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**ENGROSSED SUBSTITUTE HOUSE BILL 1741**

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**State of Washington**

**60th Legislature**

**2007 Regular Session**

**By** House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Hunt, Skinner and Conway)

READ FIRST TIME 02/23/07.

1       AN ACT Relating to the oral history program; amending RCW  
2 43.07.380, 43.07.220, 43.07.230, 43.07.240, and 43.07.037; adding a new  
3 section to chapter 42.52 RCW; adding new sections to chapter 44.04 RCW;  
4 adding a new section to chapter 43.07 RCW; creating new sections; and  
5 recodifying RCW 43.07.220, 43.07.230, and 43.07.240.

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

7       NEW SECTION. **Sec. 1.** Washington has developed an impressive oral  
8 history program of recording and documenting the recollections of  
9 public officials and citizens who have contributed to the rich  
10 political history surrounding the legislature. Schools, museums,  
11 historians, state agencies, and interested citizens have benefited from  
12 the availability of these educational materials. The purpose of this  
13 act is to enhance this resource by reinforcing the decision-making role  
14 of the legislature.

15       NEW SECTION. **Sec. 2.** A new section is added to chapter 42.52 RCW  
16 to read as follows:

17       This chapter does not prohibit the secretary of the senate, the

1 chief clerk of the house of representatives, or their designee from  
2 soliciting and accepting contributions to the legislative oral history  
3 account created in section 9 of this act.

4 **Sec. 3.** RCW 43.07.380 and 2003 c 164 s 2 are each amended to read  
5 as follows:

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

17 **Sec. 4.** RCW 43.07.220 and 1991 c 237 s 1 are each amended to read  
18 as follows:

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

1       (2) The oral history of a person who occupied positions, or was  
2 staff to a person who occupied positions, in more than one branch of  
3 government, shall be conducted by the entity authorized to conduct oral  
4 histories of persons in the position last held by the person who is the  
5 subject of the oral history. However, the person being interviewed may  
6 select the entity he or she wishes to prepare his or her oral history.

7       **Sec. 5.** RCW 43.07.230 and 1991 c 237 s 2 are each amended to read  
8 as follows:

9       An oral history advisory committee is created, which shall consist  
10 of the following individuals:

- 11       (1) Four members of the house of representatives, two from each of  
12 the two largest caucuses of the house, appointed by the speaker of the  
13 house of representatives;
- 14       (2) Four members of the senate, two from each of the two largest  
15 caucuses of the senate, appointed by the president of the senate;
- 16       (3) The chief clerk of the house of representatives;
- 17       (4) The secretary of the senate; and
- 18       (5) The secretary of state.

19       Ex officio members may be appointed by a majority vote of the  
20 committee's members. The chair of the committee shall be elected by a  
21 majority vote of the committee members.

22       **Sec. 6.** RCW 43.07.240 and 1991 c 237 s 3 are each amended to read  
23 as follows:

24       The oral history advisory committee shall have the following  
25 responsibilities:

- 26       (1) To select appropriate oral history interview candidates and  
27 subjects;
- 28       (2) To select transcripts or portions of transcripts, and related  
29 historical material, for publication;
- 30       (3) To advise the secretary of state, the secretary of the senate,  
31 and the chief clerk of the house of representatives on the format and  
32 length of individual interview series and on appropriate issues and  
33 subjects for related series of interviews;
- 34       (4) To advise the secretary of state, the secretary of the senate,  
35 and the chief clerk of the house of representatives on the appropriate

1 subjects, format, and length of interviews and on the process for  
2 conducting oral history interviews (~~((with subjects currently serving in  
3 the Washington state legislature))~~);

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

8 (6) To advise the secretary of ((state)) the senate and the chief  
9 clerk of the house of representatives on other aspects of the  
10 administration of the oral history program and on the conduct of  
11 individual interview projects.

12 NEW SECTION. Sec. 7. A new section is added to chapter 44.04 RCW  
13 to read as follows:

14 The secretary of the senate and the chief clerk of the house of  
15 representatives may fund oral history activities through donations as  
16 provided in section 8 of this act. The activities may include, but not  
17 be limited to, conducting interviews, preparing and indexing  
18 transcripts, publishing transcripts and photographs, and presenting  
19 displays and programs. Donations that do not meet the criteria of the  
20 legislative oral history program may not be accepted. The secretary of  
21 the senate and the chief clerk of the house of representatives shall  
22 adopt joint rules necessary to implement this section.

23 NEW SECTION. Sec. 8. A new section is added to chapter 44.04 RCW  
24 to read as follows:

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

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

33 (3) Moneys received under this section must be deposited in the  
34 legislative oral history account established in section 9 of this act.

35 (4) The secretary of the senate and the chief clerk of the house of

1 representatives shall adopt joint rules to govern and protect the  
2 receipt and expenditure of the proceeds.

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 44.04 RCW  
4 to read as follows:

5 The legislative oral history account is created in the custody of  
6 the state treasurer. All moneys received under section 8 of this act  
7 must be deposited in the account. Expenditures from the account may be  
8 made only for the purposes of the legislative oral history program  
9 under RCW 43.07.220 (as recodified by this act). Only the secretary of  
10 the senate or the chief clerk of the house of representatives or their  
11 designee may authorize expenditures from the account. An appropriation  
12 is not required for expenditures, but the account is subject to  
13 allotment procedures under chapter 43.88 RCW.

14 NEW SECTION. **Sec. 10.** (1) All powers, duties, and functions of  
15 the secretary of state pertaining to the oral history program are  
16 transferred to the secretary of the senate and the chief clerk of the  
17 house of representatives. All references to the secretary of state or  
18 the office of the secretary of state in the Revised Code of Washington  
19 shall be construed to mean the secretary of the senate and the chief  
20 clerk of the house of representatives when referring to the functions  
21 transferred in this section.

22 (2)(a) All reports, documents, surveys, books, records, files,  
23 papers, or written material in the possession of the secretary of state  
24 pertaining to the powers, functions, and duties transferred shall be  
25 delivered to the custody of the secretary of the senate and the chief  
26 clerk of the house of representatives. All cabinets, furniture, office  
27 equipment, motor vehicles, and other tangible property employed by the  
28 secretary of state in carrying out the powers, functions, and duties  
29 transferred shall be made available to the secretary of the senate and  
30 the chief clerk of the house of representatives. All funds, credits,  
31 or other assets held in connection with the powers, functions, and  
32 duties transferred shall be assigned to the secretary of the senate and  
33 the chief clerk of the house of representatives.

34 (b) Any appropriations made to the secretary of state for carrying  
35 out the powers, functions, and duties transferred shall, on the

1 effective date of this section, be transferred and credited to the  
2 Secretary of the senate and the chief clerk of the house of  
3 representatives.

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

10 (3) All employees of the secretary of state engaged in performing  
11 the powers, functions, and duties transferred are transferred to the  
12 jurisdiction of the secretary of the senate and the chief clerk of the  
13 house of representatives. All employees classified under chapter 41.06  
14 RCW, the state civil service law, are assigned to the secretary of the  
15 senate and the chief clerk of the house of representatives to perform  
16 their usual duties upon the same terms as formerly, without any loss of  
17 rights, subject to any action that may be appropriate thereafter in  
18 accordance with the laws and rules governing state civil service.

19 (4) All rules and all pending business before the secretary of  
20 state pertaining to the powers, functions, and duties transferred shall  
21 be continued and acted upon by the secretary of the senate and the  
22 chief clerk of the house of representatives. All existing contracts  
23 and obligations shall remain in full force and shall be performed by  
24 the secretary of the senate and the chief clerk of the house of  
25 representatives.

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

29 (6) If apportionments of budgeted funds are required because of the  
30 transfers directed by this section, the director of financial  
31 management shall certify the apportionments to the agencies affected,  
32 the state auditor, and the state treasurer. Each of these shall make  
33 the appropriate transfer and adjustments in funds and appropriation  
34 accounts and equipment records in accordance with the certification.

35 (7) Nothing contained in this section may be construed to alter any  
36 existing collective bargaining unit or the provisions of any existing  
37 collective bargaining agreement until the agreement has expired or

1 until the bargaining unit has been modified by action of the public  
2 employment relations commission as provided by law.

3 (8) The secretary of the senate and the chief clerk of the house of  
4 representatives will determine location and staff reporting for the  
5 program.

6 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.07 RCW  
7 to read as follows:

8 (1) The secretary of state, at the direction of the oral history  
9 advisory committee in RCW 43.07.230, may administer and conduct a  
10 program to record and document oral histories of current and former  
11 state government officials and personnel, and other citizens who have  
12 participated in the political history of Washington state. The  
13 secretary of state may contract with independent oral historians or the  
14 history departments of the state universities to interview and record  
15 oral histories. The tapes and tape transcripts shall be indexed and  
16 made available for research and reference through the state archives.  
17 The transcripts, together with current and historical photographs, may  
18 be published for distribution to libraries and the general public, and  
19 posted on the secretary of state's web site.

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

26 **Sec. 12.** RCW 43.07.037 and 1996 c 253 s 105 are each amended to  
27 read as follows:

28 The secretary of state (~~and the council~~) may accept gifts,  
29 grants, conveyances, bequests, and devises, of real or personal  
30 property, or both, in trust or otherwise, and sell, lease, exchange,  
31 invest, or expend these donations or the proceeds, rents, profits, and  
32 income from the donations except as limited by the donor's terms. The  
33 secretary of state shall adopt rules to govern and protect the receipt  
34 and expenditure of the proceeds.

1        NEW SECTION.   **Sec. 13.**   The following are each recodified as  
2 sections in chapter 44.04 RCW:  
3        RCW 43.07.220  
4        RCW 43.07.230  
5        RCW 43.07.240

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