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**SUBSTITUTE HOUSE BILL 2926**

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**State of Washington**

**57th Legislature**

**2002 Regular Session**

**By** House Committee on Appropriations (originally sponsored by Representatives Clements and Grant)

Read first time 03/04/2002. Referred to Committee on .

1 AN ACT Relating to a state library; amending RCW 27.04.010,  
2 27.04.045, 27.04.055, 40.06.020, and 40.06.040; adding a new section to  
3 chapter 27.04 RCW; repealing RCW 27.04.020 and 27.04.030; and providing  
4 an effective date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 27.04 RCW  
7 to read as follows:

8 (1) The state library commission is hereby abolished and its  
9 powers, duties, and functions are hereby transferred to the office of  
10 the secretary of state. All references to the state library commission  
11 in the Revised Code of Washington shall be construed to mean the  
12 secretary of state or the office of the secretary of state.

13 (2)(a) All reports, documents, surveys, books, records, files,  
14 papers, or written material in the possession of the state library  
15 commission or the state library shall be delivered to the custody of  
16 the office of the secretary of state. All cabinets, furniture, office  
17 equipment, motor vehicles, and other tangible property employed by the  
18 state library commission or the state library shall be made available  
19 to the office of the secretary of state. All funds, credits, or other

1 assets held by the state library commission or the state library shall  
2 be assigned to the office of the secretary of state.

3 (b) Any appropriations made to the state library commission or the  
4 state library shall, on the effective date of this section, be  
5 transferred and credited to the office of the secretary of state.

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

12 (3) All employees of the state library commission and the state  
13 library are transferred to the jurisdiction of the office of the  
14 secretary of state. All employees classified under chapter 41.06 RCW,  
15 the state civil service law, are assigned to the office of the  
16 secretary of state to perform their usual duties upon the same terms as  
17 formerly, without any loss of rights, subject to any action that may be  
18 appropriate thereafter in accordance with the laws and rules governing  
19 state civil service.

20 (4) All rules and all pending business before the state library  
21 commission or the state library shall be continued and acted upon by  
22 the office of the secretary of state. All existing contracts and  
23 obligations shall remain in full force and shall be performed by the  
24 office of the secretary of state.

25 (5) The transfer of the powers, duties, functions, and personnel of  
26 the state library commission and the state library shall not affect the  
27 validity of any act performed before the effective date of this  
28 section.

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

35 (7) Nothing contained in this section may be construed to alter any  
36 existing collective bargaining unit or the provisions of any existing  
37 collective bargaining agreement until the agreement has expired or  
38 until the bargaining unit has been modified by action of the personnel  
39 resources board as provided by law.

1 (8) Subsequent to the merger of the state library into the office  
2 of the secretary of state, any reduction-in-force actions that occur on  
3 or before June 30, 2005, with respect to positions within the  
4 boundaries of the individual agency as the agencies existed on June 30,  
5 2002, shall afford lay-off rights only to those positions that were  
6 within the boundaries of the respective individual agency as the  
7 agencies existed on June 30, 2002.

8 **Sec. 2.** RCW 27.04.010 and 1999 c 123 s 1 are each amended to read  
9 as follows:

10 (1) There shall be a state library(~~(, with a state library~~  
11 ~~commission to serve as the library's governing board))~~ within the  
12 office of the secretary of state, and a state librarian to serve as its  
13 chief executive officer.

14 (2) The secretary of state may make such rules under chapter 34.05  
15 RCW as necessary and proper to carry out the purposes of this chapter.

16 (3) The secretary of state shall appoint a state librarian who  
17 shall serve at the pleasure of the secretary of state.

18 **Sec. 3.** RCW 27.04.045 and 1999 c 123 s 5 are each amended to read  
19 as follows:

20 The state librarian shall be responsible and accountable for the  
21 following functions:

22 (1) (~~Advising the commission and implementing policies,~~  
23 ~~directions, and delegated authority set by the commission)~~  
24 Establishing content-related standards for common formats and agency  
25 indexes for state agency-produced information. In developing these  
26 standards, the state librarian is encouraged to seek involvement of,  
27 and comments from, public and private entities with an interest in such  
28 standards;

29 (2) Managing and administering the state library;

30 (3) Exerting leadership in information access and the development  
31 of library services;

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

1 (5) Employing and terminating personnel in accordance with chapter  
2 41.06 RCW as may be necessary to implement the purposes of this  
3 chapter;

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

11 (7) Maintaining a library at the state capitol grounds to  
12 effectively provide library and information services to members of the  
13 legislature, state officials, and state employees in connection with  
14 their official duties;

15 (8) Serving as the depository for newspapers published in the state  
16 of Washington thus providing a central location for a valuable  
17 historical record for scholarly, personal, and commercial reference and  
18 circulation;

19 (9) Promoting and facilitating electronic access to public  
20 information and services, including providing, or providing for, a  
21 service that identifies, describes, and provides location information  
22 for government information through electronic means, and that assists  
23 government agencies in making their information more readily available  
24 to the public;

25 (10) Collecting and distributing copies of state publications, as  
26 defined in RCW 40.06.010, prepared by any state agency for  
27 distribution. The state library shall maintain the state publications  
28 distribution center, as provided in chapter 40.06 RCW. The office of  
29 the secretary of state (~~(library commission)~~), on recommendation of the  
30 state librarian, may provide by rule for deposit with the state library  
31 of up to three copies of each publication;

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

34 (12) Providing advisory services to state agencies regarding their  
35 information needs;

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

38 (14) Providing for library and information services to persons  
39 throughout the state who are blind and/or physically handicapped;

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

4 (16) Making studies and surveys of library needs in order to  
5 provide, expand, enlarge, and otherwise improve access to library  
6 facilities and services throughout the state; ~~((and))~~

7 (17) Serving as an interlibrary loan, information, reference, and  
8 referral resource for all libraries in the state. The state library  
9 may charge lending fees to other libraries ~~((who [that]))~~ that charge  
10 the state library for similar services. Money paid as fees shall be  
11 retained by the state library as a recovery of costs; and

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

16 **Sec. 4.** RCW 27.04.055 and 1999 c 123 s 4 are each amended to read  
17 as follows:

18 No library serving a community having over four thousand  
19 population, nor any library operated by the state or under its  
20 authority, may have in its employ, in the position of librarian or in  
21 any other full-time professional library position, a person who does  
22 not hold a librarian's certificate issued by the ~~((commission))~~ state  
23 librarian or its predecessor. A full-time professional library  
24 position, is one that requires, in the opinion of the ~~((commission))~~  
25 state librarian, a knowledge of information resources and  
26 library/information service delivery equivalent to that required for  
27 graduation from an accredited library education program. This section  
28 does not apply to the state law library or to county law libraries.  
29 The state ~~((library commission))~~ librarian shall:

30 (1) Establish rules for, and prescribe and hold examinations to  
31 test, the qualifications of those seeking certificates as librarians;

32 (2) Grant librarians' certificates without examination to  
33 applicants who are graduates of library schools programs accredited or  
34 otherwise officially recognized by the American library association for  
35 general library training, and grant certificates to other applicants  
36 when it has satisfied itself by examination that the applicant has  
37 attainments and abilities equivalent to those of a graduate of a

1 library school program accredited or otherwise officially recognized by  
2 the American library association; and

3 (3) Charge a fee to recover the costs associated with the  
4 application to be paid by each applicant for a librarian's certificate.  
5 Money paid as fees shall be retained by the state library as a recovery  
6 of costs.

7 **Sec. 5.** RCW 40.06.020 and 1977 ex.s. c 232 s 9 are each amended to  
8 read 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. To this end the secretary of state (~~library~~  
14 ~~commission~~) shall make such rules (~~and regulations~~) as may be deemed  
15 necessary to carry out the provisions of this chapter.

16 **Sec. 6.** RCW 40.06.040 and 1981 c 260 s 8 are each amended to read  
17 as follows:

18 To provide economical public access to state publications, the  
19 center may enter into depository contracts with any free public  
20 library, The Evergreen State College, regional university, or state  
21 university library, or, if needed, the library of any privately  
22 incorporated college or university in this state. The requirements for  
23 eligibility to contract as a depository library shall be established by  
24 the secretary of state (~~library commission~~) upon recommendations of  
25 the state librarian. The standards shall include and take into  
26 consideration the type of library, available housing and space for the  
27 publications, the number and qualifications of personnel, and  
28 availability for public use. The center may also contract with public,  
29 out-of-state libraries for the exchange of state and other publications  
30 on a reciprocal basis. Any state publication to be distributed to the  
31 public and the legislature shall be mailed at the lowest available  
32 postal rate.

33 NEW SECTION. **Sec. 7.** The following acts or parts of acts are each  
34 repealed:

1 (1) RCW 27.04.020 (Library commission) and 1999 c 123 s 2, 1984 c  
2 287 s 58, 1975-'76 2nd ex.s. c 34 s 66, 1967 c 198 s 1, 1963 c 202 s 1,  
3 1961 c 45 s 1, & 1941 c 5 s 1; and

4 (2) RCW 27.04.030 (Duties of commission) and 1999 c 123 s 3, 1987  
5 c 330 s 401, 1986 c 79 s 1, 1984 c 152 s 1, 1943 c 207 s 2, & 1941 c 5  
6 s 2.

7 NEW SECTION. **Sec. 8.** This act takes effect July 1, 2002.

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