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HOUSE BILL 2366

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State of Washington

57th Legislature

2002 Regular Session

By Representatives Ogden, Woods, Romero, Skinner and Chase; by request of Secretary of State

Read first time 01/16/2002. Referred to Committee on State Government.

1 AN ACT Relating to funding and expenditures of the secretary of  
2 state; amending RCW 43.07.037, 43.07.130, 40.14.020, and 42.17.710;  
3 adding a new section to chapter 43.07 RCW; and adding a new section to  
4 chapter 42.52 RCW.

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

6 **Sec. 1.** RCW 43.07.037 and 1996 c 253 s 105 are each amended to  
7 read as follows:

8 The secretary of state (~~and the council~~) may solicit and accept  
9 gifts, grants, conveyances, bequests, and devises, of real or personal  
10 property, or both, in trust or otherwise, and sell, lease, exchange,  
11 invest, or expend these donations or the proceeds, rents, profits, and  
12 income from the donations except as limited by the donor's terms.  
13 These receipts and expenditures must be accounted for in the secretary  
14 of state's revolving fund. These expenditures do not require  
15 legislative appropriation and will be managed by the secretary of  
16 state. The secretary of state shall adopt rules to govern and protect  
17 the receipt and expenditure of the proceeds. Soliciting and accepting  
18 such receipts and making such expenditures is not considered a

1 violation of ethical standards. Such receipts and expenditures must be  
2 limited to:

- 3 (1) Conducting oral histories;  
4 (2) Archival activities; and  
5 (3) International trade hosting and missions.

6 NEW SECTION. Sec. 2. A new section is added to chapter 43.07 RCW  
7 to read as follows:

8 The secretary of state may fund oral history activities through  
9 donations as provided in RCW 43.07.037. The activities may include,  
10 but not be limited to, conducting interviews, preparing and indexing  
11 transcripts, publishing transcripts and photographs, and presenting  
12 displays and programs. Donations that do not meet the criteria of the  
13 oral history program may not be accepted. The secretary of state shall  
14 adopt rules necessary to implement this section.

15 **Sec. 3.** RCW 43.07.130 and 1994 c 211 s 1311 are each amended to  
16 read as follows:

17 There is created within the state treasury a revolving fund, to be  
18 known as the "secretary of state's revolving fund," which shall be used  
19 by the office of the secretary of state to defray the costs of  
20 printing, reprinting, or distributing printed matter authorized by law  
21 to be issued by the office of the secretary of state, and any other  
22 cost of carrying out the functions of the secretary of state under  
23 Title 23B RCW, (~~(or)~~) chapters 18.100, 23.86, 23.90, 24.03, 24.06,  
24 24.12, 24.20, 24.24, 24.28, 24.36, 25.15, (~~(or)~~) 25.10, or 40.14 RCW,  
25 or RCW 43.07.220.

26 The secretary of state is hereby authorized to charge a fee for  
27 such publications in an amount which will compensate for the costs of  
28 printing, reprinting, and distributing such printed matter. Fees  
29 recovered by the secretary of state under RCW 43.07.120(2), 23B.01.220  
30 (1)(e), (6) and (7), 23B.18.050, 24.03.410, 24.06.455, or 46.64.040,  
31 and such other moneys as are expressly designated for deposit in the  
32 secretary of state's revolving fund shall be placed in the secretary of  
33 state's revolving fund.

34 **Sec. 4.** RCW 40.14.020 and 1995 c 326 s 1 are each amended to read  
35 as follows:

1 All public records shall be and remain the property of the state of  
2 Washington. They shall be delivered by outgoing officials and  
3 employees to their successors and shall be preserved, stored,  
4 transferred, destroyed or disposed of, and otherwise managed, only in  
5 accordance with the provisions of this chapter. In order to insure the  
6 proper management and safeguarding of public records, the division of  
7 archives and records management is established in the office of the  
8 secretary of state. The state archivist, who shall administer the  
9 division and have reasonable access to all public records, wherever  
10 kept, for purposes of information, surveying, or cataloguing, shall  
11 undertake the following functions, duties, and responsibilities:

12 (1) To manage the archives of the state of Washington;

13 (2) To centralize the archives of the state of Washington, to make  
14 them available for reference and scholarship, and to insure their  
15 proper preservation;

16 (3) To inspect, inventory, catalog, and arrange retention and  
17 transfer schedules on all record files of all state departments and  
18 other agencies of state government;

19 (4) To insure the maintenance and security of all state public  
20 records and to establish safeguards against unauthorized removal or  
21 destruction;

22 (5) To establish and operate such state record centers as may from  
23 time to time be authorized by appropriation, for the purpose of  
24 preserving, servicing, screening and protecting all state public  
25 records which must be preserved temporarily or permanently, but which  
26 need not be retained in office space and equipment;

27 (6) To adopt rules under chapter 34.05 RCW:

28 (a) Setting standards for the durability and permanence of public  
29 records maintained by state and local agencies;

30 (b) Governing procedures for the creation, maintenance,  
31 transmission, cataloging, indexing, storage, or reproduction of  
32 photographic, optical, electronic, or other images of public documents  
33 or records in a manner consistent with current standards, policies, and  
34 procedures of the department of information services for the  
35 acquisition of information technology;

36 (c) Governing the accuracy and durability of, and facilitating  
37 access to, photographic, optical, electronic, or other images used as  
38 public records; or

39 (d) To carry out any other provision of this chapter;

1 (7) To gather and disseminate to interested agencies information on  
2 all phases of records management and current practices, methods,  
3 procedures, techniques, and devices for efficient and economical  
4 management and preservation of records;

5 (8) To operate a central microfilming bureau which will microfilm,  
6 at cost, records approved for filming by the head of the office of  
7 origin and the archivist; to approve microfilming projects undertaken  
8 by state departments and all other agencies of state government; and to  
9 maintain proper standards for this work;

10 (9) To maintain necessary facilities for the review of records  
11 approved for destruction and for their economical disposition by sale  
12 or burning; directly to supervise such destruction of public records as  
13 shall be authorized by the terms of this chapter; ((and))

14 (10) To assist and train state and local agencies in the proper  
15 methods of creating, maintaining, cataloging, indexing, transmitting,  
16 storing, and reproducing photographic, optical, electronic, or other  
17 images used as public records;

18 (11) To solicit, accept, and expend donations as provided in RCW  
19 43.07.037 for the purpose of the archive program. These purposes  
20 include, but are not limited to, acquisition, accession,  
21 interpretation, and display of archival materials. Donations that do  
22 not meet the criteria of the archive program may not be accepted.

23 **Sec. 5.** RCW 42.17.710 and 1993 c 2 s 11 are each amended to read  
24 as follows:

25 During the period beginning on the thirtieth day before the date a  
26 regular legislative session convenes and continuing thirty days past  
27 the date of final adjournment, and during the period beginning on the  
28 date a special legislative session convenes and continuing through the  
29 date that session adjourns, no state official or a person employed by  
30 or acting on behalf of a state official or state legislator may solicit  
31 or accept contributions to a public office fund, to a candidate or  
32 authorized committee, or to retire a campaign debt. Persons soliciting  
33 or accepting contributions for the secretary of state's revolving fund,  
34 as used for the limited purposes of RCW 43.07.037, are exempt from this  
35 limitation.

36 NEW SECTION. **Sec. 6.** A new section is added to chapter 42.52 RCW  
37 to read as follows:

1       When soliciting charitable gifts, grants, or donations solely for  
2 the limited purposes of RCW 43.07.037, members of the office of  
3 secretary of state and oral history advisory committee are exempt from  
4 this chapter.

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