

CERTIFICATION OF ENROLLMENT  
**THIRD SUBSTITUTE HOUSE BILL 1741**

60th Legislature  
2008 Regular Session

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

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**Speaker of the House of Representatives**

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

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**President of the Senate**

Approved

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**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.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**THIRD SUBSTITUTE HOUSE BILL 1741**

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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.

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