
HOUSE BILL 2398

State of Washington 62nd Legislature 2012 Regular Session

By Representatives Hudgins, Hunt, Ormsby, and Miloscia

Read first time 01/13/12. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to transferring the state library from the office
2 of the secretary of state to the University of Washington; amending RCW
3 27.04.010, 27.04.045, 40.06.020, 40.06.030, and 40.06.040; adding a new
4 section to chapter 27.04 RCW; creating a new section; and providing an
5 effective date.

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

7 NEW SECTION. **Sec. 1.** To maximize the benefits to the public,
8 state government should be operated in an efficient and effective
9 manner. The purpose of this act is to transfer the state library and
10 its responsibilities from the office of the secretary of state to the
11 University of Washington, which already operates numerous university
12 libraries in the state and offers a master of library and information
13 science program. This transfer will provide centralized leadership in
14 efficiently and cost-effectively managing state library resources and
15 has the potential to offer educational opportunities to students in the
16 master of library and information science program.

17 **Sec. 2.** RCW 27.04.010 and 2002 c 342 s 2 are each amended to read
18 as follows:

1 (1) There shall be a state library within the (~~office of the~~
2 ~~secretary of state~~) University of Washington, and a state librarian to
3 serve as its chief executive officer.

4 (2) The (~~secretary of state~~) University of Washington board of
5 regents may make such rules under chapter 34.05 RCW as necessary and
6 proper to carry out the purposes of this chapter.

7 (3) The (~~secretary of state~~) University of Washington board of
8 regents shall appoint a state librarian who shall serve at the pleasure
9 of the (~~secretary of state~~) board of regents.

10 **Sec. 3.** RCW 27.04.045 and 2006 c 199 s 2 are each amended to read
11 as follows:

12 The state librarian shall be responsible and accountable for the
13 following functions:

14 (1) Establishing content-related standards for common formats and
15 agency indexes for state agency-produced information. In developing
16 these standards, the state librarian is encouraged to seek involvement
17 of, and comments from, public and private entities with an interest in
18 such standards;

19 (2) Managing and administering the state library;

20 (3) Exerting leadership in information access and the development
21 of library services;

22 (4) Acquiring library materials, equipment, and supplies by
23 purchase, exchange, gift, or otherwise; and, as appropriate, assisting
24 the legislature, other state agencies, and other libraries in the cost-
25 effective purchase of information resources;

26 (5) Employing and terminating personnel in accordance with chapter
27 41.06 RCW as may be necessary to implement the purposes of this
28 chapter;

29 (6) Entering into agreements with other public or private entities
30 as a means of implementing the mission, goals, and objectives of the
31 state library and the entity with which it enters such agreements. In
32 agreements for services between the library and other state agencies,
33 the library may negotiate an exchange of services in lieu of monetary
34 reimbursement for the library's indirect or overhead costs, when such
35 an arrangement facilitates the delivery of library services;

36 (7) Maintaining (~~a library~~) access at the state capitol grounds

1 to effectively provide library and information services to members of
2 the legislature, state officials, and state employees in connection
3 with their official duties;

4 (8) Serving as the depository for newspapers published in the state
5 of Washington thus providing a central location for a valuable
6 historical record for scholarly, personal, and commercial reference and
7 circulation;

8 (9) Promoting and facilitating electronic access to public
9 information and services, including providing, or providing for, a
10 service that identifies, describes, and provides location information
11 for government information through electronic means, and that assists
12 government agencies in making their information more readily available
13 to the public;

14 (10) Collecting and distributing copies of state publications, as
15 defined in RCW 40.06.010, prepared by any state agency for
16 distribution. The state library shall maintain the state publications
17 distribution center, as provided in chapter 40.06 RCW to provide copies
18 of materials that are not available in electronic format to state
19 depository libraries;

20 (11) Providing for the sale of library material in accordance with
21 RCW 27.12.305;

22 (12) Providing advisory services to state agencies regarding their
23 information needs;

24 (13) Providing for library and information service to residents and
25 staff of state-supported residential institutions;

26 (14) Providing for library and information services to persons
27 throughout the state who are blind and/or (~~physically handicapped~~)
28 have a physical disability;

29 (15) Assisting individuals and groups such as libraries, library
30 boards, governing bodies, and citizens throughout the state toward the
31 establishment and development of library services;

32 (16) Making studies and surveys of library needs in order to
33 provide, expand, enlarge, and otherwise improve access to library
34 facilities and services throughout the state;

35 (17) Serving as an interlibrary loan, information, reference, and
36 referral resource for all libraries in the state. The state library
37 may charge lending fees to other libraries that charge the state

1 library for similar services. Money paid as fees shall be retained by
2 the state library as a recovery of costs; and

3 (18) Accepting and expending in accordance with the terms thereof
4 grants of federal, state, local, or private funds. For the purpose of
5 qualifying to receive such grants, the state librarian is authorized to
6 make applications and reports required by the grantor.

7 **Sec. 4.** RCW 40.06.020 and 2006 c 199 s 4 are each amended to read
8 as follows:

9 There is hereby created as a division of the state library, and
10 under the direction of the state librarian, a state publications
11 distribution center. The center shall utilize the depository library
12 system to permit citizens economical and convenient access to state
13 publications, regardless of format. To this end the (~~secretary of~~
14 ~~state~~) University of Washington board of regents shall make such rules
15 as may be deemed necessary to carry out the provisions of this chapter.

16 **Sec. 5.** RCW 40.06.030 and 2011 1st sp.s. c 43 s 304 are each
17 amended to read as follows:

18 (1) Every state agency shall promptly submit to the state library
19 copies of published information that are state publications.

20 (a) For state publications available only in print format, each
21 state agency shall deposit, at a minimum, two copies of each of its
22 publications with the state library. For the purposes of broad public
23 access, state agencies may deposit additional copies with the state
24 library for distribution to additional depository libraries.

25 (b) For state publications available only in electronic format,
26 each state agency shall deposit one copy of each of its publications
27 with the state library.

28 (c) For state publications available in both print and electronic
29 format, each state agency shall deposit two print copies and one
30 electronic copy of the publication with the state library.

31 (2) Annually, each state agency shall provide the state library
32 with a listing of all its publications made available to state
33 government and the public during the preceding year, including those
34 published in electronic form. The (~~secretary of state~~) University of
35 Washington board of regents shall, by rule, establish the annual date

1 by which state agencies must provide the list of its publications to
2 the state library.

3 (3) In the interest of economy and efficiency, the state librarian
4 may specifically or by general rule exempt a given state publication or
5 class of publications from the requirements of this section in full or
6 in part.

7 **Sec. 6.** RCW 40.06.040 and 2006 c 199 s 6 are each amended to read
8 as follows:

9 (1) To provide economical public access to state publications, the
10 center may enter into depository contracts with any free public
11 library, The Evergreen State College, regional university, or state
12 university library, or, if needed, the library of any privately
13 incorporated college or university in this state. The requirements for
14 eligibility to contract as a depository library shall be established by
15 the (~~secretary of state~~) University of Washington board of regents
16 upon recommendations of the state librarian. The standards shall
17 include and take into consideration the type of library, available
18 housing and space for the publications, the number and qualifications
19 of personnel, and availability for public use. The center may also
20 contract with public, out-of-state libraries for the exchange of state
21 and other publications on a reciprocal basis. Any state publication to
22 be distributed to the public and the legislature shall be mailed at the
23 lowest available postal rate.

24 (2) The (~~office of the secretary of state~~) University of
25 Washington through the state librarian shall preserve and make
26 accessible state agency electronic publications deposited with the
27 state library through an electronic repository.

28 NEW SECTION. **Sec. 7.** A new section is added to chapter 27.04 RCW
29 to read as follows:

30 (1) All powers, duties, and functions of the office of the
31 secretary of state pertaining to the state library are transferred to
32 the University of Washington. All references to the state library
33 commission, or to the secretary of state or the office of the secretary
34 of state pertaining to the powers, functions, and duties transferred,
35 shall be construed to mean the state library within the University of
36 Washington.

1 (2)(a) All reports, documents, surveys, books, records, files,
2 papers, or written material in the possession of the office of the
3 secretary of state pertaining to the powers, functions, and duties
4 transferred shall be delivered to the custody of the state library
5 within the University of Washington. All cabinets, furniture, office
6 equipment, motor vehicles, and other tangible property employed by the
7 office of the secretary of state in carrying out the powers, functions,
8 and duties transferred shall be made available to the state library
9 within the University of Washington. All funds, credits, or other
10 assets held in connection with the powers, functions, and duties
11 transferred shall be assigned to the state library within the
12 University of Washington.

13 (b) Any appropriations made to the office of the secretary of state
14 for carrying out the powers, functions, and duties transferred shall,
15 on the effective date of this section, be transferred and credited to
16 the state library within the University of Washington.

17 (c) If any question arises as to the transfer of any personnel,
18 funds, books, documents, records, papers, files, equipment, or other
19 tangible property used or held in the exercise of the powers and the
20 performance of the duties and functions transferred, the director of
21 financial management shall make a determination as to the proper
22 allocation and certify the same to the state agencies concerned.

23 (3) All employees of the office of the secretary of state engaged
24 in performing the powers, functions, and duties transferred are
25 transferred to the jurisdiction of the University of Washington. All
26 employees classified under chapter 41.06 RCW, the state civil service
27 law, are assigned to the University of Washington to perform their
28 usual duties upon the same terms as formerly, without any loss of
29 rights, subject to any action that may be appropriate thereafter in
30 accordance with the laws and rules governing state civil service.

31 (4) All rules and all pending business before the office of the
32 secretary of state pertaining to the powers, functions, and duties
33 transferred shall be continued and acted upon by the University of
34 Washington. All existing contracts and obligations shall remain in
35 full force and shall be performed by the University of Washington.

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

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

7 NEW SECTION. **Sec. 8.** This act takes effect July 1, 2012.

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