

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2366**

Chapter 358, Laws of 2002

(partial veto)

57th Legislature  
2002 Regular Session

SECRETARY OF STATE--DONATIONS

EFFECTIVE DATE: 6/13/02

Passed by the House February 15, 2002  
Yeas 98 Nays 0

FRANK CHOPP  
**Speaker of the House of  
Representatives**

Passed by the Senate March 5, 2002  
Yeas 44 Nays 4

BRAD OWEN  
**President of the Senate**

Approved April 4, 2002, with the  
exception of sections 1, 2, 5 and 6,  
which are vetoed.

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2366** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER  
**Chief Clerk**

FILED

April 4, 2002 - 3:02 p.m.

**Secretary of State  
State of Washington**

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SUBSTITUTE HOUSE BILL 2366

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Passed Legislature - 2002 Regular Session

State of Washington

57th Legislature

2002 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Ogden, Woods, Romero, Skinner and Chase; by request of Secretary of State)

Read first time 02/07/2002. Referred to Committee on .

1 AN ACT Relating to funding and expenditures of the secretary of  
2 state; amending RCW 43.07.037, 40.14.020, and 42.17.710; adding new  
3 sections to chapter 43.07 RCW; and adding a new section to chapter  
4 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 (1) The secretary of state ((and the council)) may solicit and  
9 accept gifts, grants, conveyances, bequests, and devises, of real or  
10 personal property, or both, in trust or otherwise, and sell, lease,  
11 exchange, invest, or expend these donations or the proceeds, rents,  
12 profits, and income from the donations except as limited by the donor's  
13 terms.

14 (2) Moneys received under the authority of this section may be used  
15 only for the following purposes:

16 (a) Conducting oral histories;

17 (b) Archival activities; and

18 (c) International trade hosting and missions.

1        (3) Moneys received under the authority of this section must be  
2 deposited in the oral history, archives, and international trade  
3 account established in section 2 of this act.

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

6 \*Sec. 1 was vetoed. See message at end of chapter.

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

9        The oral history, archives, and international trade account is  
10 created in the custody of the state treasurer. All moneys received  
11 under RCW 43.07.037 must be deposited in the account. Expenditures  
12 from the account may be made only for the purposes of the oral history  
13 program in RCW 43.07.220 and section 3 of this act, the archives  
14 program under RCW 40.14.020, and international trade hosting and  
15 missions. Only the secretary of state or the secretary of state's  
16 designee may authorize expenditures from the account. An appropriation  
17 is not required for expenditures, but the account is subject to  
18 allotment procedures under chapter 43.88 RCW.

19 \*Sec. 2 was vetoed. See message at end of chapter.

20        **NEW SECTION.** Sec. 3. A new section is added to chapter 43.07 RCW  
21 to read as follows:

22        The secretary of state may fund oral history activities through  
23 donations as provided in RCW 43.07.037. The activities may include,  
24 but not be limited to, conducting interviews, preparing and indexing  
25 transcripts, publishing transcripts and photographs, and presenting  
26 displays and programs. Donations that do not meet the criteria of the  
27 oral history program may not be accepted. The secretary of state shall  
28 adopt rules necessary to implement this section.

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

31        All public records shall be and remain the property of the state of  
32 Washington. They shall be delivered by outgoing officials and  
33 employees to their successors and shall be preserved, stored,  
34 transferred, destroyed or disposed of, and otherwise managed, only in  
35 accordance with the provisions of this chapter. In order to insure the  
36 proper management and safeguarding of public records, the division of  
37 archives and records management is established in the office of the

1 secretary of state. The state archivist, who shall administer the  
2 division and have reasonable access to all public records, wherever  
3 kept, for purposes of information, surveying, or cataloguing, shall  
4 undertake the following functions, duties, and responsibilities:

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

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

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

12 (4) To insure the maintenance and security of all state public  
13 records and to establish safeguards against unauthorized removal or  
14 destruction;

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

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

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

23 (b) Governing procedures for the creation, maintenance,  
24 transmission, cataloging, indexing, storage, or reproduction of  
25 photographic, optical, electronic, or other images of public documents  
26 or records in a manner consistent with current standards, policies, and  
27 procedures of the department of information services for the  
28 acquisition of information technology;

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

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

33 (7) To gather and disseminate to interested agencies information on  
34 all phases of records management and current practices, methods,  
35 procedures, techniques, and devices for efficient and economical  
36 management and preservation of records;

37 (8) To operate a central microfilming bureau which will microfilm,  
38 at cost, records approved for filming by the head of the office of  
39 origin and the archivist; to approve microfilming projects undertaken

1 by state departments and all other agencies of state government; and to  
2 maintain proper standards for this work;

3 (9) To maintain necessary facilities for the review of records  
4 approved for destruction and for their economical disposition by sale  
5 or burning; directly to supervise such destruction of public records as  
6 shall be authorized by the terms of this chapter; (~~{and}~~)

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

11 (11) To solicit, accept, and expend donations as provided in RCW  
12 43.07.037 for the purpose of the archive program. These purposes  
13 include, but are not limited to, acquisition, accession,  
14 interpretation, and display of archival materials. Donations that do  
15 not meet the criteria of the archive program may not be accepted.

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

18 *(1) During the period beginning on the thirtieth day before the*  
19 *date a regular legislative session convenes and continuing thirty days*  
20 *past the date of final adjournment, and during the period beginning on*  
21 *the date a special legislative session convenes and continuing through*  
22 *the date that session adjourns, no state official or a person employed*  
23 *by or acting on behalf of a state official or state legislator may*  
24 *solicit or accept contributions to a public office fund, to a candidate*  
25 *or authorized committee, or to retire a campaign debt.*

26 *(2) This section does not apply to activities authorized in RCW*  
27 *43.03.037.*

28 *\*Sec. 5 was vetoed. See message at end of chapter.*

29 *\*NEW SECTION. Sec. 6. A new section is added to chapter 42.52 RCW*  
30 *to read as follows:*

31 *This chapter does not prohibit the secretary of state or his or her*  
32 *designee from soliciting and accepting contributions to the oral*  
33 *history, archives, and international trade account under RCW 43.07.037.*

34 *\*Sec. 6 was vetoed. See message at end of chapter.*

Passed the House February 15, 2002.

Passed the Senate March 5, 2002.

Approved by the Governor April 4, 2002, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State April 4, 2002.

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

2 "I am returning herewith, without my approval as to sections 1, 2,  
3 5 and 6, Substitute House Bill No. 2366 entitled:

4 "AN ACT Relating to funding and expenditures of the secretary of  
5 state;"

6 Current law authorizes the Office of the Secretary of State to  
7 accept private donations for its programs, subject to rules established  
8 by the Secretary and the appropriation process. I support those  
9 portions of this bill that clarify that donations received by the  
10 Secretary of State may be used to fund oral history and state archival  
11 activities.

12 However, neither the Constitution nor laws of the State of  
13 Washington assign the Secretary of State significant responsibilities  
14 in the area of international trade. It is neither necessary nor  
15 appropriate for the Secretary of State to solicit or accept donations,  
16 or maintain a dedicated account, for purposes of international trade  
17 hosting or missions. To expand the Secretary of State's authority to  
18 those areas, as opposed to cross-cultural or goodwill programs, would  
19 create potential for inconsistency and conflict with the Office of  
20 Trade and Economic Development, the Department of Agriculture, the  
21 Office of International Relations and Protocol, the International Trade  
22 Office and other state agencies that do not report to the Secretary.

23 For these reasons, I have vetoed sections 1, 2, 5 and 6 of  
24 Substitute House Bill No. 2366.

25 With the exception of sections 1, 2, 5 and 6, Substitute House Bill  
26 No. 2366 is approved."