

CERTIFICATION OF ENROLLMENT
THIRD SUBSTITUTE HOUSE BILL 1741

Chapter 222, Laws of 2008

(partial veto)

60th Legislature
2008 Regular Session

ORAL HISTORY PROGRAM

EFFECTIVE DATE: 06/12/08

Passed by the House March 8, 2008
Yeas 92 Nays 1

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 4, 2008
Yeas 33 Nays 14

BRAD OWEN

President of the Senate

Approved March 28, 2008, 10:31 a.m.,
with the exception of section 16 which
is vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of
the House of Representatives of
the State of Washington, do hereby
certify that the attached is **THIRD
SUBSTITUTE HOUSE BILL 1741** as
passed by the House of
Representatives and the Senate on
the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 28, 2008

**Secretary of State
State of Washington**

THIRD SUBSTITUTE HOUSE BILL 1741

AS AMENDED BY THE SENATE

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By House Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Hunt, Skinner, and Conway)

READ FIRST TIME 02/07/08.

1 AN ACT Relating to the oral history program; amending RCW
2 43.07.220, 43.07.230, 43.07.240, 43.07.365, 43.07.370, 43.07.380, and
3 42.52.802; adding a new section to chapter 42.52 RCW; adding new
4 sections to chapter 44.04 RCW; adding a new section to chapter 43.07
5 RCW; creating new sections; and recodifying RCW 43.07.220, 43.07.230,
6 and 43.07.240.

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

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

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

18 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 8 of this act.

4 **Sec. 3.** RCW 43.07.220 and 1991 c 237 s 1 are each amended to read
5 as follows:

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

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

29 **Sec. 4.** RCW 43.07.230 and 1991 c 237 s 2 are each amended to read
30 as follows:

31 ~~((An))~~ (1) A legislative oral history ((advisory)) committee is
32 created, which shall consist of the following individuals:

33 ~~((1))~~ (a) Four members of the house of representatives, two from
34 each of the two largest caucuses of the house, appointed by the speaker
35 of the house of representatives;

1 (~~(+2)~~) (b) Four members of the senate, two from each of the two
2 largest caucuses of the senate, appointed by the president of the
3 senate;

4 (~~(+3)~~) (c) The chief clerk of the house of representatives; and

5 (~~(+4)~~) (d) The secretary of the senate(~~(+and~~

6 ~~(+5) The secretary of state))~~.

7 (2) Ex officio members may be appointed by a majority vote of the
8 committee's members appointed under subsection (1) of this section.

9 (3) The chair of the committee shall be elected by a majority vote
10 of the committee members appointed under subsection (1) of this
11 section.

12 **Sec. 5.** RCW 43.07.240 and 1991 c 237 s 3 are each amended to read
13 as follows:

14 The legislative oral history (~~(advisory)~~) committee shall have the
15 following responsibilities:

16 (1) To select appropriate oral history interview candidates and
17 subjects;

18 (2) To select transcripts or portions of transcripts, and related
19 historical material, for publication;

20 (3) To advise the secretary of (~~(state)~~) the senate and the chief
21 clerk of the house of representatives on the format and length of
22 individual interview series and on appropriate issues and subjects for
23 related series of interviews;

24 (4) To advise the secretary of (~~(state)~~) the senate and the chief
25 clerk of the house of representatives on the appropriate subjects,
26 format, and length of interviews and on the process for conducting oral
27 history interviews (~~(with subjects currently serving in the Washington~~
28 ~~state legislature)~~);

29 (5) To advise the secretary of (~~(state)~~) the senate and the chief
30 clerk of the house of representatives on joint programs and activities
31 with state universities, colleges, museums, and other groups conducting
32 oral histories; and

33 (6) To advise the secretary of (~~(state)~~) the senate and the chief
34 clerk of the house of representatives on other aspects of the
35 administration of the oral history program and on the conduct of
36 individual interview projects.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 44.04 RCW
2 to read as follows:

3 The secretary of the senate and the chief clerk of the house of
4 representatives may fund oral history activities through donations as
5 provided in section 7 of this act and through funds in the legislative
6 gift center account created in RCW 44.73.020. The activities may
7 include, but not be limited to, conducting interviews, preparing and
8 indexing transcripts, publishing manuscripts and photographs, and
9 presenting displays and programs. Donations that do not meet the
10 criteria of the legislative oral history program may not be accepted.
11 The secretary of the senate and the chief clerk of the house of
12 representatives shall adopt joint rules necessary to implement this
13 section.

14 NEW SECTION. **Sec. 7.** A new section is added to chapter 44.04 RCW
15 to read as follows:

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

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

24 (3) Moneys received under this section must be deposited in the
25 legislative oral history account established in section 8 of this act.

26 (4) The secretary of the senate and the chief clerk of the house of
27 representatives shall adopt joint rules to govern and protect the
28 receipt and expenditure of the proceeds.

29 NEW SECTION. **Sec. 8.** A new section is added to chapter 44.04 RCW
30 to read as follows:

31 The legislative oral history account is created in the custody of
32 the state treasurer. All moneys received under section 7 of this act
33 and from the legislative gift center account created in RCW 44.73.020
34 must be deposited in the account. Expenditures from the account may be
35 made only for the purposes of the legislative oral history program
36 under RCW 43.07.220 (as recodified by this act). Only the secretary of

1 the senate or the chief clerk of the house of representatives or their
2 designee may authorize expenditures from the account. An appropriation
3 is not required for expenditures, but the account is subject to
4 allotment procedures under chapter 43.88 RCW.

5 NEW SECTION. **Sec. 9.** (1) All powers, duties, and functions of the
6 secretary of state pertaining to the legislative oral history program
7 are transferred to the secretary of the senate and the chief clerk of
8 the house of representatives. All references to the secretary of state
9 or the office of the secretary of state in the Revised Code of
10 Washington shall be construed to mean the secretary of the senate and
11 the chief clerk of the house of representatives when referring to the
12 functions transferred in this section.

13 (2)(a) All reports, documents, surveys, books, records, files,
14 papers, or written material in the possession of the secretary of state
15 pertaining to the powers, functions, and duties transferred shall be
16 delivered to the custody of the secretary of the senate and the chief
17 clerk of the house of representatives. All funds, credits, or other
18 assets held in connection with the powers, functions, and duties
19 transferred shall be assigned to the secretary of the senate and the
20 chief clerk of the house of representatives.

21 (b) Any appropriations made to the secretary of state for carrying
22 out the powers, functions, and duties transferred shall, on the
23 effective date of this section, be transferred and credited to the
24 secretary of the senate and the chief clerk of the house of
25 representatives.

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

32 (3) All rules and all pending business before the secretary of
33 state pertaining to the powers, functions, and duties transferred shall
34 be continued and acted upon by the secretary of the senate and the
35 chief clerk of the house of representatives. All existing contracts
36 and obligations shall remain in full force and shall be performed by

1 the secretary of the senate and the chief clerk of the house of
2 representatives.

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

6 (5) If apportionments of budgeted funds are required because of the
7 transfers directed by this section, the director of financial
8 management shall certify the apportionments to the agencies affected,
9 the state auditor, and the state treasurer. Each of these shall make
10 the appropriate transfer and adjustments in funds and appropriation
11 accounts and equipment records in accordance with the certification.

12 (6) Nothing contained in this section may be construed to alter any
13 existing collective bargaining unit or the provisions of any existing
14 collective bargaining agreement until the agreement has expired or
15 until the bargaining unit has been modified by action of the public
16 employment relations commission as provided by law.

17 (7) The secretary of the senate and the chief clerk of the house of
18 representatives will determine location and staff reporting for the
19 program.

20 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.07 RCW
21 to read as follows:

22 (1) The secretary of state shall administer and conduct a program
23 to record and document oral histories of current and former members and
24 staff of the Washington state executive and judicial branches, the
25 state's congressional delegation, and other citizens who have
26 participated in the political history of Washington state. The program
27 shall be called the Washington state legacy project. The secretary of
28 state may contract with independent oral historians or history
29 departments of the state universities to interview and record oral
30 histories. The manuscripts and publications shall be made available
31 for research and reference through the state archives. The
32 transcripts, together with current and historical photographs, may be
33 published for distribution to libraries and the general public, and be
34 posted on the secretary of state's web site.

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

1 (3) 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 (4) The secretary of state may create a Washington state legacy
8 project advisory council to provide advice and guidance on matters
9 pertaining to operating the legacy project. The secretary of state may
10 not compensate members of the legacy project advisory council but may
11 provide reimbursement to members for expenses that are incurred in the
12 conduct of their official duties.

13 **Sec. 11.** RCW 43.07.365 and 2002 c 358 s 3 are each amended to read
14 as follows:

15 The secretary of state may fund (~~(oral history)~~) Washington state
16 legacy project activities through donations as provided in RCW
17 43.07.037. The activities may include, but not be limited to,
18 conducting interviews, preparing and indexing transcripts, publishing
19 transcripts and photographs, and presenting displays and programs.
20 Donations that do not meet the criteria of the (~~(oral history program)~~)
21 Washington state legacy project may not be accepted. The secretary of
22 state shall adopt rules necessary to implement this section.

23 **Sec. 12.** RCW 43.07.370 and 2007 c 523 s 3 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)~~) the Washington state legacy
33 project;

34 (b) Archival activities;

35 (c) Washington state library activities; and

1 (d) Development, construction, and operation of the Washington
2 state heritage center.

3 (3)(a) Moneys received under subsection (2)(a) through (c) of this
4 section must be deposited in the ((~~oral history~~)) Washington state
5 legacy project, state library, and archives account established in RCW
6 43.07.380.

7 (b) Moneys received under subsection (2)(d) of this section must be
8 deposited in the Washington state heritage center account created in
9 RCW 43.07.129.

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

12 **Sec. 13.** RCW 43.07.380 and 2003 c 164 s 2 are each amended to read
13 as follows:

14 The ((~~oral history~~)) Washington state legacy project, state
15 library, and archives account is created in the custody of the state
16 treasurer. All moneys received under RCW 43.07.370 must be deposited
17 in the account. Expenditures from the account may be made only for the
18 purposes of the ((~~oral history program under RCW 43.07.220~~)) Washington
19 state legacy project under section 10 of this act, archives program
20 under RCW 40.14.020, and the state library program under chapter 27.04
21 RCW. Only the secretary of state or the secretary of state's designee
22 may authorize expenditures from the account. An appropriation is not
23 required for expenditures, but the account is subject to allotment
24 procedures under chapter 43.88 RCW.

25 **Sec. 14.** RCW 42.52.802 and 2003 c 164 s 4 are each amended to read
26 as follows:

27 This chapter does not prohibit the secretary of state or a designee
28 from soliciting and accepting contributions to the ((~~oral history~~))
29 Washington state legacy project, state library, and archives account
30 created in RCW 43.07.380.

31 NEW SECTION. **Sec. 15.** The following are each recodified as
32 sections in chapter 44.04 RCW:

33 RCW 43.07.220

34 RCW 43.07.230

35 RCW 43.07.240

1 ***NEW SECTION. Sec. 16. If specific funding for the purposes of**
2 **this act, referencing this act by bill or chapter number, is not**
3 **provided by June 30, 2008, in the omnibus appropriations act, this act**
4 **is null and void.**

**Sec. 16 was vetoed. See message at end of chapter.*

Passed by the House March 8, 2008.

Passed by the Senate March 4, 2008.

Approved by the Governor March 28, 2008, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State March 28, 2008.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Section 16, Third
Substitute House Bill 1741 entitled:

"AN ACT Relating to the oral history program."

Sections 1 through 15 of this bill transfer the legislative portion
of the Oral History Program, now called the Legislative Oral History
Project, from the Office of the Secretary of State to the
Legislature. The Secretary of State will continue to conduct and
record histories of the Washington state executive and judicial
branches, the state's congressional delegation, and other citizens
who have participated in the political history of the state under a
new program called the Washington State Legacy Project.

Section 16 would declare this act null and void if funding were not
provided specifically for this measure in the omnibus appropriations
act. The bill provides for funding for legislative oral history
projects to come from proceeds from the Legislative Gift Center. The
scope of oral history projects conducted can vary depending upon the
resources available.

In order to preserve the policy in the bill, I am vetoing Section 16
to permit the bill to become law even if the money is removed from
the budget.

For this reason, I have vetoed Section 16 of Third Substitute House
Bill 1741.

With the exception of Section 16, Third Substitute House Bill 1741 is
approved."