
HOUSE BILL 2397

State of Washington 62nd Legislature 2012 Regular Session

By Representatives Hudgins, Hunt, and Ormsby

Read first time 01/13/12. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to transferring programs to the state historical
2 societies; amending RCW 43.07.128, 43.07.129, 43.07.363, 43.07.365,
3 43.07.370, 43.07.380, 43.07.388, 44.73.020, 27.34.020, 43.334.010, and
4 43.15.020; adding new sections to chapter 43.334 RCW; recodifying RCW
5 27.34.200, 27.34.220, 27.34.230, 27.34.240, 27.34.250, 27.34.260,
6 27.34.270, 27.34.280, 27.34.400, 27.34.410, 27.34.415, 43.07.129,
7 43.07.350, 43.07.363, and 43.07.380; and repealing RCW 43.07.900,
8 44.04.320, 44.04.325, 44.04.330, 44.04.335, 44.04.340, and 44.04.345.

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

10 **Sec. 1.** RCW 43.07.128 and 2007 c 523 s 1 are each amended to read
11 as follows:

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

14 (a) Articles of incorporation for domestic corporations or
15 applications for certificates of authority for foreign corporations
16 under Title 23B RCW;

17 (b) Certificates of formation for domestic limited liability
18 companies or registrations of foreign limited liability companies under
19 chapter 25.15 RCW;

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

3 (d) Certificates of limited (~~(partnership[s])~~) partnerships and
4 (~~(registration[s])~~) registrations of foreign limited partnerships under
5 chapter 25.10 RCW; and

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

7 (2) Moneys received under subsection (1) of this section must be
8 deposited into the Washington state heritage (~~(center)~~) account in RCW
9 43.07.129 (as recodified by this act).

10 **Sec. 2.** RCW 43.07.129 and 2011 1st sp.s. c 50 s 940 are each
11 amended to read as follows:

12 The Washington state heritage (~~(center)~~) account is created in the
13 custody of the state treasurer. All moneys received under RCW
14 36.18.010(11) and 43.07.128 must be deposited in the account.
15 Expenditures from the account may be made only for (~~the following~~
16 ~~purposes:~~

17 ~~(1) Payment of the certificate of participation issued for the~~
18 ~~Washington state heritage center;~~

19 ~~(2) Capital maintenance of the Washington state heritage center;~~
20 ~~and~~

21 ~~(3))~~ program operations that serve the public, relate to the
22 collections and exhibits housed in the Washington state (~~(heritage~~
23 ~~center))~~ historical societies, or fulfill the missions of the state
24 (~~(archives, state library,)~~) historical societies and capital museum.

25 Only the (~~secretary of state or the secretary of state's~~
26 ~~designee))~~ directors of the state historical societies or their
27 designees may authorize expenditures from the account. An
28 appropriation is not required for expenditures, but the account is
29 subject to allotment procedures under chapter 43.88 RCW. During the
30 2011-2013 fiscal biennium, the legislature may appropriate from the
31 Washington state heritage (~~(center)~~) account for the purposes of state
32 arts, historical, and library programs.

33 **Sec. 3.** RCW 43.07.363 and 2008 c 222 s 10 are each amended to read
34 as follows:

35 (1) The (~~secretary of state~~) directors of the historical
36 societies shall jointly administer and conduct a program to record and

1 document oral histories of current and former members and staff of the
2 Washington state legislature, current and former state government
3 officials, and personnel of the executive and judicial branches, the
4 state's congressional delegation, and other citizens who have
5 participated in the political history of Washington state. The program
6 shall be called the Washington state legacy project. The (~~secretary~~
7 ~~of state~~) historical society directors may contract with independent
8 oral historians or history departments of the state universities to
9 interview and record oral histories. The manuscripts and publications
10 shall be made available for research and reference through the state
11 (~~archives~~) historical societies. The transcripts, together with
12 current and historical photographs, may be published for distribution
13 to libraries and the general public, and be posted on the (~~secretary~~
14 ~~of state's~~) historical societies' web sites.

15 (2) The Washington state legacy project may act as a principal
16 repository for oral histories related to community, family, and other
17 various projects.

18 (~~The oral history of a person who occupied positions, or was~~
19 ~~staff to a person who occupied positions, in more than one branch of~~
20 ~~government shall be conducted by the entity authorized to conduct oral~~
21 ~~histories of persons in the position last held by the person who is the~~
22 ~~subject of the oral history. However, the person being interviewed may~~
23 ~~select the entity he or she wishes to prepare his or her oral history.~~

24 (~~The secretary of state~~) The directors of the historical
25 societies may create a Washington state legacy project advisory council
26 to provide advice and guidance on matters pertaining to operating the
27 legacy project. (~~The secretary of state may not compensate~~) Members
28 of the legacy project advisory council shall not be compensated but may
29 (~~provide~~) receive reimbursement (~~to members~~) for expenses that are
30 incurred in the conduct of their official duties.

31 **Sec. 4.** RCW 43.07.365 and 2008 c 222 s 11 are each amended to read
32 as follows:

33 The (~~secretary of state~~) directors of the state historical
34 societies may fund Washington state legacy project activities through
35 donations (~~as provided in RCW 43.07.037~~). The activities may
36 include, but not be limited to, conducting interviews, preparing and
37 indexing transcripts, publishing transcripts and photographs, and

1 presenting displays and programs. Donations that do not meet the
2 criteria of the Washington state legacy project may not be accepted.
3 The (~~secretary of state~~) directors of the state historical societies
4 shall adopt rules necessary to implement this section.

5 **Sec. 5.** RCW 43.07.370 and 2009 c 71 s 1 are each amended to read
6 as follows:

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

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

- 14 (~~(a) ((Conducting the Washington state legacy project;~~
- 15 ~~(b))~~) Archival activities;
- 16 (~~(c))~~) (b) Washington state library activities; and
- 17 (~~(d) Development, construction, and operation of the Washington~~
- 18 ~~state heritage center; and~~
- 19 ~~(e))~~) (c) Donation of Washington state flags.

20 (3) (~~(a) Moneys received under subsection (2)(a) through (c) of~~

21 ~~this section must be deposited in the Washington state legacy project,~~

22 ~~state library, and archives account established in RCW 43.07.380.~~

23 ~~(b) Moneys received under subsection (2)(d) of this section must be~~

24 ~~deposited in the Washington state heritage center account created in~~

25 ~~RCW 43.07.129.~~

26 ~~(c))~~) Moneys received under (~~subsection (2)(e) of~~) this section
27 must be deposited in the Washington state flag, library, and archives
28 account created in RCW 43.07.388.

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

31 **Sec. 6.** RCW 43.07.380 and 2008 c 222 s 13 are each amended to read
32 as follows:

33 The Washington state legacy project (~~(, state library, and~~

34 ~~archives)) account is created in the custody of the state treasurer.~~

35 All moneys received under RCW 43.07.370 must be deposited in the

36 account. Expenditures from the account may be made only for the

1 purposes of the Washington state legacy project under RCW 43.07.363(
2 ~~archives program under RCW 40.14.020, and the state library program~~
3 ~~under chapter 27.04 RCW)) (as recodified by this act). Only the
4 ((~~secretary of state or the secretary of state's designee~~)) directors
5 of the state historical societies or the directors' designees may
6 authorize expenditures from the account. An appropriation is not
7 required for expenditures, but the account is subject to allotment
8 procedures under chapter 43.88 RCW.~~

9 **Sec. 7.** RCW 43.07.388 and 2009 c 71 s 2 are each amended to read
10 as follows:

11 The Washington state flag, library, and archives account is created
12 in the custody of the state treasurer. All moneys received under RCW
13 43.07.370(~~((+2)(e+))~~) must be deposited in the account. Expenditures
14 from the account may be used only for the purpose of donating
15 Washington state flags to Washington state military personnel and for
16 library and archival activities. Only the secretary of state or the
17 secretary of state's designee may authorize expenditures from the
18 account. The account is subject to allotment procedures under chapter
19 43.88 RCW, but an appropriation is not required for expenditures.

20 **Sec. 8.** RCW 44.73.020 and 2007 c 453 s 3 are each amended to read
21 as follows:

22 (1) The legislative gift center account is created in the custody
23 of the state treasurer. All moneys received by the gift center from
24 the sale of Washington state souvenirs, other Washington products, and
25 other products as approved shall be deposited in the account.
26 Expenditures from the account may be used only for the operations and
27 maintenance of the gift center, including the purchase of inventory,
28 and for other purposes as provided in this section. Only the chief
29 clerk of the house of representatives and the secretary of the senate,
30 or the lead staff person designated by them to oversee management and
31 operation of the gift shop, may authorize expenditures from the
32 account. The account is subject to allotment procedures under chapter
33 43.88 RCW, but an appropriation is not required for expenditures.

34 (2) Net profits, after expenses, from the sale of Washington state
35 souvenirs, other Washington products, and products approved by the

1 legislative gift center, shall be deposited as provided in this
2 subsection:

3 (a) Twenty-five percent in the (~~legislative oral history account~~
4 ~~in chapter 44.04 RCW (created in Substitute House Bill No. 1741))~~
5 Washington state legacy project account created in RCW 43.07.380 (as
6 recodified by this act);

7 (b) Twenty-five percent in the (~~oral history, state library, and~~
8 ~~archives account created in RCW 43.07.380)) Washington state flag,
9 library, and archives account created in RCW 43.07.388; and~~

10 (c) Fifty percent in the capitol furnishings preservation committee
11 account created in RCW 27.48.040.

12 (3) Net profits, after expenses, from the sale of items bearing the
13 state seal by the legislative gift center shall be deposited in the
14 capitol furnishings preservation committee account created in RCW
15 27.48.040. A full accounting thereof shall be provided to the
16 secretary of state.

17 (4) The legislative gift center may designate special sales, the
18 proceeds of which shall go to an account specified at the time of
19 designation.

20 **Sec. 9.** RCW 27.34.020 and 2007 c 333 s 5 are each amended to read
21 as follows:

22 Unless the context clearly requires otherwise, the definitions in
23 this section apply throughout this chapter:

24 (1) (~~"Advisory council" means the advisory council on historic~~
25 ~~preservation.~~

26 (2) ~~"Department" means the department of archaeology and historic~~
27 ~~preservation.~~

28 (3) ~~"Director" means the director of the department of archaeology~~
29 ~~and historic preservation.~~

30 (4) ~~"Federal act" means the national historic preservation act of~~
31 ~~1966 (Public Law 89-655; 80 Stat. 915).~~

32 (5) ~~"Heritage barn" means any large agricultural outbuilding used~~
33 ~~to house animals, crops, or farm equipment, that is over fifty years~~
34 ~~old and has been determined by the department to: (a) Be eligible for~~
35 ~~listing on the Washington heritage register or the national register of~~
36 ~~historic places; or (b) have been listed on a local historic register~~
37 ~~and approved by the advisory council. In addition to barns, "heritage~~

1 barn" includes agricultural resources such as milk houses, sheds,
2 silos, or other outbuildings, that are historically associated with the
3 working life of the farm or ranch, if these outbuildings are on the
4 same property as a heritage barn.

5 ~~(6) "Heritage council" means the Washington state heritage council.~~

6 ~~(7) "Historic preservation" includes the protection,~~
7 ~~rehabilitation, restoration, identification, scientific excavation, and~~
8 ~~reconstruction of districts, sites, buildings, structures, and objects~~
9 ~~significant in American and Washington state history, architecture,~~
10 ~~archaeology, or culture.~~

11 ~~(8) "Preservation officer" means the state historic preservation~~
12 ~~officer as provided for in RCW 43.334.020.~~

13 ~~(9) "Project" means programs leading to the preservation for public~~
14 ~~benefit of historical properties, whether by state and local~~
15 ~~governments or other public bodies, or private organizations or~~
16 ~~individuals, including the acquisition of title or interests in, and~~
17 ~~the development of, any district, site, building, structure, or object~~
18 ~~that is significant in American and Washington state history,~~
19 ~~architecture, archaeology, or culture, and property used in connection~~
20 ~~therewith, or for its development.~~

21 ~~(10)) "State historical agencies" means the state historical~~
22 ~~societies and the ((department)) state capital historical museum.~~

23 ~~((11)) (2) "State historical societies" means the Washington~~
24 ~~state historical society and the eastern Washington state historical~~
25 ~~society.~~

26 ~~((12) "Cultural resource management plan" means a comprehensive~~
27 ~~plan which identifies and organizes information on the state of~~
28 ~~Washington's historic, archaeological, and architectural resources into~~
29 ~~a set of management criteria, and which is to be used for producing~~
30 ~~reliable decisions, recommendations, and advice relative to the~~
31 ~~identification, evaluation, and protection of these resources.))~~

32 **Sec. 10.** RCW 43.334.010 and 2005 c 333 s 1 are each amended to
33 read as follows:

34 (1) There is created a department of state government to be known
35 as the department of archaeology and historic preservation. The
36 department is vested with all powers and duties transferred to it under

1 this chapter and such other powers and duties as may be authorized by
2 law.

3 (2) Unless the context clearly requires otherwise, the definitions
4 in this (~~(section)~~) subsection apply throughout this chapter.

5 (a) "Advisory council" means the advisory council on historic
6 preservation.

7 (b) "Cultural resource management plan" means a comprehensive plan
8 that identifies and organizes information on the state of Washington's
9 historic, archaeological, and architectural resources into a set of
10 management criteria, and that is to be used for producing reliable
11 decisions, recommendations, and advice relative to the identification,
12 evaluation, and protection of these resources.

13 (c) "Department" means the department of archaeology and historic
14 preservation.

15 (~~(b)~~) (d) "Director" means the director of the department of
16 archaeology and historic preservation.

17 (e) "Federal act" means the national historic preservation act of
18 1966 (P.L. 89-655; 80 Stat. 915).

19 (f) "Heritage barn" means any large agricultural outbuilding used
20 to house animals, crops, or farm equipment, that is over fifty years
21 old and has been determined by the department to: (i) Be eligible for
22 listing on the Washington heritage register or the national register of
23 historic places; or (ii) have been listed on a local historic register
24 and approved by the advisory council. In addition to barns, "heritage
25 barn" includes agricultural resources such as milk houses, sheds,
26 silos, or other outbuildings, that are historically associated with the
27 working life of the farm or ranch, if these outbuildings are on the
28 same property as a heritage barn.

29 (g) "Heritage council" means the Washington state heritage council.

30 (h) "Historic preservation" includes the protection,
31 rehabilitation, restoration, identification, scientific excavation, and
32 reconstruction of districts, sites, buildings, structures, and objects
33 significant in American and Washington state history, architecture,
34 archaeology, or culture.

35 (i) "Preservation officer" means the state historic preservation
36 officer as provided for in RCW 43.334.020.

37 (j) "Project" means programs leading to the preservation for public
38 benefit of historical properties, whether by state and local

1 governments or other public bodies, or private organizations or
2 individuals, including the acquisition of title or interests in, and
3 the development of, any district, site, building, structure, or object
4 that is significant in American and Washington state history,
5 architecture, archaeology, or culture, and property used in connection
6 therewith, or for its development.

7 **Sec. 11.** RCW 43.15.020 and 2011 c 158 s 12 are each amended to
8 read as follows:

9 The lieutenant governor serves as president of the senate and is
10 responsible for making appointments to, and serving on, the committees
11 and boards as set forth in this section.

12 (1) The lieutenant governor serves on the following boards and
13 committees:

- 14 (a) Capitol furnishings preservation committee, RCW 27.48.040;
- 15 (b) Washington higher education facilities authority, RCW
16 28B.07.030;
- 17 (c) Productivity board, also known as the employee involvement and
18 recognition board, RCW 41.60.015;
- 19 (d) State finance committee, RCW 43.33.010;
- 20 (e) State capitol committee, RCW 43.34.010;
- 21 (f) Washington health care facilities authority, RCW 70.37.030;
- 22 (g) State medal of merit nominating committee, RCW 1.40.020;
- 23 (h) Medal of valor committee, RCW 1.60.020; and
- 24 (i) Association of Washington generals, RCW 43.15.030.

25 (2) The lieutenant governor, and when serving as president of the
26 senate, appoints members to the following boards and committees:

- 27 (a) Civil legal aid oversight committee, RCW 2.53.010;
- 28 (b) Office of public defense advisory committee, RCW 2.70.030;
- 29 (c) Washington state gambling commission, RCW 9.46.040;
- 30 (d) Sentencing guidelines commission, RCW 9.94A.860;
- 31 (e) State building code council, RCW 19.27.070;
- 32 (f) Financial education public-private partnership, RCW
33 28A.300.450;
- 34 (g) Joint administrative rules review committee, RCW 34.05.610;
- 35 (h) Capital projects advisory review board, RCW 39.10.220;
- 36 (i) Select committee on pension policy, RCW 41.04.276;
- 37 (j) Legislative ethics board, RCW 42.52.310;

1 (k) Washington citizens' commission on salaries, RCW 43.03.305;
2 (~~l~~) (~~Legislative oral history committee, RCW 44.04.325;~~
3 ~~m~~) State council on aging, RCW 43.20A.685;
4 (~~n~~) m State investment board, RCW 43.33A.020;
5 (~~o~~) n Capitol campus design advisory committee, RCW
6 43.34.080;
7 (~~p~~) o Washington state arts commission, RCW 43.46.015;
8 (~~q~~ ~~Information services board, RCW 43.105.032;~~
9 ~~r~~ ~~Council for children and families, RCW 43.121.020;~~
10 ~~s~~) p PNWER-Net working subgroup under chapter 43.147 RCW;
11 (~~t~~) q Community economic revitalization board, RCW
12 43.160.030;
13 (~~u~~) r Washington economic development finance authority, RCW
14 43.163.020;
15 (~~v~~) s Life sciences discovery fund authority, RCW 43.350.020;
16 (~~w~~) t Legislative children's oversight committee, RCW
17 44.04.220;
18 (~~x~~) u Joint legislative audit and review committee, RCW
19 44.28.010;
20 (~~y~~) v Joint committee on energy supply and energy
21 conservation, RCW 44.39.015;
22 (~~z~~) w Legislative evaluation and accountability program
23 committee, RCW 44.48.010;
24 (~~aa~~) x Agency council on coordinated transportation, RCW
25 47.06B.020;
26 (~~bb~~) y Washington horse racing commission, RCW 67.16.014;
27 (~~cc~~) z Correctional industries board of directors, RCW
28 72.09.080;
29 (~~dd~~) aa Joint committee on veterans' and military affairs,
30 RCW 73.04.150;
31 (~~ee~~) bb Joint legislative committee on water supply during
32 drought, RCW 90.86.020;
33 (~~ff~~) cc Statute law committee, RCW 1.08.001; and
34 (~~gg~~) dd Joint legislative oversight committee on trade
35 policy, RCW 44.55.020.

36 NEW SECTION. **Sec. 12.** RCW 27.34.200, 27.34.220, 27.34.230,

1 27.34.240, 27.34.250, 27.34.260, 27.34.270, 27.34.280, 27.34.400,
2 27.34.410, 27.34.415, 43.07.129, 43.07.350, 43.07.363, and 43.07.380
3 are each recodified as sections in chapter 43.334 RCW.

4 NEW SECTION. **Sec. 13.** The following acts or parts of acts are
5 each repealed:

6 (1) RCW 43.07.900 (Transfer of powers, duties, and functions--
7 Legislative oral history program) and 2008 c 222 s 9;

8 (2) RCW 44.04.320 (Oral history program) and 2008 c 222 s 3 & 1991
9 c 237 s 1;

10 (3) RCW 44.04.325 (Legislative oral history committee--Members) and
11 2008 c 222 s 4 & 1991 c 237 s 2;

12 (4) RCW 44.04.330 (Legislative oral history committee--Duties) and
13 2008 c 222 s 5 & 1991 c 237 s 3;

14 (5) RCW 44.04.335 (Oral history activities-Funding-Joint rules) and
15 2008 c 222 s 6;

16 (6) RCW 44.04.340 (Oral history activities-Gifts, grants,
17 conveyances-Expenditures-Joint rules) and 2008 c 222 s 7; and

18 (7) RCW 44.04.345 (Legislative oral history account) and 2008 c 222
19 s 8.

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