
HOUSE BILL 1741

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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