

SENATE BILL REPORT

SSB 5092

As Passed Senate, March 2, 1995

Title: An act relating to library facilities.

Brief Description: Authorizing creation of library capital facility areas.

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

Brief History:

Committee Activity: Government Operations: 1/31/95, 2/2/95 [DPS].
Passed Senate, 3/2/95, 47-1.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 5092 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Staff: Rod McAulay (786-7754)

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 of Bill: A library capital facility area must be established 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. 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 bond 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.

A library capital facility area may contract with a county, city, town or library district to design, administer the construction of, operate or maintain a library capital facility. 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.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This legislation enables cities and library districts to collaborate on construction of new businesses. It provides a model for financing other types of regional facilities. The voters get to decide.

Testimony Against: None.

Testified: Tom Mayer, Sno-Isle Regional Library; Thelma Kruse, Timberland Regional Library System; Tom Dickson, Snohomish County Administrator; Bob Jacobs, Mayor of Olympia; Kelly Robinson, Snohomish City Manager; Stan Finkelstein, AWC.

House Amendment(s): An election is required to create a library capital facility area. The election must occur at a general election and a majority vote is required to form a library capital facility area. A vote to authorize an excess levy to fund bonded indebtedness may occur at the same general election.

Language is modified to make clear the authority of a library capital facility area.