

ESHB 2015 - S COMM AMD

By Committee on Ways & Means

ADOPTED 04/25/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that the
4 current facilities housing the Washington state archives, Washington
5 state library, Washington state corporations and charities office,
6 and the state elections office is in need of modernization and
7 update. This is due to these vital programs being housed in obsolete
8 and crowded facilities that do not meet modern standards for the
9 functions performed in each.

10 (2) It is the intent of the secretary of state and the
11 legislature to preserve and protect the state's vital records and
12 collections, provide convenient service to the public, be excellent
13 stewards of state funds, and house staff and collections in a state
14 of the art, energy efficient building owned and operated by the
15 office of the secretary of state. This will be accomplished by
16 constructing a new building funded by a financing contract entered
17 into by the secretary of state pursuant to chapter 39.94 RCW. The
18 principal and interest requirements of the financing contract will be
19 serviced by existing rents, existing fees, and a new fee on documents
20 recorded at county recording offices.

21 (3) This building, to be known as the library-archives building,
22 will replace the existing state archives, the existing leased library
23 location, the existing leased elections office, and the corporations
24 and charities building on Capitol Way in addition to consolidating
25 other archival structures. The consolidation of facilities will
26 create efficiency under RCW 43.82.010(6) and convenience for
27 customers with the eventual goal of housing all functions of the
28 various divisions of the office of the secretary of state.

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.07
30 RCW to read as follows:

1 The secretary of state's office shall own and operate the
2 library-archives building. The secretary of state's office is
3 authorized to enter into a long-term land lease from the port of
4 Olympia for a period of up to seventy-five years. To comply with the
5 provisions of this section, this project is exempt from the
6 provisions of RCW 43.82.010.

7 **Sec. 3.** RCW 36.18.010 and 2015 3rd sp.s. c 28 s 1 are each
8 amended to read as follows:

9 County auditors or recording officers shall collect the following
10 fees for their official services:

11 (1) For recording instruments, for the first page eight and one-
12 half by fourteen inches or less, five dollars; for each additional
13 page eight and one-half by fourteen inches or less, one dollar. The
14 fee for recording multiple transactions contained in one instrument
15 will be calculated for each transaction requiring separate indexing
16 as required under RCW 65.04.050 as follows: The fee for each title or
17 transaction is the same fee as the first page of any additional
18 recorded document; the fee for additional pages is the same fee as
19 for any additional pages for any recorded document; the fee for the
20 additional pages may be collected only once and may not be collected
21 for each title or transaction;

22 (2) For preparing and certifying copies, for the first page eight
23 and one-half by fourteen inches or less, three dollars; for each
24 additional page eight and one-half by fourteen inches or less, one
25 dollar;

26 (3) For preparing noncertified copies, for each page eight and
27 one-half by fourteen inches or less, one dollar;

28 (4) For administering an oath or taking an affidavit, with or
29 without seal, two dollars;

30 (5) For issuing a marriage license, eight dollars, (this fee
31 includes taking necessary affidavits, filing returns, indexing, and
32 transmittal of a record of the marriage to the state registrar of
33 vital statistics) plus an additional five dollar fee for use and
34 support of the prevention of child abuse and neglect activities to be
35 transmitted monthly to the state treasurer and deposited in the state
36 general fund plus an additional ten dollar fee to be transmitted
37 monthly to the state treasurer and deposited in the state general
38 fund. The legislature intends to appropriate an amount at least equal

1 to the revenue generated by this fee for the purposes of the
2 displaced homemaker act, chapter 28B.04 RCW;

3 (6) For searching records per hour, eight dollars;

4 (7) For recording plats, fifty cents for each lot except cemetery
5 plats for which the charge shall be twenty-five cents per lot; also
6 one dollar for each acknowledgment, dedication, and description:
7 PROVIDED, That there shall be a minimum fee of twenty-five dollars
8 per plat;

9 (8) For recording of miscellaneous records not listed above, for
10 the first page eight and one-half by fourteen inches or less, five
11 dollars; for each additional page eight and one-half by fourteen
12 inches or less, one dollar;

13 (9) For modernization and improvement of the recording and
14 indexing system, a surcharge as provided in RCW 36.22.170;

15 (10) For recording an emergency nonstandard document as provided
16 in RCW 65.04.047, fifty dollars, in addition to all other applicable
17 recording fees;

18 (11) For recording instruments, a three dollar surcharge to be
19 deposited into the Washington state (~~heritage center~~) library
20 operations account created in RCW 43.07.129;

21 (12) For recording instruments, a two dollar surcharge to be
22 deposited into the Washington state library-archives building account
23 created in section 9 of this act until the financing contract entered
24 into by the secretary of state for the Washington state library-
25 archives building is paid in full;

26 (13) For recording instruments, a surcharge as provided in RCW
27 36.22.178; and

28 (~~(13)~~) (14) For recording instruments, except for documents
29 recording a birth, marriage, divorce, or death or any documents
30 otherwise exempted from a recording fee under state law, a surcharge
31 as provided in RCW 36.22.179.

32 **Sec. 4.** RCW 36.22.175 and 2017 c 303 s 7 are each amended to
33 read as follows:

34 (1)(a) In addition to any other charge authorized by law, the
35 county auditor shall charge a surcharge of one dollar per instrument
36 for each document recorded. Revenue generated through this surcharge
37 shall be transmitted monthly to the state treasurer for deposit in
38 the local government archives account under RCW 40.14.024. These
39 funds shall be used solely for providing records schedule compliance,

1 security microfilm inspection and storage, archival preservation,
2 cataloging, and indexing for local government records and digital
3 data and access to those records and data through the regional branch
4 archives of the division of archives and records management.

5 (b) The division of archives and records management within the
6 office of the secretary of state shall provide records management
7 training for local governments and shall establish a competitive
8 grant program to solicit and prioritize project proposals from local
9 governments for potential funding to be paid for by funds from the
10 auditor surcharge and tax warrant surcharge revenues. Application for
11 specific projects may be made by local government agencies only. The
12 state archivist in consultation with the advisory committee
13 established under RCW 40.14.027 shall adopt rules governing project
14 eligibility, evaluation, awarding of grants, and other criteria
15 including requirements for records management training for grant
16 recipients.

17 (2) The advisory committee established under RCW 40.14.027 shall
18 review grant proposals and establish a prioritized list of projects
19 to be considered for funding by January 1st of each even-numbered
20 year, beginning in 2002. The evaluation of proposals and development
21 of the prioritized list must be developed through open public
22 meetings. Funding for projects shall be granted according to the
23 ranking of each application on the prioritized list and projects will
24 be funded only to the extent that funds are available. A grant award
25 may have an effective date other than the date the project is placed
26 on the prioritized list.

27 (3) ~~((a))~~ In addition to any other surcharge authorized by law,
28 the county auditor shall charge a surcharge of one dollar per
29 instrument for every document recorded after January 1, 2002. Revenue
30 generated through this surcharge shall be transmitted to the state
31 treasurer monthly for deposit in the ~~((local government archives~~
32 ~~account under RCW 40.14.024 to be used exclusively for: (i) The~~
33 ~~construction and improvement of a specialized regional facility~~
34 ~~located in eastern Washington designed to serve the archives, records~~
35 ~~management, and digital data management needs of local government;~~
36 ~~and (ii) payment of the certificate of participation issued for the~~
37 ~~Washington state heritage center to the extent there is an excess~~
38 ~~fund balance in the account and fees generated under RCW 36.18.010~~
39 ~~and 43.07.128 are insufficient to meet debt service payments on the~~
40 ~~certificate of participation.~~

1 ~~(b) To the extent the facilities are used for the storage and~~
2 ~~retrieval of state agency records and digital data, that portion of~~
3 ~~the construction of such facilities used for state government records~~
4 ~~and data shall be supported by other charges and fees paid by state~~
5 ~~agencies and shall not be supported by the surcharge authorized in~~
6 ~~this subsection, except that to the extent there is an excess fund~~
7 ~~balance in the account and fees generated under RCW 36.18.010 and~~
8 ~~43.07.128 are insufficient to meet debt service payments for the~~
9 ~~Washington state heritage center, the local government archives~~
10 ~~account under RCW 40.14.024 may be used for the Washington state~~
11 ~~heritage center.~~

12 ~~(c) At such time that all debt service from construction of the~~
13 ~~specialized regional archive facility located in eastern Washington~~
14 ~~has been paid,)) following accounts, fifty percent of the surcharge~~
15 ~~authorized by this subsection shall be reverted to the ((centennial~~
16 ~~document preservation and modernization)) local government archives~~
17 ~~account as prescribed in RCW ((36.22.170)) 40.14.024 for maintenance~~
18 ~~and operation of the specialized regional archive facility located in~~
19 ~~eastern Washington and fifty percent of the surcharge authorized by~~
20 ~~this section shall be reverted to the ((state treasurer for deposit~~
21 ~~in the public records efficiency, preservation, and access account to~~
22 ~~serve the archives, records management, and digital data management~~
23 ~~needs of local government, except that the state treasurer shall not~~
24 ~~revert funds to the centennial document preservation and~~
25 ~~modernization account and to the public records efficiency,~~
26 ~~preservation, and access account if fees generated under RCW~~
27 ~~36.18.010 and 43.07.128 are insufficient to meet debt service~~
28 ~~payments on the Washington state heritage center)) account created in~~
29 ~~section 9 of this act for payment of the financing contract entered~~
30 ~~into by the secretary of state for the Washington state library-~~
31 ~~archives building.~~

32 (4) In addition to any other surcharge authorized by law, the
33 county auditor shall charge a surcharge of one dollar per instrument
34 for every document recorded. Revenue generated through this surcharge
35 shall be transmitted to the state treasurer monthly for deposit in
36 the local government archives account under RCW 40.14.024 to be used
37 exclusively for the competitive grant program in RCW 40.14.026, and
38 for the attorney general's consultation program and state archivist's
39 training services authorized in RCW 42.56.570.

1 **Sec. 5.** RCW 36.22.175 and 2011 1st sp.s. c 50 s 931 are each
2 amended to read as follows:

3 (1)(a) In addition to any other charge authorized by law, the
4 county auditor shall charge a surcharge of one dollar per instrument
5 for each document recorded. Revenue generated through this surcharge
6 shall be transmitted monthly to the state treasurer for deposit in
7 the local government archives account under RCW 40.14.024. These
8 funds shall be used solely for providing records scheduling, security
9 microfilm inspection and storage, archival preservation, cataloging,
10 and indexing for local government records and digital data and access
11 to those records and data through the regional branch archives of the
12 division of archives and records management.

13 (b) The division of archives and records management within the
14 office of the secretary of state shall provide records management
15 training for local governments and shall establish a competitive
16 grant program to solicit and prioritize project proposals from local
17 governments for potential funding to be paid for by funds from the
18 auditor surcharge and tax warrant surcharge revenues. Application for
19 specific projects may be made by local government agencies only. The
20 state archivist in consultation with the advisory committee
21 established under RCW 40.14.027 shall adopt rules governing project
22 eligibility, evaluation, awarding of grants, and other criteria
23 including requirements for records management training for grant
24 recipients.

25 (2) The advisory committee established under RCW 40.14.027 shall
26 review grant proposals and establish a prioritized list of projects
27 to be considered for funding by January 1st of each even-numbered
28 year, beginning in 2002. The evaluation of proposals and development
29 of the prioritized list must be developed through open public
30 meetings. Funding for projects shall be granted according to the
31 ranking of each application on the prioritized list and projects will
32 be funded only to the extent that funds are available. A grant award
33 may have an effective date other than the date the project is placed
34 on the prioritized list.

35 (3) ~~((a))~~ In addition to any other surcharge authorized by law,
36 the county auditor shall charge a surcharge of one dollar per
37 instrument for every document recorded after January 1, 2002. Revenue
38 generated through this surcharge shall be transmitted to the state
39 treasurer monthly for deposit in the ~~((local government archives~~
40 ~~account under RCW 40.14.024 to be used exclusively for: (i) The~~

1 ~~construction and improvement of a specialized regional facility~~
2 ~~located in eastern Washington designed to serve the archives, records~~
3 ~~management, and digital data management needs of local government;~~
4 ~~and (ii) payment of the certificate of participation issued for the~~
5 ~~Washington state heritage center to the extent there is an excess~~
6 ~~fund balance in the account and fees generated under RCW 36.18.010~~
7 ~~and 43.07.128 are insufficient to meet debt service payments on the~~
8 ~~certificate of participation.~~

9 ~~(b) To the extent the facilities are used for the storage and~~
10 ~~retrieval of state agency records and digital data, that portion of~~
11 ~~the construction of such facilities used for state government records~~
12 ~~and data shall be supported by other charges and fees paid by state~~
13 ~~agencies and shall not be supported by the surcharge authorized in~~
14 ~~this subsection, except that to the extent there is an excess fund~~
15 ~~balance in the account and fees generated under RCW 36.18.010 and~~
16 ~~43.07.128 are insufficient to meet debt service payments for the~~
17 ~~Washington state heritage center, the local government archives~~
18 ~~account under RCW 40.14.024 may be used for the Washington state~~
19 ~~heritage center.~~

20 ~~(c) At such time that all debt service from construction of the~~
21 ~~specialized regional archive facility located in eastern Washington~~
22 ~~has been paid,)) following accounts, fifty percent of the surcharge~~
23 ~~authorized by this subsection shall be reverted to the ((centennial~~
24 ~~document preservation and modernization)) local government archives~~
25 ~~account as prescribed in RCW ((36.22.170)) 40.14.024 for maintenance~~
26 ~~and operation of the specialized regional archive facility located in~~
27 ~~eastern Washington and fifty percent of the surcharge authorized by~~
28 ~~this section shall be reverted to the ((state treasurer for deposit~~
29 ~~in the public records efficiency, preservation, and access account to~~
30 ~~serve the archives, records management, and digital data management~~
31 ~~needs of local government, except that the state treasurer shall not~~
32 ~~revert funds to the centennial document preservation and~~
33 ~~modernization account and to the public records efficiency,~~
34 ~~preservation, and access account if fees generated under RCW~~
35 ~~36.18.010 and 43.07.128 are insufficient to meet debt service~~
36 ~~payments on the Washington state heritage center)) account created in~~
37 ~~section 9 of this act for payment of the financing contract entered~~
38 ~~into by the secretary of state for the Washington state library-~~
39 ~~archives building.~~

1 **Sec. 6.** RCW 43.07.128 and 2007 c 523 s 1 are each amended to
2 read as follows:

3 (1) In addition to other required filing fees, the secretary of
4 state shall collect a fee of five dollars at the time of filing for:

5 (a) Articles of incorporation for domestic corporations or
6 applications for certificates of authority for foreign corporations
7 under Title 23B RCW;

8 (b) Certificates of formation for domestic limited liability
9 companies or registrations of foreign limited liability companies
10 under chapter 25.15 RCW;

11 (c) Registrations of foreign and domestic partnerships and
12 limited liability partnerships under chapter 25.05 RCW;

13 (d) Certificates of limited partnership(~~(+s+)~~) s and
14 registration(~~(+s+)~~) s of foreign limited partnerships under chapter
15 25.10 RCW; and

16 (e) Registrations of trademarks under chapter 19.77 RCW.

17 (2) Moneys received under subsection (1) of this section must be
18 deposited into the (~~Washington state heritage center~~) library
19 operations account created in RCW 43.07.129.

20 **Sec. 7.** RCW 43.07.129 and 2012 2nd sp.s. c 7 s 917 are each
21 amended to read as follows:

22 The Washington state (~~heritage center~~) library operations
23 account is created in the custody of the state treasurer. All moneys
24 received under RCW 36.18.010(11) and 43.07.128 must be deposited in
25 the account. Expenditures from the account may be made only for the
26 following purposes:

27 (1) Payment of the (~~certificate of participation issued~~)
28 financing contract entered into by the secretary of state for the
29 Washington state (~~heritage center~~) library-archives building;

30 (2) Capital maintenance of the Washington state (~~heritage~~
31 ~~center~~) library-archives building and the specialized regional
32 facility located in eastern Washington designed to serve the
33 archives, records management, and digital data management needs of
34 local government; and

35 (3) Program operations that serve the public, relate to the
36 collections and exhibits housed in the Washington state (~~heritage~~
37 ~~center~~) library-archives building, or fulfill the missions of the
38 state archives(~~(r)~~) and state library(~~(r and capital museum)~~).

1 Only the secretary of state or the secretary of state's designee
2 may authorize expenditures from the account. An appropriation is not
3 required for expenditures, but the account is subject to allotment
4 procedures under chapter 43.88 RCW. (~~During the 2011-2013 fiscal~~
5 ~~biennium, the legislature may appropriate from the Washington state~~
6 ~~heritage center account for the purposes of state arts, historical,~~
7 ~~and library programs. Additionally, during the 2011-2013 fiscal~~
8 ~~biennium, the legislature may transfer from the Washington state~~
9 ~~heritage center account to the state general fund such amounts as~~
10 ~~reflect the excess fund balance of the fund.))~~

11 **Sec. 8.** RCW 43.07.370 and 2009 c 71 s 1 are each amended to read
12 as follows:

13 (1) The secretary of state may solicit and accept gifts, grants,
14 conveyances, bequests, and devises of real or personal property, or
15 both, in trust or otherwise, and sell, lease, exchange, invest, or
16 expend these donations or the proceeds, rents, profits, and income
17 from the donations except as limited by the donor's terms.

18 (2) Moneys received under this section may be used only for the
19 following purposes:

- 20 (a) Conducting the Washington state legacy project;
- 21 (b) Archival activities;
- 22 (c) Washington state library activities;
- 23 (d) Development, construction, and operation of the Washington
24 state (~~heritage center~~) library-archives building; and
- 25 (e) Donation of Washington state flags.

26 (3)(a) Moneys received under subsection (2)(a) through (c) of
27 this section must be deposited in the Washington state legacy
28 project, state library, and archives account established in RCW
29 43.07.380.

30 (b) Moneys received under subsection (2)(d) of this section must
31 be deposited in the Washington state (~~heritage center~~) library-
32 archives building account created in (~~RCW 43.07.129~~) section 9 of
33 this act.

34 (c) Moneys received under subsection (2)(e) of this section must
35 be deposited in the Washington state flag account created in RCW
36 43.07.388.

37 (4) The secretary of state shall adopt rules to govern and
38 protect the receipt and expenditure of the proceeds.

1 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.07
2 RCW to read as follows:

3 The Washington state library-archives building account is created
4 in the custody of the state treasurer. All moneys received under RCW
5 36.18.010(12), 36.22.175(3), and 43.07.370(3) must be deposited in
6 the account. Expenditures from the account may be made only for the
7 purposes of payment of the financing contract entered into by the
8 secretary of state for the Washington state library-archives
9 building. Only the secretary of state or the secretary of state's
10 designee may authorize expenditures from the account. An
11 appropriation is not required for expenditures, but the account is
12 subject to allotment procedures under chapter 43.88 RCW.

13 **Sec. 10.** RCW 43.79A.040 and 2018 c 260 s 28, 2018 c 258 s 4, and
14 2018 c 127 s 6 are each reenacted and amended to read as follows:

15 (1) Money in the treasurer's trust fund may be deposited,
16 invested, and reinvested by the state treasurer in accordance with
17 RCW 43.84.080 in the same manner and to the same extent as if the
18 money were in the state treasury, and may be commingled with moneys
19 in the state treasury for cash management and cash balance purposes.

20 (2) All income received from investment of the treasurer's trust
21 fund must be set aside in an account in the treasury trust fund to be
22 known as the investment income account.

23 (3) The investment income account may be utilized for the payment
24 of purchased banking services on behalf of treasurer's trust funds
25 including, but not limited to, depository, safekeeping, and
26 disbursement functions for the state treasurer or affected state
27 agencies. The investment income account is subject in all respects to
28 chapter 43.88 RCW, but no appropriation is required for payments to
29 financial institutions. Payments must occur prior to distribution of
30 earnings set forth in subsection (4) of this section.

31 (4)(a) Monthly, the state treasurer must distribute the earnings
32 credited to the investment income account to the state general fund
33 except under (b), (c), and (d) of this subsection.

34 (b) The following accounts and funds must receive their
35 proportionate share of earnings based upon each account's or fund's
36 average daily balance for the period: The 24/7 sobriety account, the
37 Washington promise scholarship account, the Gina Grant Bull memorial
38 legislative page scholarship account, the Washington advanced college
39 tuition payment program account, the Washington college savings

1 program account, the accessible communities account, the Washington
2 achieving a better life experience program account, the community and
3 technical college innovation account, the agricultural local fund,
4 the American Indian scholarship endowment fund, the foster care
5 scholarship endowment fund, the foster care endowed scholarship trust
6 fund, the contract harvesting revolving account, the Washington state
7 combined fund drive account, the commemorative works account, the
8 county enhanced 911 excise tax account, the toll collection account,
9 the developmental disabilities endowment trust fund, the energy
10 account, the fair fund, the family and medical leave insurance
11 account, the fish and wildlife federal lands revolving account, the
12 natural resources federal lands revolving account, the food animal
13 veterinarian conditional scholarship account, the forest health
14 revolving account, the fruit and vegetable inspection account, the
15 future teachers conditional scholarship account, the game farm
16 alternative account, the GET ready for math and science scholarship
17 account, the Washington global health technologies and product
18 development account, the grain inspection revolving fund, the
19 Washington history day account, the industrial insurance rainy day
20 fund, the juvenile accountability incentive account, the law
21 enforcement officers' and firefighters' plan 2 expense fund, the
22 local tourism promotion account, the low-income home rehabilitation
23 revolving loan program account, the multiagency permitting team
24 account, the northeast Washington wolf-livestock management account,
25 the pilotage account, the produce railcar pool account, the regional
26 transportation investment district account, the rural rehabilitation
27 account, the Washington sexual assault kit account, the stadium and
28 exhibition center account, the youth athletic facility account, the
29 self-insurance revolving fund, the children's trust fund, the
30 Washington horse racing commission Washington bred owners' bonus fund
31 and breeder awards account, the Washington horse racing commission
32 class C purse fund account, the individual development account
33 program account, the Washington horse racing commission operating
34 account, the life sciences discovery fund, the Washington state
35 (~~heritage center~~) library-archives building account, the reduced
36 cigarette ignition propensity account, the center for childhood
37 deafness and hearing loss account, the school for the blind account,
38 the Millersylvania park trust fund, the public employees' and
39 retirees' insurance reserve fund, the school employees' benefits
40 board insurance reserve fund, (~~the~~) the public employees' and

1 retirees' insurance account, (~~{the}~~) the school employees'
2 insurance account, (~~and~~) the radiation perpetual maintenance fund,
3 and the library operations account.

4 (c) The following accounts and funds must receive eighty percent
5 of their proportionate share of earnings based upon each account's or
6 fund's average daily balance for the period: The advanced right-of-
7 way revolving fund, the advanced environmental mitigation revolving
8 account, the federal narcotics asset forfeitures account, the high
9 occupancy vehicle account, the local rail service assistance account,
10 and the miscellaneous transportation programs account.

11 (d) Any state agency that has independent authority over accounts
12 or funds not statutorily required to be held in the custody of the
13 state treasurer that deposits funds into a fund or account in the
14 custody of the state treasurer pursuant to an agreement with the
15 office of the state treasurer shall receive its proportionate share
16 of earnings based upon each account's or fund's average daily balance
17 for the period.

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

21 NEW SECTION. **Sec. 11.** Section 4 of this act expires June 30,
22 2020.

23 NEW SECTION. **Sec. 12.** Section 5 of this act takes effect June
24 30, 2020."

ESHB 2015 - S COMM AMD
By Committee on Ways & Means

ADOPTED 04/25/2019

25 On page 1, line 3 of the title, after "facilities;" strike the
26 remainder of the title and insert "amending RCW 36.18.010, 36.22.175,
27 36.22.175, 43.07.128, 43.07.129, and 43.07.370; reenacting and
28 amending RCW 43.79A.040; adding new sections to chapter 43.07 RCW;
29 creating a new section; providing an effective date; and providing an
30 expiration date."

EFFECT: Removes the null and void clause. Makes technical correction to codify section 2 in chapter 43.07 RCW.

--- **END** ---