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HOUSE BILL 1741

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Hunt, Skinner and Conway

Read first time 01/26/2007.                      Referred to Committee on State Government & Tribal Affairs.

1            AN ACT Relating to the oral history program; amending RCW  
2 42.17.095, 42.52.802, 43.07.370, 43.07.380, 43.07.220, 43.07.240, and  
3 43.07.365; reenacting and amending RCW 42.17.710; adding a new section  
4 to chapter 42.52 RCW; adding new sections to chapter 44.04 RCW; adding  
5 a new section to chapter 43.07 RCW; creating a new section; and  
6 recodifying RCW 43.07.220, 43.07.230, 43.07.240, and 43.07.365.

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

8            **Sec. 1.** RCW 42.17.095 and 2005 c 467 s 1 are each amended to read  
9 as follows:

10            The surplus funds of a candidate, or of a political committee  
11 supporting or opposing a candidate, may only be disposed of in any one  
12 or more of the following ways:

13            (1) Return the surplus to a contributor in an amount not to exceed  
14 that contributor's original contribution;

15            (2) Transfer the surplus to the candidate's personal account as  
16 reimbursement for lost earnings incurred as a result of that  
17 candidate's election campaign. Such lost earnings shall be verifiable  
18 as unpaid salary or, when the candidate is not salaried, as an amount  
19 not to exceed income received by the candidate for services rendered

1 during an appropriate, corresponding time period. All lost earnings  
2 incurred shall be documented and a record thereof shall be maintained  
3 by the candidate or the candidate's political committee. The committee  
4 shall include a copy of such record when its expenditure for such  
5 reimbursement is reported pursuant to RCW 42.17.090;

6 (3) Transfer the surplus without limit to a political party or to  
7 a caucus political committee;

8 (4) Donate the surplus to a charitable organization registered in  
9 accordance with chapter 19.09 RCW;

10 (5) Transmit the surplus to the state treasurer for deposit in the  
11 general fund, the (~~oral history~~) state library(~~(  )~~) and archives  
12 account under RCW 43.07.380, the oral history account under section 11  
13 of this act, or the legislative international trade account under RCW  
14 (~~(44.04.270)~~) 43.15.050, as specified by the candidate or political  
15 committee; or

16 (6) Hold the surplus in the (~~campaign~~) depository or depositories  
17 designated in accordance with RCW 42.17.050 for possible use in a  
18 future election campaign for the same office last sought by the  
19 candidate and report any such disposition in accordance with RCW  
20 42.17.090: PROVIDED, That if the candidate subsequently announces or  
21 publicly files for office, information as appropriate is reported to  
22 the commission in accordance with RCW 42.17.040 through 42.17.090. If  
23 a subsequent office is not sought the surplus held shall be disposed of  
24 in accordance with the requirements of this section.

25 (7) Hold the surplus campaign funds in a separate account for  
26 nonreimbursed public office-related expenses or as provided in this  
27 section, and report any such disposition in accordance with RCW  
28 42.17.090. The separate account required under this subsection shall  
29 not be used for deposits of campaign funds that are not surplus.

30 (8) No candidate or authorized committee may transfer funds to any  
31 other candidate or other political committee.

32 The disposal of surplus funds under this section shall not be  
33 considered a contribution for purposes of this chapter.

34 **Sec. 2.** RCW 42.17.710 and 2006 c 348 s 5 and 2006 c 344 s 31 are  
35 each reenacted and amended to read as follows:

36 (1) During the period beginning on the thirtieth day before the  
37 date a regular legislative session convenes and continuing through the

1 date of final adjournment, and during the period beginning on the date  
2 a special legislative session convenes and continuing through the date  
3 that session adjourns, no state official or a person employed by or  
4 acting on behalf of a state official or state legislator may solicit or  
5 accept contributions to a public office fund, to a candidate or  
6 authorized committee, or to retire a campaign debt. Contributions  
7 received through the mail after the thirtieth day before a regular  
8 legislative session may be accepted if the contribution is postmarked  
9 prior to the thirtieth day before the session.

10 (2) This section does not apply to activities authorized in RCW  
11 43.07.370 or section 10 of this act.

12 **Sec. 3.** RCW 42.52.802 and 2003 c 164 s 4 are each amended to read  
13 as follows:

14 This chapter does not prohibit the secretary of state or a designee  
15 from soliciting and accepting contributions to the ((~~oral history~~))  
16 state library((~~7~~)) and archives account created in RCW 43.07.380.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 42.52 RCW  
18 to read as follows:

19 This chapter does not prohibit the secretary of the senate, the  
20 chief clerk of the house of representatives, or their designee from  
21 soliciting and accepting contributions to the oral history account  
22 created in section 11 of this act.

23 **Sec. 5.** RCW 43.07.370 and 2003 c 164 s 1 are each amended to read  
24 as follows:

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

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

- 32 (a) ((~~Conducting oral histories;~~  
33 ~~b~~)) Archival activities; and  
34 ((~~c~~)) (b) Washington state library activities.

1 (3) Moneys received under this section must be deposited in the  
2 (~~oral history~~) state library(~~( )~~) and archives account established  
3 in RCW 43.07.380.

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

6 **Sec. 6.** RCW 43.07.380 and 2003 c 164 s 2 are each amended to read  
7 as follows:

8 The (~~oral history~~) state library(~~( )~~) and archives account is  
9 created in the custody of the state treasurer. All moneys received  
10 under RCW 43.07.370 must be deposited in the account. Expenditures  
11 from the account may be made only for the purposes of the (~~oral  
12 history program under RCW 43.07.220~~) archives program under RCW  
13 40.14.020(~~( )~~) and the state library program under chapter 27.04 RCW.  
14 Only the secretary of state or the secretary of state's designee may  
15 authorize expenditures from the account. An appropriation is not  
16 required for expenditures, but the account is subject to allotment  
17 procedures under chapter 43.88 RCW.

18 **Sec. 7.** RCW 43.07.220 and 1991 c 237 s 1 are each amended to read  
19 as follows:

20 (1) The secretary of ((state)) the senate and the chief clerk of  
21 the house of representatives, at the direction of the oral history  
22 advisory committee, shall administer and conduct a program to record  
23 and document oral histories of current and former members and staff of  
24 the Washington state legislature(~~(, current and former state government  
25 officials and personnel, and other citizens who have participated in  
26 the political history of Washington state)~~). The secretary of  
27 ((state)) the senate and the chief clerk of the house of  
28 representatives shall contract with independent oral historians and  
29 through the history departments of the state universities to interview  
30 and record oral histories. The tapes and tape transcripts shall be  
31 indexed and made available for research and reference through the state  
32 archives. The transcripts, together with current and historical  
33 photographs, may be published for distribution to libraries and for  
34 sale to the general public.

35 (2) The oral history of a person who occupied positions, or was  
36 staff to a person who occupied positions, in more than one branch of

1 government, shall be conducted by the entity authorized to conduct oral  
2 histories of persons in the position last held by the person who is the  
3 subject of the oral history.

4 **Sec. 8.** RCW 43.07.240 and 1991 c 237 s 3 are each amended to read  
5 as follows:

6 The oral history advisory committee shall have the following  
7 responsibilities:

8 (1) To select appropriate oral history interview subjects;

9 (2) To select transcripts or portions of transcripts, and related  
10 historical material, for publication;

11 (3) To advise the secretary of ((state)) the senate and the chief  
12 clerk of the house of representatives on the format and length of  
13 individual interview series and on appropriate issues and subjects for  
14 related series of interviews;

15 (4) To advise the secretary of ((state)) the senate and the chief  
16 clerk of the house of representatives on the appropriate subjects,  
17 format, and length of interviews and on the process for conducting oral  
18 history interviews with subjects currently serving in the Washington  
19 state legislature;

20 (5) To advise the secretary of ((state)) the senate and the chief  
21 clerk of the house of representatives on joint programs and activities  
22 with state universities, colleges, museums, and other groups conducting  
23 oral histories; and

24 (6) To advise the secretary of ((state)) the senate and the chief  
25 clerk of the house of representatives on other aspects of the  
26 administration of the oral history program and on the conduct of  
27 individual interview projects.

28 **Sec. 9.** RCW 43.07.365 and 2002 c 358 s 3 are each amended to read  
29 as follows:

30 The secretary of ((state)) the senate and the chief clerk of the  
31 house of representatives may fund oral history activities through  
32 donations as provided in RCW 43.07.037. The activities may include,  
33 but not be limited to, conducting interviews, preparing and indexing  
34 transcripts, publishing transcripts and photographs, and presenting  
35 displays and programs. Donations that do not meet the criteria of the

1 oral history program may not be accepted. The secretary of ((state))  
2 the senate and the chief clerk of the house of representatives shall  
3 adopt joint rules necessary to implement this section.

4 NEW SECTION. Sec. 10. A new section is added to chapter 44.04 RCW  
5 to read as follows:

6 (1) The secretary of the senate and the chief clerk of the house of  
7 representatives may solicit and accept gifts, grants, conveyances,  
8 bequests, and devises of real or personal property, or both, in trust  
9 or otherwise, and sell, lease, exchange, invest, or expend these  
10 donations or the proceeds, rents, profits, and income from the  
11 donations except as limited by the donor's terms.

12 (2) Moneys received under this section may be used only for  
13 conducting oral histories.

14 (3) Moneys received under this section must be deposited in the  
15 oral history account established in section 11 of this act.

16 (4) The secretary of the senate and the chief clerk of the house of  
17 representatives shall adopt joint rules to govern and protect the  
18 receipt and expenditure of the proceeds.

19 NEW SECTION. Sec. 11. A new section is added to chapter 44.04 RCW  
20 to read as follows:

21 The oral history account is created in the custody of the state  
22 treasurer. All moneys received under section 10 of this act must be  
23 deposited in the account. Expenditures from the account may be made  
24 only for the purposes of the oral history program under RCW 43.07.220  
25 (as recodified by this act). Only the secretary of the senate or the  
26 chief clerk of the house of representatives or their designee may  
27 authorize expenditures from the account. An appropriation is not  
28 required for expenditures, but the account is subject to allotment  
29 procedures under chapter 43.88 RCW.

30 NEW SECTION. Sec. 12. (1) All powers, duties, and functions of  
31 the secretary of state pertaining to the oral history program are  
32 transferred to the secretary of the senate and the chief clerk of the  
33 house of representatives. All references to the secretary of state or  
34 the office of the secretary of state in the Revised Code of Washington

1 shall be construed to mean the secretary of the senate and the chief  
2 clerk of the house of representatives when referring to the functions  
3 transferred in this section.

4 (2)(a) All reports, documents, surveys, books, records, files,  
5 papers, or written material in the possession of the secretary of state  
6 pertaining to the powers, functions, and duties transferred shall be  
7 delivered to the custody of the secretary of the senate and the chief  
8 clerk of the house of representatives. All cabinets, furniture, office  
9 equipment, motor vehicles, and other tangible property employed by the  
10 secretary of state in carrying out the powers, functions, and duties  
11 transferred shall be made available to the secretary of the senate and  
12 the chief clerk of the house of representatives. All funds, credits,  
13 or other assets held in connection with the powers, functions, and  
14 duties transferred shall be assigned to the secretary of the senate and  
15 the chief clerk of the house of representatives.

16 (b) Any appropriations made to the secretary of state for carrying  
17 out the powers, functions, and duties transferred shall, on the  
18 effective date of this section, be transferred and credited to the  
19 Secretary of the senate and the chief clerk of the house of  
20 representatives.

21 (c) Whenever any question arises as to the transfer of any  
22 personnel, funds, books, documents, records, papers, files, equipment,  
23 or other tangible property used or held in the exercise of the powers  
24 and the performance of the duties and functions transferred, the  
25 director of financial management shall make a determination as to the  
26 proper allocation and certify the same to the state agencies concerned.

27 (3) All employees of the secretary of state engaged in performing  
28 the powers, functions, and duties transferred are transferred to the  
29 jurisdiction of the secretary of the senate and the chief clerk of the  
30 house of representatives. All employees classified under chapter 41.06  
31 RCW, the state civil service law, are assigned to the secretary of the  
32 senate and the chief clerk of the house of representatives to perform  
33 their usual duties upon the same terms as formerly, without any loss of  
34 rights, subject to any action that may be appropriate thereafter in  
35 accordance with the laws and rules governing state civil service.

36 (4) All rules and all pending business before the secretary of  
37 state pertaining to the powers, functions, and duties transferred shall  
38 be continued and acted upon by the secretary of the senate and the

1 chief clerk of the house of representatives. All existing contracts  
2 and obligations shall remain in full force and shall be performed by  
3 the secretary of the senate and the chief clerk of the house of  
4 representatives.

5 (5) The transfer of the powers, duties, functions, and personnel of  
6 the secretary of state shall not affect the validity of any act  
7 performed before the effective date of this section.

8 (6) If apportionments of budgeted funds are required because of the  
9 transfers directed by this section, the director of financial  
10 management shall certify the apportionments to the agencies affected,  
11 the state auditor, and the state treasurer. Each of these shall make  
12 the appropriate transfer and adjustments in funds and appropriation  
13 accounts and equipment records in accordance with the certification.

14 (7) Nothing contained in this section may be construed to alter any  
15 existing collective bargaining unit or the provisions of any existing  
16 collective bargaining agreement until the agreement has expired or  
17 until the bargaining unit has been modified by action of the public  
18 employment relations commission as provided by law.

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

21 (1) The secretary of state may establish an oral history project to  
22 record and document oral histories of current and former state  
23 government officials and personnel, and other citizens who have  
24 participated in the political history of Washington state.

25 (2) The oral history of a person who occupied positions, or was  
26 staff to a person who occupied positions, in more than one branch of  
27 government, shall be conducted by the entity authorized to conduct oral  
28 histories of persons in the position last held by the person who is the  
29 subject of the oral history.

30 NEW SECTION. **Sec. 14.** The following are each recodified as  
31 sections in chapter 44.04 RCW:

- 32 RCW 43.07.220
- 33 RCW 43.07.230
- 34 RCW 43.07.240



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