
SUBSTITUTE HOUSE BILL 2015

State of Washington

66th Legislature

2019 Regular Session

By House Capital Budget (originally sponsored by Representatives Doglio, DeBolt, Dolan, Walsh, Blake, Springer, Tarleton, and Pollet; by request of Secretary of State)

1 AN ACT Relating to providing funding for the Washington state
2 library-archives building and operations of library and archives
3 facilities; amending RCW 36.18.010, 36.22.175, 36.22.175, 43.07.128,
4 43.07.129, and 43.07.370; reenacting and amending RCW 43.79A.040;
5 adding a new section to chapter 43.07 RCW; creating new sections;
6 providing an effective date; and providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that the current
9 facilities housing the Washington state archives, Washington state
10 library, Washington state corporations and charities office, and the
11 state elections office is in need of modernization and update. This
12 is due to these vital programs being housed in obsolete and crowded
13 facilities that do not meet modern standards for the functions
14 performed in each.

15 It is the intent of the secretary of state and the legislature to
16 preserve and protect the state's vital records and collections,
17 provide convenient service to the public, be excellent stewards of
18 state funds, and house staff and collections in a state of the art,
19 energy efficient building owned and operated by the office of the
20 secretary of state. This will be accomplished by creating a new
21 building funded by a certificate of participation. Certificate of

1 participation debt will be serviced by existing rents, existing fees,
2 and a new fee on documents recorded at county recording offices.

3 This building, to be known as the library-archives building, will
4 replace the existing state archives, the existing leased library
5 location, the existing leased elections office, and the corporations
6 and charities building on Capitol Way in addition to consolidating
7 other archival structures. The consolidation of facilities will
8 create efficiency under RCW 43.82.010(6) and convenience for
9 customers with the eventual goal of housing all functions of the
10 various divisions of the office of the secretary of state free of
11 ongoing rent after payment of the certificate of participation debt.

12 NEW SECTION. **Sec. 2.** The secretary of state's office shall own
13 and operate the library-archives building. The secretary of state's
14 office is authorized to enter into a long-term land lease from the
15 port of Olympia for a period of up to seventy-five years. To comply
16 with the provisions of this section, this project is exempt from the
17 provisions of RCW 43.82.010.

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

20 County auditors or recording officers shall collect the following
21 fees for their official services:

22 (1) For recording instruments, for the first page eight and one-
23 half by fourteen inches or less, five dollars; for each additional
24 page eight and one-half by fourteen inches or less, one dollar. The
25 fee for recording multiple transactions contained in one instrument
26 will be calculated for each transaction requiring separate indexing
27 as required under RCW 65.04.050 as follows: The fee for each title or
28 transaction is the same fee as the first page of any additional
29 recorded document; the fee for additional pages is the same fee as
30 for any additional pages for any recorded document; the fee for the
31 additional pages may be collected only once and may not be collected
32 for each title or transaction;

33 (2) For preparing and certifying copies, for the first page eight
34 and one-half by fourteen inches or less, three dollars; for each
35 additional page eight and one-half by fourteen inches or less, one
36 dollar;

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

- 1 (4) For administering an oath or taking an affidavit, with or
2 without seal, two dollars;
- 3 (5) For issuing a marriage license, eight dollars, (this fee
4 includes taking necessary affidavits, filing returns, indexing, and
5 transmittal of a record of the marriage to the state registrar of
6 vital statistics) plus an additional five dollar fee for use and
7 support of the prevention of child abuse and neglect activities to be
8 transmitted monthly to the state treasurer and deposited in the state
9 general fund plus an additional ten dollar fee to be transmitted
10 monthly to the state treasurer and deposited in the state general
11 fund. The legislature intends to appropriate an amount at least equal
12 to the revenue generated by this fee for the purposes of the
13 displaced homemaker act, chapter 28B.04 RCW;
- 14 (6) For searching records per hour, eight dollars;
- 15 (7) For recording plats, fifty cents for each lot except cemetery
16 plats for which the charge shall be twenty-five cents per lot; also
17 one dollar for each acknowledgment, dedication, and description:
18 PROVIDED, That there shall be a minimum fee of twenty-five dollars
19 per plat;
- 20 (8) For recording of miscellaneous records not listed above, for
21 the first page eight and one-half by fourteen inches or less, five
22 dollars; for each additional page eight and one-half by fourteen
23 inches or less, one dollar;
- 24 (9) For modernization and improvement of the recording and
25 indexing system, a surcharge as provided in RCW 36.22.170;
- 26 (10) For recording an emergency nonstandard document as provided
27 in RCW 65.04.047, fifty dollars, in addition to all other applicable
28 recording fees;
- 29 (11) For recording instruments, a three dollar surcharge to be
30 deposited into the Washington state (~~heritage center~~) library
31 operations account created in RCW 43.07.129;
- 32 (12) For recording instruments, a two dollar surcharge to be
33 deposited into the Washington state library-archives building account
34 created in section 9 of this act until the certificate of
35 participation is paid in full;
- 36 (13) For recording instruments, a surcharge as provided in RCW
37 36.22.178; and
- 38 (~~(13)~~) (14) For recording instruments, except for documents
39 recording a birth, marriage, divorce, or death or any documents

1 otherwise exempted from a recording fee under state law, a surcharge
2 as provided in RCW 36.22.179.

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

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

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

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

37 (3) ~~((a))~~ In addition to any other surcharge authorized by law,
38 the county auditor shall charge a surcharge of one dollar per
39 instrument for every document recorded after January 1, 2002. Revenue

1 generated through this surcharge shall be transmitted to the state
2 treasurer monthly for deposit in the ~~((local government archives~~
3 ~~account under RCW 40.14.024 to be used exclusively for: (i) The~~
4 ~~construction and improvement of a specialized regional facility~~
5 ~~located in eastern Washington designed to serve the archives, records~~
6 ~~management, and digital data management needs of local government;~~
7 ~~and (ii) payment of the certificate of participation issued for the~~
8 ~~Washington state heritage center to the extent there is an excess~~
9 ~~fund balance in the account and fees generated under RCW 36.18.010~~
10 ~~and 43.07.128 are insufficient to meet debt service payments on the~~
11 ~~certificate of participation.~~

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

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

1 section 9 of this act for payment of the certificate of participation
2 issued for the Washington state library-archives building.

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

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

13 (1)(a) In addition to any other charge authorized by law, the
14 county auditor shall charge a surcharge of one dollar per instrument
15 for each document recorded. Revenue generated through this surcharge
16 shall be transmitted monthly to the state treasurer for deposit in
17 the local government archives account under RCW 40.14.024. These
18 funds shall be used solely for providing records scheduling, security
19 microfilm inspection and storage, archival preservation, cataloging,
20 and indexing for local government records and digital data and access
21 to those records and data through the regional branch archives of the
22 division of archives and records management.

23 (b) The division of archives and records management within the
24 office of the secretary of state shall provide records management
25 training for local governments and shall establish a competitive
26 grant program to solicit and prioritize project proposals from local
27 governments for potential funding to be paid for by funds from the
28 auditor surcharge and tax warrant surcharge revenues. Application for
29 specific projects may be made by local government agencies only. The
30 state archivist in consultation with the advisory committee
31 established under RCW 40.14.027 shall adopt rules governing project
32 eligibility, evaluation, awarding of grants, and other criteria
33 including requirements for records management training for grant
34 recipients.

35 (2) The advisory committee established under RCW 40.14.027 shall
36 review grant proposals and establish a prioritized list of projects
37 to be considered for funding by January 1st of each even-numbered
38 year, beginning in 2002. The evaluation of proposals and development
39 of the prioritized list must be developed through open public

1 meetings. Funding for projects shall be granted according to the
2 ranking of each application on the prioritized list and projects will
3 be funded only to the extent that funds are available. A grant award
4 may have an effective date other than the date the project is placed
5 on the prioritized list.

6 (3) ~~((a))~~ In addition to any other surcharge authorized by law,
7 the county auditor shall charge a surcharge of one dollar per
8 instrument for every document recorded after January 1, 2002. Revenue
9 generated through this surcharge shall be transmitted to the state
10 treasurer monthly for deposit in the ~~((local government archives~~
11 ~~account under RCW 40.14.024 to be used exclusively for: (i) The~~
12 ~~construction and improvement of a specialized regional facility~~
13 ~~located in eastern Washington designed to serve the archives, records~~
14 ~~management, and digital data management needs of local government;~~
15 ~~and (ii) payment of the certificate of participation issued for the~~
16 ~~Washington state heritage center to the extent there is an excess~~
17 ~~fund balance in the account and fees generated under RCW 36.18.010~~
18 ~~and 43.07.128 are insufficient to meet debt service payments on the~~
19 ~~certificate of participation.~~

20 ~~(b) To the extent the facilities are used for the storage and~~
21 ~~retrieval of state agency records and digital data, that portion of~~
22 ~~the construction of such facilities used for state government records~~
23 ~~and data shall be supported by other charges and fees paid by state~~
24 ~~agencies and shall not be supported by the surcharge authorized in~~
25 ~~this subsection, except that to the extent there is an excess fund~~
26 ~~balance in the account and fees generated under RCW 36.18.010 and~~
27 ~~43.07.128 are insufficient to meet debt service payments for the~~
28 ~~Washington state heritage center, the local government archives~~
29 ~~account under RCW 40.14.024 may be used for the Washington state~~
30 ~~heritage center.~~

31 ~~(c) At such time that all debt service from construction of the~~
32 ~~specialized regional archive facility located in eastern Washington~~
33 ~~has been paid,)~~ following accounts, fifty percent of the surcharge
34 authorized by this subsection shall be reverted to the ~~((centennial~~
35 ~~document preservation and modernization))~~ local government archives
36 account as prescribed in RCW ~~((36.22.170))~~ 40.14.024 for maintenance
37 and operation of the specialized regional archive facility located in
38 eastern Washington and fifty percent of the surcharge authorized by
39 this section shall be reverted to the ~~((state treasurer for deposit~~
40 ~~in the public records efficiency, preservation, and access account to~~

1 ~~serve the archives, records management, and digital data management~~
2 ~~needs of local government, except that the state treasurer shall not~~
3 ~~revert funds to the centennial document preservation and~~
4 ~~modernization account and to the public records efficiency,~~
5 ~~preservation, and access account if fees generated under RCW~~
6 ~~36.18.010 and 43.07.128 are insufficient to meet debt service~~
7 ~~payments on the Washington state heritage center)) account created in~~
8 ~~section 9 of this act for payment of the certificate of participation~~
9 ~~issued for the Washington state library-archives building.~~

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

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

14 (a) Articles of incorporation for domestic corporations or
15 applications for certificates of authority for foreign corporations
16 under Title 23B RCW;

17 (b) Certificates of formation for domestic limited liability
18 companies or registrations of foreign limited liability companies
19 under chapter 25.15 RCW;

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

22 (d) Certificates of limited partnership(~~(+s+)~~) s and
23 registration(~~(+s+)~~) s of foreign limited partnerships under chapter
24 25.10 RCW; and

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

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

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

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

36 (1) Payment of the certificate of participation issued for the
37 Washington state (~~heritage center~~) library-archives building;

1 (2) Capital maintenance of the Washington state ((heritage
2 center)) library-archives building and the specialized regional
3 facility located in eastern Washington designed to serve the
4 archives, records management, and digital data management needs of
5 local government; and

6 (3) Program operations that serve the public, relate to the
7 collections and exhibits housed in the Washington state ((heritage
8 center)) library-archives building, or fulfill the missions of the
9 state archives((,)) and state library((, and capital museum)).

10 Only the secretary of state or the secretary of state's designee
11 may authorize expenditures from the account. An appropriation is not
12 required for expenditures, but the account is subject to allotment
13 procedures under chapter 43.88 RCW. ((During the 2011-2013 fiscal
14 biennium, the legislature may appropriate from the Washington state
15 heritage center account for the purposes of state arts, historical,
16 and library programs. Additionally, during the 2011-2013 fiscal
17 biennium, the legislature may transfer from the Washington state
18 heritage center account to the state general fund such amounts as
19 reflect the excess fund balance of the fund.))

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

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

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

29 (a) Conducting the Washington state legacy project;

30 (b) Archival activities;

31 (c) Washington state library activities;

32 (d) Development, construction, and operation of the Washington
33 state ((heritage center)) library-archives building; and

34 (e) Donation of Washington state flags.

35 (3)(a) Moneys received under subsection (2)(a) through (c) of
36 this section must be deposited in the Washington state legacy
37 project, state library, and archives account established in RCW
38 43.07.380.

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

5 (c) Moneys received under subsection (2)(e) of this section must
6 be deposited in the Washington state flag account created in RCW
7 43.07.388.

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

10 NEW SECTION. Sec. 9. A new section is added to chapter 43.07
11 RCW to read as follows:

12 The Washington state library-archives building account is created
13 in the custody of the state treasurer. All moneys received under RCW
14 36.18.010(12), 36.22.175(3), and 43.07.370(3) must be deposited in
15 the account. Expenditures from the account may be made only for the
16 purposes of payment of the certificate of participation issued for
17 the Washington state library-archives building. Only the secretary of
18 state or the secretary of state's designee may authorize expenditures
19 from the account. An appropriation is not required for expenditures,
20 but the account is subject to allotment procedures under chapter
21 43.88 RCW.

22 **Sec. 10.** RCW 43.79A.040 and 2018 c 260 s 28, 2018 c 258 s 4, and
23 2018 c 127 s 6 are each reenacted and amended to read as follows:

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

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

32 (3) The investment income account may be utilized for the payment
33 of purchased banking services on behalf of treasurer's trust funds
34 including, but not limited to, depository, safekeeping, and
35 disbursement functions for the state treasurer or affected state
36 agencies. The investment income account is subject in all respects to
37 chapter 43.88 RCW, but no appropriation is required for payments to

1 financial institutions. Payments must occur prior to distribution of
2 earnings set forth in subsection (4) of this section.

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

6 (b) The following accounts and funds must receive their
7 proportionate share of earnings based upon each account's or fund's
8 average daily balance for the period: The 24/7 sobriety account, the
9 Washington promise scholarship account, the Gina Grant Bull memorial
10 legislative page scholarship account, the Washington advanced college
11 tuition payment program account, the Washington college savings
12 program account, the accessible communities account, the Washington
13 achieving a better life experience program account, the community and
14 technical college innovation account, the agricultural local fund,
15 the American Indian scholarship endowment fund, the foster care
16 scholarship endowment fund, the foster care endowed scholarship trust
17 fund, the contract harvesting revolving account, the Washington state
18 combined fund drive account, the commemorative works account, the
19 county enhanced 911 excise tax account, the toll collection account,
20 the developmental disabilities endowment trust fund, the energy
21 account, the fair fund, the family and medical leave insurance
22 account, the fish and wildlife federal lands revolving account, the
23 natural resources federal lands revolving account, the food animal
24 veterinarian conditional scholarship account, the forest health
25 revolving account, the fruit and vegetable inspection account, the
26 future teachers conditional scholarship account, the game farm
27 alternative account, the GET ready for math and science scholarship
28 account, the Washington global health technologies and product
29 development account, the grain inspection revolving fund, the
30 Washington history day account, the industrial insurance rainy day
31 fund, the juvenile accountability incentive account, the law
32 enforcement officers' and firefighters' plan 2 expense fund, the
33 local tourism promotion account, the low-income home rehabilitation
34 revolving loan program account, the multiagency permitting team
35 account, the northeast Washington wolf-livestock management account,
36 the pilotage account, the produce railcar pool account, the regional
37 transportation investment district account, the rural rehabilitation
38 account, the Washington sexual assault kit account, the stadium and
39 exhibition center account, the youth athletic facility account, the
40 self-insurance revolving fund, the children's trust fund, the

1 Washington horse racing commission Washington bred owners' bonus fund
2 and breeder awards account, the Washington horse racing commission
3 class C purse fund account, the individual development account
4 program account, the Washington horse racing commission operating
5 account, the life sciences discovery fund, the Washington state
6 (~~heritage center~~) library-archives building account, the reduced
7 cigarette ignition propensity account, the center for childhood
8 deafness and hearing loss account, the school for the blind account,
9 the Millersylvania park trust fund, the public employees' and
10 retirees' insurance reserve fund, the school employees' benefits
11 board insurance reserve fund, (~~the~~) the public employees' and
12 retirees' insurance account, (~~the~~) the school employees'
13 insurance account, (~~and~~) the radiation perpetual maintenance fund,
14 and the library operations account.

15 (c) The following accounts and funds must receive eighty percent
16 of their proportionate share of earnings based upon each account's or
17 fund's average daily balance for the period: The advanced right-of-
18 way revolving fund, the advanced environmental mitigation revolving
19 account, the federal narcotics asset forfeitures account, the high
20 occupancy vehicle account, the local rail service assistance account,
21 and the miscellaneous transportation programs account.

22 (d) Any state agency that has independent authority over accounts
23 or funds not statutorily required to be held in the custody of the
24 state treasurer that deposits funds into a fund or account in the
25 custody of the state treasurer pursuant to an agreement with the
26 office of the state treasurer shall receive its proportionate share
27 of earnings based upon each account's or fund's average daily balance
28 for the period.

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

32 NEW SECTION. **Sec. 11.** Section 4 of this act expires June 30,
33 2020.

34 NEW SECTION. **Sec. 12.** Section 5 of this act takes effect June
35 30, 2020.

--- END ---