcharge shall be deposited in the education  
36 legacy trust account created in RCW 83.100.230 and must be used solely  
37 to fund the state work-study program established in chapter 28B.12 RCW.

1       (3) Fees are adjusted by rule only in an amount that does not  
2 exceed the average biennial increase in the cost of providing service.  
3 This must be determined in a biennial cost study performed by the  
4 secretary.

5       **Sec. 5.** RCW 25.05.500 and 2010 1st sp.s. c 29 s 5 are each amended  
6 to read as follows:

7       (1) A partnership which is not a limited liability partnership on  
8 June 11, 1998, may become a limited liability partnership upon the  
9 approval of the terms and conditions upon which it becomes a limited  
10 liability partnership by the vote necessary to amend the partnership  
11 agreement except, in the case of a partnership agreement that expressly  
12 considers obligations to contribute to the partnership, the vote  
13 necessary to amend those provisions, and by filing the applications  
14 required by subsection (2) of this section. A partnership which is a  
15 limited liability partnership on June 11, 1998, continues as a limited  
16 liability partnership under this chapter.

17       (2)(a) To become and to continue as a limited liability  
18 partnership, a partnership must file with the secretary of state an  
19 application stating the name of the partnership; the location of a  
20 registered office, which need not be a place of its activity in this  
21 state; the address of its principal office; if the partnership's  
22 principal office is not located in this state, the address of a  
23 registered office and the name and address of a registered agent for  
24 service of process in this state which the partnership will be required  
25 to continuously maintain; the number of partners; a brief statement of  
26 the business in which the partnership engages; any other matters that  
27 the partnership determines to include; and that the partnership thereby  
28 applies for status as a limited liability partnership.

29       (b) A registered agent for service of process under (a) of this  
30 subsection must be an individual who is a resident of this state or  
31 other person authorized to do business in this state.

32       (3) The application must be accompanied by a fee plus a ten dollar  
33 surcharge for each partnership as established by the secretary of state  
34 in rule. Revenue collected from the ten dollar surcharge shall be  
35 deposited in the education legacy trust account created in RCW  
36 83.100.230 and must be used solely to fund the state work-study program  
37 established in chapter 28B.12 RCW.

1 (4) The secretary of state must register as a limited liability  
2 partnership any partnership that submits a completed application with  
3 the required fee.

4 (5) A partnership registered under this section must pay an annual  
5 fee, in each year following the year in which its application is filed,  
6 on a date and in an amount specified by the secretary of state. The  
7 fee must be accompanied by a notice, on a form provided by the  
8 secretary of state, of the number of partners currently in the  
9 partnership and of any material changes in the information contained in  
10 the partnership's application for registration.

11 (6) Registration is effective immediately after the date an  
12 application is filed, and remains effective until:

13 (a) It is voluntarily withdrawn by filing with the secretary of  
14 state a written withdrawal notice executed by a majority of the  
15 partners or by one or more partners or other persons authorized to  
16 execute a withdrawal notice; or

17 (b) Thirty days after receipt by the partnership of a notice from  
18 the secretary of state, which notice must be sent by first-class mail,  
19 postage prepaid, that the partnership has failed to make timely payment  
20 of the annual fee specified in subsection (5) of this section, unless  
21 the fee is paid within such a thirty-day period.

22 (7) The status of a partnership as a limited liability partnership,  
23 and the liability of the partners thereof, is not affected by: (a)  
24 Errors in the information stated in an application under subsection (2)  
25 of this section or a notice under subsection (6) of this section; or  
26 (b) changes after the filing of such an application or notice in the  
27 information stated in the application or notice.

28 (8) The secretary of state may provide forms for the application  
29 under subsection (2) of this section or a notice under subsection (6)  
30 of this section.

31 **Sec. 6.** RCW 25.10.916 and 2009 c 188 s 1307 are each amended to  
32 read as follows:

33 (1) The secretary of state shall adopt rules establishing fees that  
34 shall be charged and collected for:

35 (a) Filing of a certificate of limited partnership or an  
36 application for a certificate of authority of a foreign limited  
37 partnership;

1 (b) Filing of an amendment or restatement of a certificate of  
2 domestic or foreign limited partnership;

3 (c) Filing an application to reserve, register, or transfer a  
4 limited partnership name;

5 (d) Filing any other certificate, statement, or report authorized  
6 or permitted to be filed; and

7 (e) Copies, certified copies, certificates, service of process  
8 filings, and expedited filings or other special services.

9 (2) In the establishment of a fee schedule, the secretary of state  
10 shall, insofar as is possible and reasonable, be guided by the fee  
11 schedule provided for corporations governed by Title 23B RCW and the  
12 fee must include a ten dollar surcharge to all fees collected according  
13 to subsection (1)(a) of this section. Revenue collected from the ten  
14 dollar surcharge shall be deposited in the education legacy trust  
15 account created in RCW 83.100.230 and must be used solely to fund the  
16 state work-study program established in chapter 28B.12 RCW.

17 (a) Fees for copies, certified copies, certificates of record, and  
18 service of process filings are the same as in RCW 23B.01.220.

19 (b) Fees for reinstatement of a foreign or domestic limited  
20 partnership are the same as in RCW 23B.01.560.

21 (c) All fees collected by the secretary of state shall be deposited  
22 with the state treasurer pursuant to law.

23 **Sec. 7.** RCW 25.15.805 and 2010 c 196 s 13 are each amended to read  
24 as follows:

25 (1) The secretary of state shall adopt rules establishing fees  
26 which shall be charged and collected for:

27 (a) Filing of a certificate of formation for a domestic limited  
28 liability company or an application for registration of a foreign  
29 limited liability company;

30 (b) Filing of a certificate of dissolution for a domestic limited  
31 liability company;

32 (c) Filing a certificate of cancellation for a foreign limited  
33 liability company;

34 (d) Filing of a certificate of amendment or restatement for a  
35 domestic or foreign limited liability company;

36 (e) Filing an application to reserve, register, or transfer a  
37 limited liability company name;

1 (f) Filing any other certificate, statement, or report authorized  
2 or permitted to be filed;

3 (g) Copies, certified copies, certificates, service of process  
4 filings, and expedited filings or other special services.

5 (2) In the establishment of a fee schedule, the secretary of state  
6 shall, insofar as is possible and reasonable, be guided by the fee  
7 schedule provided for corporations governed by Title 23B RCW and the  
8 fee must include a ten dollar surcharge to all fees collected according  
9 to subsection (1)(a) of this section. Revenue collected from the ten  
10 dollar surcharge shall be deposited in the education legacy trust  
11 account created in RCW 83.100.230 and must be used solely to fund the  
12 state work-study program established in chapter 28B.12 RCW. Fees for  
13 copies, certified copies, certificates of record, and service of  
14 process filings shall be as provided for in RCW 23B.01.220.

15 (3) All fees collected by the secretary of state shall be deposited  
16 with the state treasurer pursuant to law.

17 **Sec. 8.** RCW 43.24.086 and 1999 c 240 s 2 are each amended to read  
18 as follows:

19 It shall be the policy of the state of Washington that the cost of  
20 each professional, occupational((†,†))<sub>1</sub> or business licensing program  
21 be fully borne by the members of that profession, occupation((†,†))<sub>1</sub> or  
22 business. The director of licensing shall from time to time establish  
23 the amount of all application fees, license fees, registration fees,  
24 examination fees, permit fees, renewal fees, and any other fee  
25 associated with licensing or regulation of professions,  
26 occupations((†,†))<sub>1</sub> or businesses, except for health professions,  
27 administered by the department of licensing. In fixing said fees, the  
28 director shall set the fees for each such program at a sufficient level  
29 to defray the costs of administering that program and shall include an  
30 additional three percent surcharge on all initial license fees and  
31 annual license renewal fees. Revenue collected from the three percent  
32 surcharge shall be deposited in the education legacy trust account  
33 created in RCW 83.100.230 and must be used solely to fund the state  
34 work-study program established in chapter 28B.12 RCW. All such fees  
35 shall be fixed by rule adopted by the director in accordance with the  
36 provisions of the administrative procedure act, chapter 34.05 RCW.

1       **Sec. 9.** RCW 43.70.250 and 2006 c 72 s 4 are each amended to read  
2 as follows:

3       It shall be the policy of the state of Washington that the cost of  
4 each professional, occupational, or business licensing program be fully  
5 borne by the members of that profession, occupation, or business. The  
6 secretary shall from time to time establish the amount of all  
7 application fees, license fees, registration fees, examination fees,  
8 permit fees, renewal fees, and any other fee associated with licensing  
9 or regulation of professions, occupations, or businesses administered  
10 by the department. In fixing said fees, the secretary shall set the  
11 fees for each program at a sufficient level to defray the costs of  
12 administering that program and the cost of regulating licensed  
13 volunteer medical workers in accordance with RCW 18.130.360, except as  
14 provided in RCW 18.79.202 until June 30, 2013, and shall include an  
15 additional three percent surcharge on all initial license fees and  
16 annual license renewal fees. Revenue collected from the three percent  
17 surcharge shall be deposited in the education legacy trust account  
18 created in RCW 83.100.230 and must be used solely to fund the state  
19 work-study program established in chapter 28B.12 RCW. All such fees  
20 shall be fixed by rule adopted by the secretary in accordance with the  
21 provisions of the administrative procedure act, chapter 34.05 RCW.

22       NEW SECTION.   **Sec. 10.** This act is necessary for the immediate  
23 preservation of the public peace, health, or safety, or support of the  
24 state government and its existing public institutions, and takes effect  
25 April 1, 2012.

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