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HOUSE BILL 1712

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Mielke, Mulliken, Pennington, Dunn, Campbell, Boldt and Veloria

Read first time 02/01/2001. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to providing for the election of library trustees;  
2 amending RCW 27.12.190, 27.12.010, 27.12.040, 27.12.050, 27.12.130,  
3 27.12.420, 27.12.470, and 29.21.015; and adding new sections to chapter  
4 27.12 RCW.

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

6 **Sec. 1.** RCW 27.12.190 and 1982 c 123 s 8 are each amended to read  
7 as follows:

8 The management and control of a library shall be vested in a board  
9 of either five or seven trustees, as ((hereinafter)) provided in this  
10 section ((provided. — In cities and towns five trustees shall be  
11 appointed by the mayor with the consent of the legislative body. — In  
12 counties, rural county library districts, and island library districts,  
13 five trustees shall be appointed by the board of county commissioners.  
14 In a regional library district a board of either five or seven trustees  
15 shall be appointed by the joint action of the legislative bodies  
16 concerned. — In intercounty rural library districts a board of either  
17 five or seven trustees shall be appointed by the joint action of the  
18 boards of county commissioners of each of the counties included in a  
19 district. — The first appointments for boards comprised of but five

1 trustees shall be for terms of one, two, three, four, and five years  
2 respectively, and thereafter a trustee shall be appointed annually to  
3 serve for five years. The first appointments for boards comprised of  
4 seven trustees shall be for terms of one, two, three, four, five, six,  
5 and seven years respectively, and thereafter a trustee shall be  
6 appointed annually to serve for seven years. No person shall be  
7 appointed to any board of trustees for more than two consecutive terms.  
8 Vacancies shall be filled for unexpired terms as soon as possible in  
9 the manner in which members of the board are regularly chosen.)), who  
10 are elected to those positions and serve until their successors have  
11 been elected and qualified and assume office in accordance with RCW  
12 29.04.170.

13 A board of trustees for a city or town library shall consist of  
14 five trustees who are elected to six-year staggered terms of office by  
15 the voters of the city or town. A board of trustees for a county  
16 library, rural county library district, island library district, or  
17 rural partial-county library district shall consist of five trustees  
18 who are elected to six-year staggered terms of office by the voters of  
19 the county or library district. A board of trustees for a regional  
20 library shall consist of either five or seven trustees who are elected  
21 to six-year staggered terms of office by the voters of the governmental  
22 units that establish and maintain the regional library. A board of  
23 trustees for an intercounty rural library district shall consist of  
24 either five or seven trustees who are elected to six-year terms of  
25 office by the voters of the library district.

26 A library trustee shall not receive a salary or other compensation  
27 for services as trustee, but necessary expenses actually incurred shall  
28 be paid from the library funds.

29 ((A library trustee in the case of a city or town may be removed  
30 only by vote of the legislative body. A trustee of a county library,  
31 a rural county library district library, or an island library district  
32 library may be removed for just cause by the county commissioners after  
33 a public hearing upon a written complaint stating the ground for  
34 removal, which complaint, with a notice of the time and place of  
35 hearing, shall have been served upon the trustee at least fifteen days  
36 before the hearing. A trustee of an intercounty rural library district  
37 may be removed by the joint action of the board of county commissioners  
38 of the counties involved in the same manner as provided herein for the  
39 removal of a trustee of a county library.))

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 27.12 RCW  
2 to read as follows:

3        (1) Except for the initial trustees, library trustees shall be  
4 elected to six-year staggered terms of office at general elections held  
5 in odd-numbered years. Trustees shall serve until their successors are  
6 elected and qualified and assume office in accordance with RCW  
7 29.04.170. A primary shall not be held to nominate candidates as part  
8 of the process for electing library trustees. Each candidate shall run  
9 for one of five or seven separate library trustee positions. The  
10 person receiving the greatest number of votes for each position shall  
11 be elected to that position. Vacancies shall occur and be filled as  
12 provided in chapter 42.12 RCW.

13        (2) Initial library trustees shall be elected at the same election  
14 at which the proposition is submitted to the voters authorizing the  
15 formation of the library district or at the first general election held  
16 after the library has been created in the case of a county, city, or  
17 town library or a regional library. The election of initial library  
18 district trustees is null and void if the ballot proposition  
19 authorizing the formation of the library district is not approved.

20        (3) A primary shall not be held to nominate candidates as part of  
21 the process for initially electing library trustees. Each candidate  
22 shall run for one of five or seven separate library trustee positions.  
23 A special filing period shall be opened as provided in RCW 29.15.170  
24 and 29.15.180. The person receiving the greatest number of votes for  
25 each position shall be elected to that position. The initial library  
26 trustees shall assume office immediately when they are elected and  
27 qualified, but their terms of office shall be calculated from the first  
28 day of January after their election.

29        (4) Staggering of the terms of office for the initial library  
30 trustees on a five-member board of trustees shall be accomplished as  
31 follows: (a) The two persons who are elected receiving the two  
32 greatest numbers of votes shall be elected to six-year terms of office  
33 if the election is held in an odd-numbered year or five-year terms of  
34 office if the election is held in an even-numbered year; (b) the two  
35 persons who are elected receiving the next two greatest numbers of  
36 votes shall be elected to four-year terms of office if the election is  
37 held in an odd-numbered year or three-year terms of office if the  
38 election is held in an even-numbered year; and (c) the other person who  
39 is elected shall be elected to a two-year term of office if the

1 election is held in an odd-numbered year or a one-year term of office  
2 if the election is held in an even-numbered year.

3 (5) Staggering of the terms of office for the initial library  
4 trustees on a seven-member board of trustees shall be accomplished as  
5 follows: (a) The three persons who are elected receiving the three  
6 greatest numbers of votes shall be elected to six-year terms of office  
7 if the election is held in an odd-numbered year or five-year terms of  
8 office if the election is held in an even-numbered year; (b) the two  
9 persons who are elected receiving the next two greatest numbers of  
10 votes shall be elected to four-year terms of office if the election is  
11 held in an odd-numbered year or three-year terms of office if the  
12 election is held in an even-numbered year; and (c) the other two  
13 persons who are elected shall be elected to two-year terms of office if  
14 the election is held in an odd-numbered year or one-year terms of  
15 office if the election is held in an even-numbered year.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 27.12 RCW  
17 to read as follows:

18 The board of trustees of a library district may divide the library  
19 district into trustee districts equal to the number of members on the  
20 board of trustees. Each trustee district shall have approximately the  
21 same population and shall follow the boundaries of precincts. Trustee  
22 districts shall be redrawn as provided in chapter 29.70 RCW.

23 Only a registered voter who resides in a trustee district may be a  
24 candidate for, or serve as, a trustee of the trustee district. Voters  
25 of the entire library district may vote at a general election to elect  
26 a person as a trustee of the trustee district.

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 27.12 RCW  
28 to read as follows:

29 The first election of library trustees for libraries that are in  
30 existence as of July 1, 2001, shall take place at the 2002 general  
31 election. The existing board of library trustees of any library  
32 district may divide the library district into trustee districts for use  
33 in the first and subsequent election of trustees. Any library created  
34 after July 1, 2001, shall have its initial trustees elected as provided  
35 in this act.

1       **Sec. 5.** RCW 27.12.010 and 1994 c 198 s 1 are each amended to read  
2 as follows:

3       As used in this chapter, unless the context requires a different  
4 meaning:

5       (1) "Governmental unit" means any county, city, town, rural county  
6 library district, intercounty rural library district, rural partial-  
7 county library district, or island library district;

8       (2) "Legislative body" means the body authorized to determine the  
9 amount of taxes to be levied in a governmental unit; in rural county  
10 library districts, in intercounty rural library districts, and in  
11 island library districts, the legislative body shall be the board of  
12 library trustees of the district;

13       (3) "Library" means a free public library supported in whole or in  
14 part with money derived from taxation;

15       (4) "Library district" means a rural county library district,  
16 intercounty rural library district, rural partial-county library  
17 district, or island library district;

18       (5) "Regional library" means a free public library maintained by  
19 two or more counties or other governmental units as provided in RCW  
20 27.12.080;

21       (~~(5)~~) (6) "Rural county library district" means a (~~library~~  
22 ~~servicing~~) municipal corporation organized to provide library services  
23 to all the unincorporated area of a county (~~not included within the~~  
24 ~~area of incorporated cities and towns: PROVIDED, That~~), but any city  
25 or town with a population of one hundred thousand or less at the time  
26 of annexation may (~~be included therein~~) annex into a rural county  
27 library district as provided in RCW 27.12.360 through 27.12.390;

28       (~~(6)~~) (7) "Intercounty rural library district" means a municipal  
29 corporation organized to provide library service for all unincorporated  
30 ~~areas~~ (~~outside of incorporated cities and towns~~) within two or more  
31 counties (~~PROVIDED, That~~), but any city or town with a population  
32 of one hundred thousand or less at the time of annexation may (~~be~~  
33 ~~included therein~~) annex into an intercounty rural library district as  
34 provided in RCW 27.12.360 through 27.12.390;

35       (~~(7)~~) (8) "Island library district" means a municipal corporation  
36 organized to provide library service for all unincorporated areas  
37 (~~outside of incorporated cities and towns~~) on a single island only,  
38 and not all of the unincorporated area of the county, in counties  
39 composed entirely of islands and having a population of less than

1 twenty-five thousand at the time the island library district was  
2 created(~~(: PROVIDED, That)~~), but any city or town with a population of  
3 one hundred thousand or less at the time of annexation may (~~be~~  
4 ~~included therein~~) annex into an island library district as provided in  
5 RCW 27.12.360 through 27.12.390; and

6 (~~(+8)~~) (9) "Rural partial-county library district" means a  
7 municipal corporation organized to provide library service for a  
8 portion of the unincorporated area of a county(~~(-)~~), but any city or  
9 town located in the same county as a rural partial-county library  
10 district may annex to the district if the city or town has a population  
11 of one hundred thousand or less at the time of annexation.

12 **Sec. 6.** RCW 27.12.040 and 1990 c 259 s 1 are each amended to read  
13 as follows:

14 The procedure for the establishment of a rural county library  
15 district shall be as follows:

16 (1) Petitions signed by at least ten percent of the registered  
17 voters of the unincorporated area of a county who voted in the last  
18 general election, (~~(outside of the area of incorporated cities and~~  
19 ~~towns,)~~) asking that the question, "Shall a rural county library  
20 district be established?" be submitted to a vote of the (~~people~~)  
21 registered voters residing in the unincorporated area of the county,  
22 shall be filed with the county legislative authority.

23 (2) The county legislative authority, after having determined that  
24 the petitions were signed by the requisite number of registered voters,  
25 shall place the proposition for the establishment of a rural county  
26 library district on the ballot for the vote of the (~~people~~)  
27 registered voters of the unincorporated area of the county, (~~(outside~~  
28 ~~incorporated cities and towns,)~~) at the next succeeding general or  
29 special election.

30 (3) If a majority of those voting on the proposition vote in favor  
31 of the establishment of the rural county library district, the county  
32 legislative authority shall forthwith declare it established.

33 (4) The initial trustees shall be elected as provided in section 2  
34 of this act.

35 **Sec. 7.** RCW 27.12.050 and 1973 1st ex.s. c 195 s 5 are each  
36 amended to read as follows:

1       (~~After the board of county commissioners has declared a rural~~  
2 ~~county library district established, it shall appoint a board of~~  
3 ~~library trustees and provide~~)) Funds for the establishment and  
4 maintenance of library service for the district shall be provided by  
5 making a tax levy on the property in the district of not more than  
6 fifty cents per thousand dollars of assessed value per year sufficient  
7 for the library service (~~as shown to be required by the budget~~  
8 ~~submitted to the board of county commissioners by the board of library~~  
9 ~~trustees~~), and by making a tax levy in such further amount as shall be  
10 authorized pursuant to RCW 27.12.222 or 84.52.052 or 84.52.056.  
11 (~~Such~~) The board of trustees shall determine the levy or levies and  
12 certify the levy or levies to the county legislative authority. Levies  
13 shall be a part of the general tax roll and shall be collected as a  
14 part of the general taxes against the property in the district.

15       **Sec. 8.** RCW 27.12.130 and 1959 c 133 s 1 are each amended to read  
16 as follows:

17       (~~Immediately following the establishment of an intercounty rural~~  
18 ~~library district the boards of county commissioners of the counties~~  
19 ~~affected shall jointly appoint a board of five or seven trustees for~~  
20 ~~the district in accordance with RCW 27.12.190.~~)) The initial board of  
21 trustees for an intercounty library district shall be elected as  
22 provided in section 2 of this act. The board of trustees shall appoint  
23 a librarian for the district.

24       **Sec. 9.** RCW 27.12.420 and 1982 c 123 s 4 are each amended to read  
25 as follows:

26       (~~Immediately following the establishment of an island library~~  
27 ~~district, the board of county commissioners shall appoint a board of~~  
28 ~~library trustees for the district in accordance with RCW 27.12.190.~~))  
29 The initial board of trustees for an island library district shall be  
30 elected as provided in section 2 of this act. The board of trustees  
31 shall appoint a librarian for the district.

32       Funds for the establishment and maintenance of the library service  
33 of the district shall be provided by (~~the board of county~~  
34 ~~commissioners by~~)) means of an annual tax levy on the property in the  
35 district of not more than fifty cents per thousand dollars of assessed  
36 value per year. The tax levy shall be based on a budget to be compiled  
37 by the board of trustees of the island library district who shall

1 determine the tax rate necessary and certify their determination to the  
2 (~~board of county commissioners~~) county legislative authority.

3 Excess levies authorized pursuant to RCW 27.12.222, 84.52.052, or  
4 84.52.056 shall be at a rate determined by the board of trustees of the  
5 island library district and certified to the (~~board of county~~  
6 ~~commissioners~~) county legislative authority.

7 **Sec. 10.** RCW 27.12.470 and 1999 c 153 s 25 are each amended to  
8 read as follows:

9 A rural partial-county library district may be created in a portion  
10 of the unincorporated area of a county as provided in this section if  
11 a rural county library district, intercounty rural library district, or  
12 island library district has not been created in the county.

13 The procedure to create a rural partial-county library district is  
14 initiated by the filing of petitions with the county auditor proposing  
15 the creation of the district that have been signed by at least ten  
16 percent of the registered voters residing in the area proposed to be  
17 included in the rural partial-county library district. The county  
18 auditor shall review the petitions and certify the sufficiency or  
19 insufficiency of the signatures to the county legislative authority.

20 If the petitions are certified as having sufficient valid  
21 signatures, the county legislative authority shall hold a public  
22 hearing on the proposed rural partial-county library district, may  
23 adjust the boundaries of the proposed district, and may cause a ballot  
24 proposition to be submitted to the voters of the proposed rural  
25 partial-county library district authorizing its creation if the county  
26 legislative authority finds that the creation of the rural partial-  
27 county library district is in the public interest. A subsequent public  
28 hearing shall be held if additional territory is added to the proposed  
29 rural partial-county library district by action of the county  
30 legislative authority.

31 The rural partial-county library district shall be created if the  
32 ballot proposition authorizing the creation of the district is approved  
33 by a simple majority vote of the voters voting on the proposition.  
34 (~~Immediately after creation of the rural partial-county library~~  
35 ~~district the county legislative authority shall appoint a board of~~  
36 ~~library trustees for the district as provided under RCW 27.12.190.)  
37 The initial trustees shall be elected as provided in section 2 of this  
38 act.~~



1 Except as provided in this section, a rural partial-county library  
2 district is subject to all the provisions of law applicable to a rural  
3 county library district and shall have all the powers, duties, and  
4 authorities of a rural county library district, including, but not  
5 limited to, the authority to impose property taxes, incur debt, and  
6 annex a city or town with a population of less than one hundred  
7 thousand at the time of the annexation that is located in the same  
8 county as the rural partial-county library district.

9 Adjacent unincorporated territory in the county may be annexed to  
10 a rural partial-county library district in the same manner as territory  
11 is annexed to a water-sewer district, except that an annexation is not  
12 subject to potential review by a boundary review board.

13 If, at the time of creation, a rural partial-county library  
14 district has an assessed valuation of less than fifty million dollars,  
15 it may provide library services only by contracting for the services  
16 through an interlocal agreement with an adjacent library district, or  
17 an adjacent city or town that maintains its own library. If the  
18 assessed valuation of the rural partial-county library district  
19 subsequently reaches fifty million dollars as a result of annexation or  
20 appreciation, the fifty million dollar limitation shall not apply.

21 If a ballot proposition is approved creating a rural county library  
22 district in the county, every rural partial-county library district in  
23 that county shall be dissolved and its assets and liabilities  
24 transferred to the rural county library district. Where a rural  
25 partial-county library district has annexed a city or town, the voters  
26 of the city or town shall be allowed to vote on the proposed creation  
27 of a rural county library district and, if created, the rural county  
28 library district shall include each city and town that was annexed to  
29 the rural partial-county library district.

30 Nothing in this section authorizes the consolidation of a rural  
31 partial-county library district with any rural county library district;  
32 island library district; city, county, or regional library; intercounty  
33 library district; or other rural partial-county library district,  
34 unless, in addition to any other requirements imposed by statute, the  
35 boards of all library districts involved approve the consolidation.

36 NEW SECTION. **Sec. 11.** A new section is added to chapter 27.12 RCW  
37 to read as follows:

1 No election shall be held to elect a trustee of a library district,  
2 or to fill the remainder of an unexpired term which arose from a  
3 vacancy on the board of trustees of a library district, if no one or  
4 only one person files for the position.

5 If only one person files for the position, he or she shall be  
6 considered to have been elected to the position at the election that  
7 otherwise would have taken place for such position.

8 If no one files for the position and the upcoming election is one  
9 at which someone would have been elected to fill the expired term, the  
10 position shall be treated as vacant at the expiration of the term.

11 If no one files for the position and the upcoming election is one  
12 at which someone would have been elected to fill the remaining term of  
13 office, the person appointed to fill the vacancy shall be considered to  
14 have been elected to the position at the election and shall serve for  
15 the remainder of the unexpired term.

16 **Sec. 12.** RCW 29.21.015 and 1998 c 19 s 1 are each amended to read  
17 as follows:

18 (1) No primary may be held for any single position in any city,  
19 town, district, or district court, as required by RCW 29.21.010, if,  
20 after the last day allowed for candidates to withdraw, there are no  
21 more than two candidates filed for the position. The county auditor  
22 shall, as soon as possible, notify all the candidates so affected that  
23 the office for which they filed will not appear on the primary ballot.

24 (2) No primary may be held for the office of commissioner of a park  
25 and recreation district ~~((or))~~, for the office of cemetery district  
26 commissioner, or for the office of trustee of a library district.

27 (3) Names of candidates for offices that do not appear on the  
28 primary ballot shall be printed upon the general election ballot in the  
29 manner specified by RCW 29.30.025.

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