

# FINAL BILL REPORT

## SSB 5092

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C 368 L 95

Synopsis as Enacted

**Brief Description:** Authorizing creation of library capital facility areas.

**Sponsors:** Senate Committee on Government Operations (originally sponsored by Senators Haugen, Winsley and Quigley).

**Senate Committee on Government Operations**

**House Committee on Government Operations**

**Background:** Library systems may be operated by various types of library districts or by cities, towns or counties. A public library district may be established in a part of a county, may be countywide, or may include several counties. Timberland Library District, for example, includes five counties in southwest Washington.

Construction of new library facilities may be financed by a district-wide levy, or, in some cases, may be financed by a city or town which has been annexed into a larger library district. There is no method for a community that is smaller than the library district, or not contiguous with a city or town, to finance the construction or acquisition of a new library facility.

Legislation enacted in 1961 that authorized library local improvement districts was declared unconstitutional by the state Supreme Court because LID assessments may only be imposed to the extent property values are increased by the project being financed. The court summarily concluded that libraries did not enhance property values. This constitutional limitation does not apply to tax levies, and it is believed that the authorization of capital facility areas with authority to seek voter approval of special tax levies would provide flexibility for financing new libraries.

**Summary:** A library capital facility area may be established if approved by the majority of voters in the proposed area voting at a general election. The election is called by the legislative authority of the county or counties in which the area is located, upon the receipt of a petition requesting the area from the board of a library district. A library district includes a library system operated by a city, town or county. The petition must include a description of the boundaries of the area, and resolutions of the governing bodies of any cities or towns or adjoining library districts included in the area. The governing bodies must concur in its formation, and agree to the allocation of election costs.

The governing body of a library capital facility area is three members from each county legislative authority from the county or counties in which the area is located. In a multi-county area, a county may voluntarily agree to reduce its membership on the governing body.

A library capital facility area may borrow money to finance library capital facilities, including land, site improvements, construction of new buildings, acquisition and remodeling of existing buildings, and acquisition of equipment, furnishings and collections. The library capital facility area may issue bonds paid back through an excess levy on property in the area. The vote to authorize an excess levy may occur at the same time as the election to form the area. Excess levy elections may occur only at a general election.

A library capital facility area may design, administer the construction of, operate or maintain a library capital facility or may contract with a county, city, town or library district to perform any or all of these functions. Title to facilities may be transferred or held by the library capital facility area, or by a city, town, county, or library district.

A library capital facility area may be dissolved by a majority vote of the governing body, when all obligations under any bonds and any other contractual obligations are discharged or assumed by another governmental entity. A library capital facility area must be dissolved by the governing body in the event that the initial two elections conducted to authorize an excess levy fail.

The chapter authorizing library local improvement districts is repealed.

**Votes on Final Passage:**

Senate	47	1	
House	89	8	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate	46	0	(Senate concurred)

**Effective:** July 23, 1995