

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5882

60th Legislature
2007 Regular Session

Passed by the Senate March 31, 2007
YEAS 45 NAYS 1

President of the Senate

Passed by the House April 20, 2007
YEAS 82 NAYS 15

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5882** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5882

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Honeyford, Regala, Swecker, Rockefeller, Parlette, Kohl-Welles, Rasmussen and Kastama; by request of Secretary of State)

READ FIRST TIME 03/02/07.

1 AN ACT Relating to creating the Washington state heritage center
2 account and establishing fees to be used for financing the Washington
3 state heritage center; amending RCW 43.07.370; reenacting and amending
4 RCW 36.18.010 and 43.79A.040; adding new sections to chapter 43.07 RCW;
5 creating a new section; and providing effective dates.

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

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

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

11 (a) Articles of incorporation for domestic corporations or
12 applications for certificates of authority for foreign corporations
13 under Title 23B RCW;

14 (b) Certificates of formation for domestic limited liability
15 companies or registrations of foreign limited liability companies under
16 chapter 25.15 RCW;

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

1 (d) Certificates of limited partnership and registration of foreign
2 limited partnerships under chapter 25.10 RCW; and

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

4 (2) Moneys received under subsection (1) of this section must be
5 deposited into the Washington state heritage center account.

6 **Sec. 2.** RCW 36.18.010 and 2005 c 484 s 19 and 2005 c 374 s 1 are
7 each reenacted and amended to read as follows:

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

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

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

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

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

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

1 legislature intends to appropriate an amount at least equal to the
2 revenue generated by this fee for the purposes of the displaced
3 homemaker act, chapter 28B.04 RCW;

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

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

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

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

18 (11) For recording instruments, a two-dollar surcharge to be
19 deposited into the Washington state heritage center account created in
20 section 4 of this act;

21 (12) For recording instruments, a surcharge as provided in RCW
22 36.22.178; and

23 ~~((12))~~ (13) For recording instruments, except for documents
24 recording a birth, marriage, divorce, or death or any documents
25 otherwise exempted from a recording fee under state law, a surcharge as
26 provided in RCW 36.22.179.

27 **Sec. 3.** RCW 43.07.370 and 2003 c 164 s 1 are each amended to read
28 as follows:

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

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

36 (a) Conducting oral histories;

37 (b) Archival activities; ~~((and))~~

1 (c) Washington state library activities; and
2 (d) Development, construction, and operation of the Washington
3 state heritage center.

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

7 (b) Moneys received under subsection (2)(d) of this section must be
8 deposited in the Washington state heritage center account created in
9 section 4 of this act.

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

12 NEW SECTION. Sec. 4. A new section is added to chapter 43.07 RCW
13 to read as follows:

14 The Washington state heritage center account is created in the
15 custody of the state treasurer. All moneys received under RCW
16 36.18.010(11) and section 1 of this act must be deposited in the
17 account. Expenditures from the account may be made only for the
18 following purposes:

19 (1) Payment of the certificate of participation issued for the
20 Washington state heritage center;

21 (2) Capital maintenance of the Washington state heritage center;
22 and

23 (3) Program operations that serve the public, relate to the
24 collections and exhibits housed in the Washington state heritage
25 center, or fulfill the missions of the state archives, state library,
26 and capital museum.

27 Only the secretary of state or the secretary of state's designee
28 may authorize expenditures from the account. An appropriation is not
29 required for expenditures, but the account is subject to allotment
30 procedures under chapter 43.88 RCW.

31 **Sec. 5.** RCW 43.79A.040 and 2006 c 311 s 21 and 2006 c 120 s 2 are
32 each reenacted and amended to read as follows:

33 (1) Money in the treasurer's trust fund may be deposited, invested,
34 and reinvested by the state treasurer in accordance with RCW 43.84.080
35 in the same manner and to the same extent as if the money were in the
36 state treasury.

1 (2) All income received from investment of the treasurer's trust
2 fund shall be set aside in an account in the treasury trust fund to be
3 known as the investment income account.

4 (3) The investment income account may be utilized for the payment
5 of purchased banking services on behalf of treasurer's trust funds
6 including, but not limited to, depository, safekeeping, and
7 disbursement functions for the state treasurer or affected state
8 agencies. The investment income account is subject in all respects to
9 chapter 43.88 RCW, but no appropriation is required for payments to
10 financial institutions. Payments shall occur prior to distribution of
11 earnings set forth in subsection (4) of this section.

12 (4)(a) Monthly, the state treasurer shall distribute the earnings
13 credited to the investment income account to the state general fund
14 except under (b) and (c) of this subsection.

15 (b) The following accounts and funds shall receive their
16 proportionate share of earnings based upon each account's or fund's
17 average daily balance for the period: The Washington promise
18 scholarship account, the college savings program account, the
19 Washington advanced college tuition payment program account, the
20 agricultural local fund, the American Indian scholarship endowment
21 fund, the foster care scholarship endowment fund, the foster care
22 endowed scholarship trust fund, the students with dependents grant
23 account, the basic health plan self-insurance reserve account, the
24 contract harvesting revolving account, the Washington state combined
25 fund drive account, the commemorative works account, the Washington
26 international exchange scholarship endowment fund, the developmental
27 disabilities endowment trust fund, the energy account, the fair fund,
28 the fruit and vegetable inspection account, the future teachers
29 conditional scholarship account, the game farm alternative account, the
30 grain inspection revolving fund, the juvenile accountability incentive
31 account, the law enforcement officers' and fire fighters' plan 2
32 expense fund, the local tourism promotion account, the produce railcar
33 pool account, the regional transportation investment district account,
34 the rural rehabilitation account, the stadium and exhibition center
35 account, the youth athletic facility account, the self-insurance
36 revolving fund, the sulfur dioxide abatement account, the children's
37 trust fund, the Washington horse racing commission Washington bred
38 owners' bonus fund account, the Washington horse racing commission

1 class C purse fund account, the individual development account program
2 account, the Washington horse racing commission operating account
3 (earnings from the Washington horse racing commission operating account
4 must be credited to the Washington horse racing commission class C
5 purse fund account), the life sciences discovery fund, the Washington
6 state heritage center account, and the reading achievement account.
7 However, the earnings to be distributed shall first be reduced by the
8 allocation to the state treasurer's service fund pursuant to RCW
9 43.08.190.

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

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. 6.** If specific funding for the purposes of this
22 act, referencing this act by bill or chapter number, is not provided by
23 June 30, 2007, in the omnibus appropriations act, this act is null and
24 void.

25 NEW SECTION. **Sec. 7.** Section 1 of this act takes effect January
26 1, 2009.

27 NEW SECTION. **Sec. 8.** Section 2 of this act takes effect January
28 1, 2008.

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