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SENATE BILL 5911

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State of Washington

60th Legislature

2007 Regular Session

By Senators Jacobsen, Fairley, Murray and Kline; by request of Secretary of State

Read first time 02/06/2007. Referred to Committee on Ways & Means.

1 AN ACT Relating to the Washington talking book and Braille library;  
2 reenacting and amending RCW 43.79A.040; adding new sections to chapter  
3 27.04 RCW; and declaring an emergency.

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

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

7 The legislature finds that the Washington talking book and Braille  
8 library is a statewide public library for Washington residents who  
9 cannot read conventional books due to blindness, learning disabilities,  
10 or physical disabilities. Using free postage provided by the United  
11 States postal service, the Washington talking book and Braille library  
12 lends talking books, talking book players, Braille materials, and other  
13 items to over eleven thousand patrons located throughout Washington  
14 state.

15 The Washington state library has the statutory authority and  
16 responsibility for providing these services. The Washington talking  
17 book and Braille library is currently operated by the Seattle public  
18 library, city of Seattle, through a contract with the Washington state  
19 library.

1 The 2003-2005 and 2005-2007 biennial contracts between the city of  
2 Seattle and the state library included provisions to study the  
3 transition of the Washington talking book and Braille program from the  
4 city to the state. A contract to study the transition was funded  
5 jointly by the city and the state library.

6 The legislature further finds that chapter 22, Laws of 1993 1st sp.  
7 sess. appropriated three million three hundred thousand dollars to  
8 purchase and renovate real estate for a permanent home for the  
9 Washington talking book and Braille library, a state program, created  
10 pursuant to RCW 27.04.045(14). The city of Seattle was entrusted to  
11 acquire a building, renovate such building, and provide rent-free space  
12 as a permanent home for the library for as long as the state contracts  
13 for such services from the Seattle public library. The state of  
14 Washington appropriated the three million three hundred thousand  
15 dollars so the Seattle public library would provide such services. The  
16 state continued to pay the Seattle public library for all operating  
17 expenses after the building was occupied. The city of Seattle provided  
18 no funding and covenanted that the state funds would be used only for  
19 purchase and renovation of a building for the Washington talking book  
20 and Braille library. The transaction was memorialized in a memorandum  
21 of understanding executed between the city of Seattle and the state of  
22 Washington on June 18, 1993.

23 Exercising its power to transfer any created asset from one  
24 political subdivision to another, it is the intent of the legislature  
25 to transfer all real and personal assets used in the operation of the  
26 Washington talking book and Braille library from the city of Seattle to  
27 the state of Washington in a manner consistent with *Moses Lake school*  
28 *district No. 161, et al., respondents, v. Big Bend community college*  
29 *and the state board of community colleges*, 81 Wn.2d 551, 503 P.2d 86  
30 (1972). Sections 1 through 3 of this act transfer all real and  
31 personal property entrusted to the city of Seattle for the benefit of  
32 the Washington talking book and Braille library.

33 To ensure a successful transition of the assets and management of  
34 the talking book and Braille library from the city of Seattle to the  
35 state, as well as provide for the long-term operation and enhancement  
36 of the program, the legislature intends to create the Washington  
37 talking book and Braille library account for the purposes prescribed in  
38 section 5 of this act. In creating the Washington talking book and

1 Braille library account, the legislature affirms the state's commitment  
2 to providing library services to residents who cannot read conventional  
3 books due to blindness, learning disabilities, or physical  
4 disabilities.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 27.04 RCW  
6 to read as follows:

7 The legislature shall transfer from the city of Seattle to the  
8 state of Washington the following:

9 Title to or all interest in real estate, choses in action, and all  
10 other assets including, but not limited to, buildings, facilities,  
11 equipment, and appurtenances thereto obtained with state or federal  
12 funds appropriated, budgeted, or granted for Washington talking book  
13 and Braille library purposes including, but not limited to, all of the  
14 rights, title, and interest in the following described real estate:

15 (1) Legal description:

16 Lots 7, 8, 9, and 10, block 25, plat of the second addition to  
17 the town of Seattle, as laid off by the heirs of Sarah A. Bell,  
18 according to the plat thereof recorded in volume 1 of plats,  
19 page 121 in King county, Washington;

20 (2) Assessor's property tax parcel account number: 066000-0585;

21 (3) Street address:

22 The real property originally consisting of the showroom and  
23 parts warehouse floor of the savidge building at 821 Lenora  
24 Street, Seattle, Washington; now readdressed as the Washington  
25 talking book and Braille library located at 2021 9th Avenue,  
26 Seattle, Washington.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 27.04 RCW  
28 to read as follows:

29 Pursuant to section 2 of this act, the attorney general shall  
30 prepare a deed in the name of the state conveying to the state of  
31 Washington all of the rights, title, and interest in the real estate  
32 described in section 2 of this act and the secretary of state shall  
33 attest to the governor signing such deed and shall affix the seal of  
34 the state of Washington thereto, and shall cause to be filed a true and  
35 correct copy of such deed in the King county recorder's office.

1 In that the state appropriated the funding for the purchase and  
2 renovation of the real and personal property described in section 2 of  
3 this act, this transfer is not subject to the requirements of RCW  
4 43.09.210.

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 27.04 RCW  
6 to read as follows:

7 The secretary of state shall not sell, lease, rent, or otherwise  
8 dispose of the property transferred from the city of Seattle to the  
9 state of Washington pursuant to this act for a minimum of five years  
10 after the effective date of this act.

11 NEW SECTION. **Sec. 5.** A new section is added to chapter 27.04 RCW  
12 to read as follows:

13 (1) The Washington talking book and Braille library account is  
14 created in the custody of the state treasurer.

15 (2) All net proceeds resulting from the sale, lease, or other  
16 disposition of the real property located at 2021 9th Avenue in Seattle,  
17 Washington, consisting of lots 7-10, block 25, plat of the second  
18 addition to the town of Seattle are to be deposited into the Washington  
19 talking book and Braille library account.

20 (3) Only the secretary of state or the secretary's designee may  
21 authorize expenditures from the account. The account is subject to  
22 allotment procedures under chapter 43.88 RCW, but an appropriation is  
23 not required for expenditures.

24 (4) Expenditures from the account may be made only to assist the  
25 state in carrying out the provisions of RCW 27.04.045(14) in any of the  
26 following ways:

27 (a) To construct, purchase, lease, or otherwise acquire a facility  
28 or space in which to house operations of the Washington talking book  
29 and Braille library;

30 (b) To fund one-time costs associated with transition of the  
31 Washington talking book and Braille library from the city of Seattle,  
32 Seattle public library to the office of the secretary of state,  
33 Washington state library;

34 (c) To supplement or expand library services to the blind and  
35 physically handicapped population not otherwise funded through the  
36 state general fund appropriation.

1 (5) All interest earned on the Washington talking book and Braille  
2 library account shall be retained by the account.

3 **Sec. 6.** RCW 43.79A.040 and 2006 c 311 s 21 and 2006 c 120 s 2 are  
4 each reenacted and amended to read as follows:

5 (1) Money in the treasurer's trust fund may be deposited, invested,  
6 and reinvested by the state treasurer in accordance with RCW 43.84.080  
7 in the same manner and to the same extent as if the money were in the  
8 state treasury.

9 (2) All income received from investment of the treasurer's trust  
10 fund shall be set aside in an account in the treasury trust fund to be  
11 known as the investment income account.

12 (3) The investment income account may be utilized for the payment  
13 of purchased banking services on behalf of treasurer's trust funds  
14 including, but not limited to, depository, safekeeping, and  
15 disbursement functions for the state treasurer or affected state  
16 agencies. The investment income account is subject in all respects to  
17 chapter 43.88 RCW, but no appropriation is required for payments to  
18 financial institutions. Payments shall occur prior to distribution of  
19 earnings set forth in subsection (4) of this section.

20 (4)(a) Monthly, the state treasurer shall distribute the earnings  
21 credited to the investment income account to the state general fund  
22 except under (b) and (c) of this subsection.

23 (b) The following accounts and funds shall receive their  
24 proportionate share of earnings based upon each account's or fund's  
25 average daily balance for the period: The Washington promise  
26 scholarship account, the college savings program account, the  
27 Washington advanced college tuition payment program account, the  
28 agricultural local fund, the American Indian scholarship endowment  
29 fund, the foster care scholarship endowment fund, the foster care  
30 endowed scholarship trust fund, the students with dependents grant  
31 account, the basic health plan self-insurance reserve account, the  
32 contract harvesting revolving account, the Washington state combined  
33 fund drive account, the commemorative works account, the Washington  
34 international exchange scholarship endowment fund, the developmental  
35 disabilities endowment trust fund, the energy account, the fair fund,  
36 the fruit and vegetable inspection account, the future teachers  
37 conditional scholarship account, the game farm alternative account, the

1 grain inspection revolving fund, the juvenile accountability incentive  
2 account, the law enforcement officers' and fire fighters' plan 2  
3 expense fund, the local tourism promotion account, the produce railcar  
4 pool account, the regional transportation investment district account,  
5 the rural rehabilitation account, the stadium and exhibition center  
6 account, the youth athletic facility account, the self-insurance  
7 revolving fund, the sulfur dioxide abatement account, the children's  
8 trust fund, the Washington horse racing commission Washington bred  
9 owners' bonus fund account, the Washington horse racing commission  
10 class C purse fund account, the individual development account program  
11 account, the Washington horse racing commission operating account  
12 (earnings from the Washington horse racing commission operating account  
13 must be credited to the Washington horse racing commission class C  
14 purse fund account), the life sciences discovery fund, the Washington  
15 talking book and Braille library account, and the reading achievement  
16 account. However, the earnings to be distributed shall first be  
17 reduced by the allocation to the state treasurer's service fund  
18 pursuant to RCW 43.08.190.

19 (c) The following accounts and funds shall receive eighty percent  
20 of their proportionate share of earnings based upon each account's or  
21 fund's average daily balance for the period: The advanced right of way  
22 revolving fund, the advanced environmental mitigation revolving  
23 account, the city and county advance right-of-way revolving fund, the  
24 federal narcotics asset forfeitures account, the high occupancy vehicle  
25 account, the local rail service assistance account, and the  
26 miscellaneous transportation programs account.

27 (5) In conformance with Article II, section 37 of the state  
28 Constitution, no trust accounts or funds shall be allocated earnings  
29 without the specific affirmative directive of this section.

30 NEW SECTION. Sec. 7. A new section is added to chapter 27.04 RCW  
31 to read as follows:

32 The memorandum of understanding between the city of Seattle and the  
33 state of Washington, executed June 21, 1993, that outlines the city's  
34 commitment and covenants regarding the operation of the Washington  
35 talking book and Braille library, is null and void.

1        NEW SECTION.   **Sec. 8.**  If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.   **Sec. 9.**  This act is necessary for the immediate  
6 preservation of the public peace, health, or safety, or support of the  
7 state government and its existing public institutions, and takes effect  
8 immediately.

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