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SENATE BILL 6540

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State of Washington                      61st Legislature                      2010 Regular Session

By Senators Fairley, Swecker, King, Parlette, Fraser, Pridemore, Shin, and Roach; by request of Secretary of State and Department of Personnel

Read first time 01/18/10.      Referred to Committee on Government Operations & Elections.

1            AN ACT Relating to the combined fund drive; amending RCW 41.04.033,  
2            41.04.0331, 41.04.0332, and 41.04.039; and creating a new section.

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

4            **Sec. 1.** RCW 41.04.033 and 2003 c 205 s 1 are each amended to read  
5            as follows:

6            The ~~((director of the department of personnel))~~ secretary of state  
7            is authorized to adopt rules, after consultation with state agencies,  
8            institutions of higher education, and employee organizations ~~((, to~~  
9            ~~create a Washington state combined fund drive committee, and))~~ for the  
10           operation of the Washington state combined fund drive.

11           **Sec. 2.** RCW 41.04.0331 and 2003 c 205 s 2 are each amended to read  
12           as follows:

13           To operate the Washington state combined fund ~~((drive's powers and~~  
14           ~~duties include))~~ drive program, the secretary of state or the  
15           secretary's designee may, but ((are)) is not limited to the following:

16           (1) ~~((Raising))~~ Raise money for charity, and reducing the  
17           disruption to government caused by multiple fund drives;

1 (2) (~~Establishing~~) Establish criteria by which a public or  
2 private nonprofit organization may participate in the combined fund  
3 drive;

4 (3) (~~Engaging~~) Engage in or encouraging fund-raising activities  
5 including the solicitation and acceptance of charitable gifts, grants,  
6 and donations from state employees, retired public employees,  
7 corporations, foundations, and other individuals for the benefit of the  
8 beneficiaries of the Washington state combined fund drive;

9 (4) (~~Requesting~~) Request the appointment of employees from state  
10 agencies and institutions of higher education to lead and manage  
11 workplace charitable giving campaigns within state government;

12 (5) (~~Engaging~~) Engage in educational activities, including  
13 classes, exhibits, seminars, workshops, and conferences, related to the  
14 basic purpose of the combined fund drive;

15 (6) (~~Engaging~~) Engage in appropriate fund-raising and advertising  
16 activities for the support of the administrative duties of the  
17 Washington state combined fund drive; and

18 (7) (~~Charging~~) Charge an administrative fee to the beneficiaries  
19 of the Washington state combined fund drive to fund the administrative  
20 duties of the Washington state combined fund drive.

21 Activities of the Washington state combined fund drive shall not  
22 result in direct commercial solicitation of state employees, or a  
23 benefit or advantage that would violate one or more provisions of  
24 chapter 42.52 RCW. This section does not authorize individual state  
25 agencies to enter into contracts or partnerships unless otherwise  
26 authorized by law.

27 **Sec. 3.** RCW 41.04.0332 and 2003 c 205 s 3 are each amended to read  
28 as follows:

29 The (~~Washington state combined fund drive committee~~) secretary of  
30 state may enter into contracts and partnerships with private  
31 institutions, persons, firms, or corporations for the benefit of the  
32 beneficiaries of the Washington state combined fund drive. Activities  
33 of the Washington state combined fund drive shall not result in direct  
34 commercial solicitation of state employees, or a benefit or advantage  
35 that would violate one or more provisions of chapter 42.52 RCW. This  
36 section does not authorize individual state agencies to enter into  
37 contracts or partnerships unless otherwise authorized by law.

1       **Sec. 4.** RCW 41.04.039 and 2002 c 61 s 3 are each amended to read  
2 as follows:

3       The Washington state combined fund drive account is created in the  
4 custody of the state treasurer. All receipts from the combined fund  
5 drive must be deposited into the account. Expenditures from the  
6 account may be used only for the beneficiaries of the Washington state  
7 combined fund drive. Only the (~~director of the department of~~  
8 ~~personnel~~) secretary of state or the (~~director's~~) secretary's  
9 designee may authorize expenditures from the account. The account is  
10 not subject to allotment procedures under chapter 43.88 RCW, and an  
11 appropriation is not required for expenditures.

12       NEW SECTION. **Sec. 5.** (1) All powers, duties, and functions of the  
13 department of personnel relating to the combined fund drive are  
14 transferred to the secretary of state.

15       (2)(a) All reports, documents, surveys, books, records, files,  
16 papers, or written material in the possession of the department of  
17 personnel pertaining to the powers, functions, and duties transferred  
18 shall be delivered to the custody of the secretary of state.

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

25       (3) All employees of the department of personnel whose positions  
26 are funded by the administrative fee authorized under RCW 41.04.0331(7)  
27 and who are engaged in performing the powers, functions, and duties  
28 transferred are transferred to the jurisdiction of the secretary of  
29 state. All employees classified under chapter 41.06 RCW, the state  
30 civil service law, are assigned to the secretary of state to perform  
31 their usual duties upon the same terms as formerly, without any loss of  
32 rights, subject to any action that may be appropriate thereafter in  
33 accordance with the laws and rules governing state civil service.

34       (4) All rules and all pending business before the department of  
35 personnel pertaining to the powers, functions, and duties transferred  
36 shall be continued and acted upon by the secretary of state. All

1 existing contracts and obligations shall remain in full force and shall  
2 be performed by the secretary of state.

3 (5) The transfer of the powers, duties, functions, and personnel of  
4 the department of personnel shall not affect the validity of any act  
5 performed before the effective date of this section.

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