

# HOUSE BILL REPORT

## HB 2366

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**As Reported by House Committee On:**  
State Government  
Appropriations

**Title:** An act relating to funding and expenditures of the secretary of state.

**Brief Description:** Clarifying acceptance of gifts by the archives and oral history program.

**Sponsors:** Representatives Ogden, Woods, Romero, Skinner and Chase; by request of Secretary of State.

**Brief History:**

**Committee Activity:**

State Government: 1/29/02, 2/1/02 [DP];

Appropriations: 2/6/02, 2/7/02 [DPS].

**Brief Summary of Substitute Bill**

- The Secretary of State may solicit and accept donations for purposes of conducting oral histories, archival activities, and international trade hosting and missions.

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### HOUSE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** Do pass. Signed by 6 members: Representatives Romero, Chair; Miloscia, Vice Chair; McMorris, Ranking Minority Member; McDermott, Schmidt and Upthegrove.

**Staff:** Marsha Reilly (786-7135).

**Background:**

Among the many programs under the jurisdiction of the Secretary of State are the Division of Archives and Records Management and the Oral History Program. The State Archivist is responsible for the preservation and destruction of public records. The purpose of the Oral History Program is to record and document oral histories of current and former members and staff of the Washington Legislature, current and former state government officials and personnel, and other citizens that have had an active role in

Washington's political history.

In 1996 a law was passed authorizing the Secretary of State to accept gifts, grants, conveyances, bequests, etc., to expend any proceeds realized from these gifts, except as limited by the donor's terms, and to adopt rules to govern and protect the receipt and expenditure of the proceeds.

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**Summary of Bill:**

The Secretary of State may solicit gifts, grants, conveyances, bequests, and devises, of real or personal property, in trust or otherwise. Solicitation and receipt of gifts are limited solely for the purposes of: 1) conducting oral histories; 2) archival activities; and 3) international trade hosting and missions. Receipts and expenditures must be accounted for in the Secretary of State's revolving fund and expenditures are managed by the Secretary of State and do not require legislative appropriation.

Persons soliciting or accepting contributions for the Secretary of State's revolving fund are exempt from the limitation of soliciting or accepting contributions 30 days before and after a regular legislative session and during a special session, and are not considered to be in violation of the code of ethics.

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**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The State Archivist and the Oral History Program are charged with collecting, preserving and documenting the legal and historical heritage of the state and preserving the authenticity of documents in perpetuity for the legislative, executive, and judicial branches of government. This bill will allow us to solicit and collect money to supplement some of the lapses in our oral history and would also help with educational displays.

**Testimony Against:** None.

**Testified:** Jerry Handfield, Office of the Secretary of State, Archives and Records Management Division; and Ann Kilgannon, Oral History Program.

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**HOUSE COMMITTEE ON APPROPRIATIONS**

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do

pass. Signed by 23 members: Representatives Sommers, Chair; Doumit, 1st Vice Chair; Fromhold, 2nd Vice Chair; Sehlin, Ranking Minority Member; Alexander, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke and Talcott.

**Staff:** Linda Brooks (786-7153).

**Background:**

A variety of statutory provisions relating to ethics in public service were enacted in the 1994 ethics in public service act, including restrictions on mailings by legislators, and limitations on gifts for state officials and employees. The Legislative Ethics Board and the Executive Ethics Board enforce these provisions.

**Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On State Government:**

A new oral history, archives, and international trade account is created into which all donations for oral history, archival, and international trade activities are to be deposited. In contrast, the original bill would have deposited the donations into an existing revolving fund.

The ethics in public service act is amended to state that the act does not prohibit the Secretary of State or designees from soliciting and accepting contributions to the oral history, archives, and international trade account. In contrast, the original bill exempted members of the Office of the Secretary of State and Oral History Advisory Committee from the ethics in public service act when they solicited donations for oral history, archival, or international trade activities.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill would provide us the flexibility to recover many public records that were not covered previously by public records laws that were only passed in the 1950s and 1960s. This bill would give us the ability to recover, preserve, and make public records accessible. The bill also gives us the ability to supplement the oral history program. We believe this legislation would help to improve the quality of the historical and legal records that are made available to the public.

**Testimony Against:** None.

**Testified:** Jerry Handfield, State Archivist, Office of the Secretary of State.