
ENGROSSED SUBSTITUTE HOUSE BILL 2015

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

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 new sections to chapter 43.07 RCW; creating a new section;
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.** (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 (2) It is the intent of the secretary of state and the
16 legislature to preserve and protect the state's vital records and
17 collections, provide convenient service to the public, be excellent
18 stewards of state funds, and house staff and collections in a state
19 of the art, energy efficient building owned and operated by the
20 office of the secretary of state. This will be accomplished by
21 constructing a new building funded by a financing contract entered

1 into by the secretary of state pursuant to chapter 39.94 RCW. The
2 principal and interest requirements of the financing contract will be
3 serviced by existing rents, existing fees, and a new fee on documents
4 recorded at county recording offices.

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

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

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

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

23 County auditors or recording officers shall collect the following
24 fees for their official services:

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

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

1 additional page eight and one-half by fourteen inches or less, one
2 dollar;

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

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

7 (5) For issuing a marriage license, eight dollars, (this fee
8 includes taking necessary affidavits, filing returns, indexing, and
9 transmittal of a record of the marriage to the state registrar of
10 vital statistics) plus an additional five dollar fee for use and
11 support of the prevention of child abuse and neglect activities to be
12 transmitted monthly to the state treasurer and deposited in the state
13 general fund plus an additional ten dollar fee to be transmitted
14 monthly to the state treasurer and deposited in the state general
15 fund. The legislature intends to appropriate an amount at least equal
16 to the revenue generated by this fee for the purposes of the
17 displaced homemaker act, chapter 28B.04 RCW;

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

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

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

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

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

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

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

1 (13) For recording instruments, a surcharge as provided in RCW
2 36.22.178; and

3 (~~(13)~~) (14) For recording instruments, except for documents
4 recording a birth, marriage, divorce, or death or any documents
5 otherwise exempted from a recording fee under state law, a surcharge
6 as provided in RCW 36.22.179.

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

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

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

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

1 may have an effective date other than the date the project is placed
2 on the prioritized list.

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

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

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

1 ~~modernization account and to the public records efficiency,~~
2 ~~preservation, and access account if fees generated under RCW~~
3 ~~36.18.010 and 43.07.128 are insufficient to meet debt service~~
4 ~~payments on the Washington state heritage center))~~ account created in
5 section 9 of this act for payment of the financing contract entered
6 into by the secretary of state for the Washington state library-
7 archives building.

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

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

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

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

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

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

25 ~~(b) To the extent the facilities are used for the storage and~~
26 ~~retrieval of state agency records and digital data, that portion of~~
27 ~~the construction of such facilities used for state government records~~
28 ~~and data shall be supported by other charges and fees paid by state~~
29 ~~agencies and shall not be supported by the surcharge authorized in~~
30 ~~this subsection, except that to the extent there is an excess fund~~
31 ~~balance in the account and fees generated under RCW 36.18.010 and~~
32 ~~43.07.128 are insufficient to meet debt service payments for the~~
33 ~~Washington state heritage center, the local government archives~~
34 ~~account under RCW 40.14.024 may be used for the Washington state~~
35 ~~heritage center.~~

36 ~~(c) At such time that all debt service from construction of the~~
37 ~~specialized regional archive facility located in eastern Washington~~
38 ~~has been paid,)) following accounts, fifty percent of the surcharge~~
39 ~~authorized by this subsection shall be reverted to the ((centennial~~
40 ~~document preservation and modernization)) local government archives~~

1 account as prescribed in RCW (~~36.22.170~~) 40.14.024 for maintenance
2 and operation of the specialized regional archive facility located in
3 eastern Washington and fifty percent of the surcharge authorized by
4 this section shall be reverted to the (~~state treasurer for deposit~~
5 ~~in the public records efficiency, preservation, and access account to~~
6 ~~serve the archives, records management, and digital data management~~
7 ~~needs of local government, except that the state treasurer shall not~~
8 ~~revert funds to the centennial document preservation and~~
9 ~~modernization account and to the public records efficiency,~~
10 ~~preservation, and access account if fees generated under RCW~~
11 ~~36.18.010 and 43.07.128 are insufficient to meet debt service~~
12 ~~payments on the Washington state heritage center~~) account created in
13 section 9 of this act for payment of the financing contract entered
14 into by the secretary of state for the Washington state library-
15 archives building.

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

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

20 (a) Articles of incorporation for domestic corporations or
21 applications for certificates of authority for foreign corporations
22 under Title 23B RCW;

23 (b) Certificates of formation for domestic limited liability
24 companies or registrations of foreign limited liability companies
25 under chapter 25.15 RCW;

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

28 (d) Certificates of limited partnership(~~+~~) s and
29 registration(~~+~~) s of foreign limited partnerships under chapter
30 25.10 RCW; and

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

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

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

37 The Washington state ((~~heritage center~~)) library operations
38 account is created in the custody of the state treasurer. All moneys

1 received under RCW 36.18.010(11) and 43.07.128 must be deposited in
2 the account. Expenditures from the account may be made only for the
3 following purposes:

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

7 (2) Capital maintenance of the Washington state ~~((heritage~~
8 ~~center))~~ library-archives building and the specialized regional
9 facility located in eastern Washington designed to serve the
10 archives, records management, and digital data management needs of
11 local government; and

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

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

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

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

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

35 (a) Conducting the Washington state legacy project;

36 (b) Archival activities;

37 (c) Washington state library activities;

38 (d) Development, construction, and operation of the Washington
39 state ~~((heritage center))~~ library-archives building; and

1 (e) Donation of Washington state flags.

2 (3)(a) Moneys received under subsection (2)(a) through (c) of
3 this section must be deposited in the Washington state legacy
4 project, state library, and archives account established in RCW
5 43.07.380.

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

10 (c) Moneys received under subsection (2)(e) of this section must
11 be deposited in the Washington state flag account created in RCW
12 43.07.388.

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

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

17 The Washington state library-archives building account is created
18 in the custody of the state treasurer. All moneys received under RCW
19 36.18.010(12), 36.22.175(3), and 43.07.370(3) must be deposited in
20 the account. Expenditures from the account may be made only for the
21 purposes of payment of the financing contract entered into by the
22 secretary of state for the Washington state library-archives
23 building. Only the secretary of state or the secretary of state's
24 designee may authorize expenditures from the account. An
25 appropriation is not required for expenditures, but the account is
26 subject to allotment procedures under chapter 43.88 RCW.

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

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

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

37 (3) The investment income account may be utilized for the payment
38 of purchased banking services on behalf of treasurer's trust funds

1 including, but not limited to, depository, safekeeping, and
2 disbursement functions for the state treasurer or affected state
3 agencies. The investment income account is subject in all respects to
4 chapter 43.88 RCW, but no appropriation is required for payments to
5 financial institutions. Payments must occur prior to distribution of
6 earnings set forth in subsection (4) of this section.

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

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

1 transportation investment district account, the rural rehabilitation
2 account, the Washington sexual assault kit account, the stadium and
3 exhibition center account, the youth athletic facility account, the
4 self-insurance revolving fund, the children's trust fund, the
5 Washington horse racing commission Washington bred owners' bonus fund
6 and breeder awards account, the Washington horse racing commission
7 class C purse fund account, the individual development account
8 program account, the Washington horse racing commission operating
9 account, the life sciences discovery fund, the Washington state
10 (~~heritage center~~) library-archives building account, the reduced
11 cigarette ignition propensity account, the center for childhood
12 deafness and hearing loss account, the school for the blind account,
13 the Millersylvania park trust fund, the public employees' and
14 retirees' insurance reserve fund, the school employees' benefits
15 board insurance reserve fund, (~~the~~) the public employees' and
16 retirees' insurance account, (~~the~~) the school employees'
17 insurance account, (~~and~~) the radiation perpetual maintenance fund,
18 and the library operations account.

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

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

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

36 NEW SECTION. **Sec. 11.** Section 4 of this act expires June 30,
37 2020.

1 NEW SECTION. **Sec. 12.** Section 5 of this act takes effect June
2 30, 2020.

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