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HOUSE BILL 2253

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State of Washington                      58th Legislature                      2003 Regular Session

By Representatives Sommers and Fromhold

Read first time 04/16/2003. Referred to Committee on Appropriations.

1            AN ACT Relating to library services to the legislature and state  
2 agencies; amending RCW 27.04.045, 27.18.010, 27.12.100, 40.06.020,  
3 17.15.040, 40.06.030, 42.30.110, and 70.95C.060; repealing RCW  
4 43.105.290; providing an effective date; and declaring an emergency.

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

6            **Sec. 1.** RCW 27.04.045 and 2002 c 342 s 3 are each amended to read  
7 as follows:

8            Subject to the availability of amounts appropriated for these  
9 purposes, the state librarian shall be responsible and accountable for  
10 the following functions:

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

16            (2) Managing and administering the state library;

17            (3) Exerting leadership in information access and the development  
18 of library services;

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

5 (5) Employing and terminating personnel in accordance with chapter  
6 41.06 RCW as may be necessary to implement the purposes of this  
7 chapter;

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

15 (~~(7) ((Maintaining a library at the state capitol grounds to~~  
16 ~~effectively provide library and information services to members of the~~  
17 ~~legislature, state officials, and state employees in connection with~~  
18 ~~their official duties;~~

19 ~~(8))~~) Serving as the depository for newspapers published in the  
20 state of Washington thus providing a central location for a valuable  
21 historical record for scholarly, personal, and commercial reference and  
22 circulation;

23 ~~((+9))~~) (8) Promoting and facilitating electronic access to public  
24 information and services, including providing, or providing for, a  
25 service that identifies, describes, and provides location information  
26 for government information through electronic means, and that assists  
27 government agencies in making their information more readily available  
28 to the public;

29 ~~((+10))~~) (9) Collecting ~~((and distributing copies of))~~ state  
30 publications, as defined in RCW 40.06.010, prepared by any state agency  
31 for distribution. The state library shall maintain the state  
32 publications distribution center, as provided in chapter 40.06 RCW.  
33 The office of the secretary of state, on recommendation of the state  
34 librarian, may provide by rule for deposit with the state library of up  
35 to three copies of each publication;

36 ~~((+11))~~) (10) Providing for the sale of library material in  
37 accordance with RCW 27.12.305;

1       ~~((12) Providing advisory services to state agencies regarding~~  
2 ~~their information needs;~~

3       ~~(13))~~ (11) Providing for library and information service to  
4 residents and staff of state-supported residential institutions;

5       ~~((14))~~ (12) Providing for library and information services to  
6 persons throughout the state who are blind and/or physically  
7 handicapped;

8       ~~((15))~~ (13) Assisting individuals and groups such as libraries,  
9 library boards, governing bodies, and citizens throughout the state  
10 toward the establishment and development of library services;

11       ~~((16))~~ (14) Making studies and surveys of library needs in order  
12 to provide, expand, enlarge, and otherwise improve access to library  
13 facilities and services throughout the state;

14       ~~((17))~~ (15) Serving as an interlibrary loan, information,  
15 reference, and referral resource for all libraries in the state. The  
16 state library may charge lending fees to other libraries that charge  
17 the state library for similar services. Money paid as fees shall be  
18 retained by the state library as a recovery of costs; and

19       ~~((18))~~ (16) Accepting and expending in accordance with the terms  
20 thereof grants of federal, state, local, or private funds. For the  
21 purpose of qualifying to receive such grants, the state librarian is  
22 authorized to make applications and reports required by the grantor.

23       **Sec. 2.** RCW 27.18.010 and 1982 c 123 s 17 are each amended to read  
24 as follows:

25       As used in this chapter, except where the context otherwise  
26 requires:

27       (1) "Compact" means the interstate library compact.

28       (2) "Public library agency", with reference to this state, means  
29 the state library and any county or city library or any regional  
30 library, rural county library district library, island library district  
31 library, or intercounty rural library district library.

32       ~~((3) "State library agency", with reference to this state, means~~  
33 ~~the commissioners of the state library.))~~

34       **Sec. 3.** RCW 27.12.100 and 1965 c 63 s 1 are each amended to read  
35 as follows:

1 An intercounty rural library district shall be established by joint  
2 action of two or more counties proceeding by either of the following  
3 alternative methods:

4 (1) The boards of county commissioners of any two or more counties  
5 shall adopt identical resolutions proposing the formation of such a  
6 district to include all of the areas outside of incorporated cities or  
7 towns in such counties as may be designated in such resolutions. In  
8 lieu of such resolutions a petition of like purport signed by ten  
9 percent of the registered voters residing outside of incorporated  
10 cities or towns of a county, may be filed with the county auditor  
11 thereof, and shall have the same effect as a resolution. The  
12 proposition for the formation of the district as stated on the petition  
13 shall be prepared by the attorney general (~~upon request of the state~~  
14 ~~library commission~~). Action to initiate the formation of such a  
15 district shall become ineffective in any county if corresponding action  
16 is not completed within one year thereafter by each other county  
17 included in such proposal. The county auditor in each county shall  
18 check the validity of the signatures on the petition and shall certify  
19 to the board of county commissioners the sufficiency of the signatures.  
20 If each petition contains the signatures of ten percent of the  
21 registered voters residing outside the incorporated cities and towns of  
22 the county, each board of county commissioners shall pass a resolution  
23 calling an election for the purpose of submitting the question to the  
24 voters and setting the date of said election. When such action has  
25 been taken in each of the counties involved, notification shall be made  
26 by each board of county commissioners to the board of county  
27 commissioners of the county having the largest population according to  
28 the last federal census, who shall give proper notification to each  
29 county auditor. At the next general or special election held in the  
30 respective counties there shall be submitted to the voters in the areas  
31 outside of incorporated cities and towns a question as to whether an  
32 intercounty rural library district shall be established as outlined in  
33 the resolutions or petitions. Notice of said election shall be given  
34 the county auditor pursuant to RCW 29.27.080. The county auditor shall  
35 provide for the printing of a separate ballot and shall provide for the  
36 distribution of ballots to the polling places pursuant to RCW  
37 29.04.020. The county auditor shall instruct the election boards in  
38 split precincts. The respective county canvassing boards in each

1 county to be included within the intercounty rural library district  
2 shall canvass the votes and certify the results to the county auditor  
3 pursuant to chapter 29.62 RCW; the result shall then be certified by  
4 each county auditor to the county auditor of the county having the  
5 largest population according to the last federal census. If a majority  
6 of the electors voting on the proposition in each of the counties  
7 affected shall vote in favor of such district it shall thereby become  
8 established, and the board of county commissioners of the county having  
9 the largest population according to the last federal census shall  
10 declare the intercounty rural library district established. If two or  
11 more of the counties affected are in an existing intercounty rural  
12 library district, then the electors in areas outside incorporated  
13 cities and towns in those counties shall vote as a unit and the  
14 electors in areas outside incorporated cities and towns in each of the  
15 other affected counties shall vote as separate units. If a majority of  
16 the electors voting on the proposition in the existing district and a  
17 majority of the voters in any of the other affected counties shall vote  
18 in favor of an expanded intercounty rural library district it shall  
19 thereby become established.

20 (2) The county commissioners of two or more counties meeting in  
21 joint session attended by a majority of the county commissioners of  
22 each county may, by majority vote of those present, order the  
23 establishment of an intercounty rural library district to include all  
24 of the area outside of incorporated cities and towns in as many of the  
25 counties represented at such joint meeting as shall be determined by  
26 resolution of such joint meeting. If two or more counties are in an  
27 existing intercounty rural library district, then a majority vote of  
28 all of the commissioners present from those counties voting as a unit,  
29 and a majority vote of the commissioners present from any other county  
30 shall cause the joint session to order the establishment of an expanded  
31 intercounty rural library district. No county, however, shall be  
32 included in such district if a majority of its county commissioners  
33 vote against its inclusion in such district.

34 **Sec. 4.** RCW 40.06.020 and 2002 c 342 s 5 are each amended to read  
35 as follows:

36 There is hereby created as a division of the state library, and  
37 under the direction of the state librarian, a state publications

1 distribution center. Subject to the availability of amounts  
2 appropriated for these purposes, the center shall utilize the  
3 depository library system to permit citizens economical and convenient  
4 access to state publications. To this end the secretary of state shall  
5 make such rules as may be deemed necessary to carry out the provisions  
6 of this chapter.

7 **Sec. 5.** RCW 17.15.040 and 1997 c 357 s 5 are each amended to read  
8 as follows:

9 (1) The interagency integrated pest management coordinating  
10 committee is created. The committee is composed of the integrated pest  
11 management coordinator from each agency or institution listed under RCW  
12 17.15.020 and the representatives designated under RCW 17.15.030. The  
13 coordinator from the department of agriculture shall serve as chair of  
14 the committee.

15 (2) The interagency integrated pest management coordinating  
16 committee shall share information among the state agencies and  
17 institutions and facilitate interagency coordination.

18 (3) The interagency integrated pest management coordinating  
19 committee shall meet at least two times a year. All meetings of the  
20 committee must be open to the public. The committee shall give public  
21 notice of each meeting.

22 (4) By November 30th of each odd-numbered year up to and including  
23 November 30th, 2001, the department of agriculture, with the advice of  
24 the interagency integrated pest management coordinating committee,  
25 shall prepare a report on the progress of integrated pest management  
26 programs. ~~((The report is to be made available through the state  
27 library and placed on the legislative alert list.))~~

28 **Sec. 6.** RCW 40.06.030 and 1977 ex.s. c 232 s 10 are each amended  
29 to read as follows:

30 (1) Every state agency shall promptly deposit copies of each of its  
31 state publications with the state library in quantities as certified by  
32 the state librarian as required to meet the needs of the depository  
33 library system. Upon consent of the issuing state agency such state  
34 publications as are printed by the public printer shall be delivered  
35 directly to the ~~((center))~~ library.

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

5 **Sec. 7.** RCW 42.30.110 and 2001 c 216 s 1 are each amended to read  
6 as follows:

7 (1) Nothing contained in this chapter may be construed to prevent  
8 a governing body from holding an executive session during a regular or  
9 special meeting:

10 (a) To consider matters affecting national security;

11 (b) To consider the selection of a site or the acquisition of real  
12 estate by lease or purchase when public knowledge regarding such  
13 consideration would cause a likelihood of increased price;

14 (c) To consider the minimum price at which real estate will be  
15 offered for sale or lease when public knowledge regarding such  
16 consideration would cause a likelihood of decreased price. However,  
17 final action selling or leasing public property shall be taken in a  
18 meeting open to the public;

19 (d) To review negotiations on the performance of publicly bid  
20 contracts when public knowledge regarding such consideration would  
21 cause a likelihood of increased costs;

22 (e) To consider, in the case of an export trading company,  
23 financial and commercial information supplied by private persons to the  
24 export trading company;

25 (f) To receive and evaluate complaints or charges brought against  
26 a public officer or employee. However, upon the request of such  
27 officer or employee, a public hearing or a meeting open to the public  
28 shall be conducted upon such complaint or charge;

29 (g) To evaluate the qualifications of an applicant for public  
30 employment or to review the performance of a public employee. However,  
31 subject to RCW 42.30.140(4), discussion by a governing body of  
32 salaries, wages, and other conditions of employment to be generally  
33 applied within the agency shall occur in a meeting open to the public,  
34 and when a governing body elects to take final action hiring, setting  
35 the salary of an individual employee or class of employees, or  
36 discharging or disciplining an employee, that action shall be taken in  
37 a meeting open to the public;

1 (h) To evaluate the qualifications of a candidate for appointment  
2 to elective office. However, any interview of such candidate and final  
3 action appointing a candidate to elective office shall be in a meeting  
4 open to the public;

5 (i) To discuss with legal counsel representing the agency matters  
6 relating to agency enforcement actions, or to discuss with legal  
7 counsel representing the agency litigation or potential litigation to  
8 which the agency, the governing body, or a member acting in an official  
9 capacity is, or is likely to become, a party, when public knowledge  
10 regarding the discussion is likely to result in an adverse legal or  
11 financial consequence to the agency.

12 This subsection (1)(i) does not permit a governing body to hold an  
13 executive session solely because an attorney representing the agency is  
14 present. For purposes of this subsection (1)(i), "potential  
15 litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a)  
16 concerning:

17 (A) Litigation that has been specifically threatened to which the  
18 agency, the governing body, or a member acting in an official capacity  
19 is, or is likely to become, a party;

20 (B) Litigation that the agency reasonably believes may be commenced  
21 by or against the agency, the governing body, or a member acting in an  
22 official capacity; or

23 (C) Litigation or legal risks of a proposed action or current  
24 practice that the agency has identified when public discussion of the  
25 litigation or legal risks is likely to result in an adverse legal or  
26 financial consequence to the agency;

27 (j) To consider, in the case of the state library (~~commission~~) or  
28 its advisory bodies, western library network prices, products,  
29 equipment, and services, when such discussion would be likely to  
30 adversely affect the network's ability to conduct business in a  
31 competitive economic climate. However, final action on these matters  
32 shall be taken in a meeting open to the public;

33 (k) To consider, in the case of the state investment board,  
34 financial and commercial information when the information relates to  
35 the investment of public trust or retirement funds and when public  
36 knowledge regarding the discussion would result in loss to such funds  
37 or in private loss to the providers of this information.



1 (2) Before convening in executive session, the presiding officer of  
2 a governing body shall publicly announce the purpose for excluding the  
3 public from the meeting place, and the time when the executive session  
4 will be concluded. The executive session may be extended to a stated  
5 later time by announcement of the presiding officer.

6 **Sec. 8.** RCW 70.95C.060 and 1988 c 177 s 6 are each amended to read  
7 as follows:

8 (1) The office shall establish a statewide waste reduction hot line  
9 with the capacity to refer waste generators and the public to sources  
10 of information on specific waste reduction techniques and procedures.  
11 The hot line shall coordinate with all other state waste hot lines.

12 (2) The director shall (~~work with the state library to~~) establish  
13 a data base system that shall include proven waste reduction techniques  
14 and case studies of effective waste reduction. The data base system  
15 shall be: (a) Coordinated with all other state agency data bases on  
16 waste reduction; (b) administered in conjunction with the statewide  
17 waste reduction hot line; and (c) readily accessible to the public.

18 NEW SECTION. **Sec. 9.** RCW 43.105.290 (Electronic access to public  
19 records--Government information locator service pilot project) and 1996  
20 c 171 s 13 are each repealed.

21 NEW SECTION. **Sec. 10.** This act is necessary for the immediate  
22 preservation of the public peace, health, or safety, or support of the  
23 state government and its existing public institutions, and takes effect  
24 July 1, 2003.

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