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HOUSE BILL 1900

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Dunn, Boldt and Mielke

Read first time 02/08/2001. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to library districts; amending RCW 27.12.190,  
2 27.12.010, 54.28.055, 27.12.040, 27.12.050, 27.12.420, and 27.12.470;  
3 and adding new sections to chapter 27.12 RCW.

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

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

7 (1) The management and control of a library shall be vested in a  
8 board of either five or seven trustees, as ~~((hereinafter))~~ provided in  
9 this section ~~((provided))~~.

10 (a) In cities and towns five trustees shall be either appointed by  
11 the mayor with the consent of the legislative body or elected to six-  
12 year staggered terms through the process defined in section 2 of this  
13 act and assume office in accordance with RCW 29.04.170.

14 (b) In counties, rural county library districts, and island library  
15 districts, five trustees shall be either appointed by the board of  
16 county commissioners or elected to six-year staggered terms of office  
17 by the voters in the district through the process defined in section 2  
18 of this act.

1       (c) In a regional library district a board of either five or seven  
2 trustees shall be either appointed by the joint action of the  
3 legislative bodies concerned or elected to six-year staggered terms of  
4 office through the process described in section 2 of this act.

5       (d) In intercounty rural library districts a board of either five  
6 or seven trustees shall be either appointed by the joint action of the  
7 boards of county commissioners of each of the counties included in a  
8 district or elected to six-year staggered terms of office through the  
9 process described in section 2 of this act.

10       (2) The first appointments for boards comprised of but five  
11 trustees shall be for terms of one, two, three, four, and five years  
12 respectively, and thereafter a trustee shall be appointed annually to  
13 serve for five years. The first appointments for boards comprised of  
14 seven trustees shall be for terms of one, two, three, four, five, six,  
15 and seven years respectively, and thereafter a trustee shall be  
16 appointed annually to serve for seven years. No person shall be  
17 appointed to any board of trustees for more than two consecutive terms.  
18 Vacancies shall be filled for unexpired terms as soon as possible in  
19 the manner in which members of the board are regularly chosen.

20       (3) A library trustee shall not receive a salary or other  
21 compensation for services as trustee, but necessary expenses actually  
22 incurred shall be paid from the library funds.

23       ((A)) (4) An appointed library trustee in the case of a city or  
24 town may be removed only by vote of the legislative body. ((A)) An  
25 appointed trustee of a county library, a rural county library district  
26 library, or an island library district library may be removed for just  
27 cause by the county commissioners after a public hearing upon a written  
28 complaint stating the ground for removal, which complaint, with a  
29 notice of the time and place of hearing, shall have been served upon  
30 the trustee at least fifteen days before the hearing. ((A)) An  
31 appointed trustee of an intercounty rural library district may be  
32 removed by the joint action of the board of county commissioners of the  
33 counties involved in the same manner as provided herein for the removal  
34 of a trustee of a county library.

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

37       (1) Library district trustees may be established as elected  
38 positions in a library district authorized in this chapter either: (a)

1 By an ordinance stating the intent to change to elected trustees by the  
2 library district legislative body; or (b) upon a petition signed by at  
3 least ten percent of the registered voters in the district, by an  
4 ordinance stating the intent to change to elected trustees by the  
5 library district legislative body. The process to elect initial  
6 trustees shall be as described in subsections (3) through (5) of this  
7 section.

8 (2) Except for the initial trustees, library trustees are elected  
9 to six-year staggered terms of office at general elections held in odd-  
10 numbered years. Trustees serve until their successors are elected and  
11 qualified and assume office in accordance with RCW 29.04.170.  
12 Vacancies shall occur and be filled as provided in chapter 42.12 RCW.

13 (3) Initial library trustees shall be elected at the next municipal  
14 or special election after the ordinance authorizing the election of  
15 library trustees. Each candidate shall run for one of five or seven  
16 separate library trustee positions. A special filing period shall be  
17 opened as provided in RCW 29.15.170 and 29.15.180. The person  
18 receiving the greatest number of votes for each position is elected to  
19 that position. The initial library trustees assume office immediately  
20 when they are elected and qualified, but their terms of office are  
21 calculated from the first day of January after their election.

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

35 (5) Staggering of the terms of office for the initial library  
36 trustees on a seven-member board of trustees is accomplished as  
37 follows: (a) The three persons who are elected receiving the three  
38 greatest numbers of votes are elected to six-year terms of office if  
39 the election is held in an odd-numbered year or five-year terms of

1 office if the election is held in an even-numbered year; (b) the two  
2 persons who are elected receiving the next two greatest numbers of  
3 votes are elected to four-year terms of office if the election is held  
4 in an odd-numbered year or three-year terms of office if the election  
5 is held in an even-numbered year; and (c) the other two persons who are  
6 elected are elected to two-year terms of office if the election is held  
7 in an odd-numbered year or a one-year term of office if the election is  
8 held in an even-numbered year.

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

11 The board of trustees of a library district may divide the library  
12 district into trustee districts equal to the number of members on the  
13 board of trustees. Each trustee district shall have approximately the  
14 same population and shall follow the boundaries of precincts. Trustee  
15 districts shall be redrawn as provided in chapter 29.70 RCW.

16 Library trustee districts shall be used as follows: (1) Only a  
17 registered voter who resides in a trustee district may be a candidate  
18 for, or serve as, a trustee of the trustee district; and (2) only  
19 voters of a trustee district may vote at a primary to nominate  
20 candidates for a trustee of the trustee district. Voters of the entire  
21 library district may vote at a general election to elect a person as a  
22 trustee of the trustee district.

23 **Sec. 4.** RCW 27.12.010 and 1994 c 198 s 1 are each amended to read  
24 as follows:

25 As used in this chapter, unless the context requires a different  
26 meaning:

27 (1) "Governmental unit" means any county, city, town, rural county  
28 library district, intercounty rural library district, rural partial-  
29 county library district, or island library district;

30 (2) "Legislative body" means the body authorized to determine the  
31 amount of taxes to be levied in a governmental unit; in rural county  
32 library districts, in intercounty rural library districts, and in  
33 island library districts, the legislative body shall be the board of  
34 library trustees of the district;

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

1 (4) "Library district" means a rural county library district,  
2 intercounty rural library district, rural partial-county library  
3 district, or island library district;

4 (5) "Regional library" means a free public library maintained by  
5 two or more counties or other governmental units as provided in RCW  
6 27.12.080;

7 (~~(5)~~) (6) "Rural county library district" means a (~~library~~  
8 ~~servicing~~) municipal corporation organized to provide library services  
9 to all the unincorporated area of a county (~~(not included within the~~  
10 ~~area of incorporated cities and towns: PROVIDED, That)~~), but any city  
11 or town with a population of one hundred thousand or less at the time  
12 of annexation may (~~(be included therein)~~) annex into a rural county  
13 library district as provided in RCW 27.12.360 through 27.12.390;

14 (~~(6)~~) (7) "Intercounty rural library district" means a municipal  
15 corporation organized to provide library service for all unincorporated  
16 ~~areas (outside of incorporated cities and towns)~~ within two or more  
17 counties(~~(: PROVIDED, That)~~), but any city or town with a population  
18 of one hundred thousand or less at the time of annexation may (~~(be~~  
19 ~~included therein)~~) annex into an intercounty rural library district as  
20 provided in RCW 27.12.360 through 27.12.390;

21 (~~(7)~~) (8) "Island library district" means a municipal corporation  
22 organized to provide library service for all unincorporated areas  
23 (~~(outside of incorporated cities and towns)~~) on a single island only,  
24 and not all of the unincorporated area of the county, in counties  
25 composed entirely of islands and having a population of less than  
26 twenty-five thousand at the time the island library district was  
27 created(~~(: PROVIDED, That)~~), but any city or town with a population of  
28 one hundred thousand or less at the time of annexation may (~~(be~~  
29 ~~included therein)~~) annex into an island library district as provided in  
30 RCW 27.12.360 through 27.12.390; and

31 (~~(8)~~) (9) "Rural partial-county library district" means a  
32 municipal corporation organized to provide library service for a  
33 portion of the unincorporated area of a county(~~(-)~~), but any city or  
34 town located in the same county as a rural partial-county library  
35 district may annex to the district if the city or town has a population  
36 of one hundred thousand or less at the time of annexation.

37 **Sec. 5.** RCW 54.28.055 and 1986 c 189 s 1 are each amended to read  
38 as follows:

1 (1) After computing the tax imposed by RCW 54.28.025(1), the  
2 department of revenue shall instruct the state treasurer to distribute  
3 the amount collected as follows:

4 (a) Fifty percent to the state general fund for the support of  
5 schools; and

6 (b) Twenty-two percent to the counties, twenty-three percent to the  
7 cities, three percent to the fire protection districts, and two percent  
8 to the library districts.

9 (2) Each county, city, fire protection district and library  
10 district shall receive a percentage of the amount for distribution to  
11 counties, cities, fire protection districts and library districts,  
12 respectively, in the proportion that the population of such district  
13 residing within the impacted area bears to the total population of all  
14 such districts residing within the impacted area. For the purposes of  
15 this chapter, the term "library district" includes only regional  
16 libraries as defined in RCW 27.12.010(~~((+4))~~) (5), rural county library  
17 districts as defined in RCW 27.12.010(~~((+5))~~) (6), intercounty rural  
18 library districts as defined in RCW 27.12.010(~~((+6))~~) (7), and island  
19 library districts as defined in RCW 27.12.010(~~((+7))~~) (8). The  
20 population of a library district, for purposes of such a distribution,  
21 shall not include any population within the library district and the  
22 impact area that also is located within a city or town.

23 (3) If any distribution pursuant to subsection (1)(b) of this  
24 section cannot be made, then that share shall be prorated among the  
25 state and remaining local districts.

26 (4) All distributions directed by this section to be made on the  
27 basis of population shall be calculated in accordance with data to be  
28 provided by the office of financial management.

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

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

33 (1) Petitions signed by at least ten percent of the registered  
34 voters of the unincorporated area of a county who voted in the last  
35 general election, (~~((outside of the area of incorporated cities and  
36 towns,))~~) asking that the question, "Shall a rural county library  
37 district be established?" be submitted to a vote of the (~~((people))~~)

1 registered voters residing in the unincorporated area of the county,  
2 shall be filed with the county legislative authority.

3 (2) The county legislative authority, after having determined that  
4 the petitions were signed by the requisite number of registered voters,  
5 shall place the proposition for the establishment of a rural county  
6 library district on the ballot for the vote of the ~~((people))~~  
7 registered voters of the unincorporated area of the county, ~~((outside~~  
8 ~~incorporated cities and towns,))~~ at the next succeeding general or  
9 special election.

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

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

15 ~~((After the board of county commissioners has declared a rural~~  
16 ~~county library district established, it shall appoint a board of~~  
17 ~~library trustees and provide))~~ Funds for the establishment and  
18 maintenance of library service for the district shall be provided by  
19 making a tax levy on the property in the district of not more than  
20 fifty cents per thousand dollars of assessed value per year sufficient  
21 for the library service ~~((as shown to be required by the budget~~  
22 ~~submitted to the board of county commissioners by the board of library~~  
23 ~~trustees)),~~ and by making a tax levy in such further amount as shall be  
24 authorized pursuant to RCW 27.12.222 or 84.52.052 or 84.52.056.  
25 ~~((Such))~~ The board of trustees shall determine the levy or levies and  
26 certify the levy or levies to the county legislative authority. Levies  
27 shall be a part of the general tax roll and shall be collected as a  
28 part of the general taxes against the property in the district.

29 **Sec. 8.** RCW 27.12.420 and 1982 c 123 s 4 are each amended to read  
30 as follows:

31 (1) Immediately following the establishment of an island library  
32 district, the board of county commissioners shall either: (a) Appoint  
33 a board of library trustees for the district in accordance with RCW  
34 27.12.190; or (b) provide for the initial board of trustees for an  
35 island library district to be elected as provided in section 2 of this  
36 act. The board of trustees shall appoint a librarian for the district.

1       (2) Funds for the establishment and maintenance of the library  
2 service of the district shall be provided by (~~the board of county~~  
3 ~~commissioners by~~) means of an annual tax levy on the property in the  
4 district of not more than fifty cents per thousand dollars of assessed  
5 value per year. The tax levy shall be based on a budget to be compiled  
6 by the board of trustees of the island library district who shall  
7 determine the tax rate necessary and certify their determination to the  
8 (~~board of county commissioners~~) county legislative authority.

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

13       **Sec. 9.** RCW 27.12.470 and 1999 c 153 s 25 are each amended to read  
14 as follows:

15       (1) A rural partial-county library district may be created in a  
16 portion of the unincorporated area of a county as provided in this  
17 section if a rural county library district, intercounty rural library  
18 district, or island library district has not been created in the  
19 county.

20       (2) The procedure to create a rural partial-county library district  
21 is initiated by the filing of petitions with the county auditor  
22 proposing the creation of the district that have been signed by at  
23 least ten percent of the registered voters residing in the area  
24 proposed to be included in the rural partial-county library district.  
25 The county auditor shall review the petitions and certify the  
26 sufficiency or insufficiency of the signatures to the county  
27 legislative authority.

28       (3) If the petitions are certified as having sufficient valid  
29 signatures, the county legislative authority shall hold a public  
30 hearing on the proposed rural partial-county library district, may  
31 adjust the boundaries of the proposed district, and may cause a ballot  
32 proposition to be submitted to the voters of the proposed rural  
33 partial-county library district authorizing its creation if the county  
34 legislative authority finds that the creation of the rural partial-  
35 county library district is in the public interest. A subsequent public  
36 hearing shall be held if additional territory is added to the proposed  
37 rural partial-county library district by action of the county  
38 legislative authority.



1       (4) The rural partial-county library district shall be created if  
2 the ballot proposition authorizing the creation of the district is  
3 approved by a simple majority vote of the voters voting on the  
4 proposition. Immediately after creation of the rural partial-county  
5 library district the county legislative authority shall either: (a)  
6 Appoint a board of library trustees for the district as provided under  
7 RCW 27.12.190; or (b) provide for the initial board of trustees for a  
8 rural partial-county library district to be elected as provided in  
9 section 2 of this act.

10       (5) Except as provided in this section, a rural partial-county  
11 library district is subject to all the provisions of law applicable to  
12 a rural county library district and shall have all the powers, duties,  
13 and authorities of a rural county library district, including, but not  
14 limited to, the authority to impose property taxes, incur debt, and  
15 annex a city or town with a population of less than one hundred  
16 thousand at the time of the annexation that is located in the same  
17 county as the rural partial-county library district.

18       (6) Adjacent unincorporated territory in the county may be annexed  
19 to a rural partial-county library district in the same manner as  
20 territory is annexed to a water-sewer district, except that an  
21 annexation is not subject to potential review by a boundary review  
22 board.

23       (7) If, at the time of creation, a rural partial-county library  
24 district has an assessed valuation of less than fifty million dollars,  
25 it may provide library services only by contracting for the services  
26 through an interlocal agreement with an adjacent library district, or  
27 an adjacent city or town that maintains its own library. If the  
28 assessed valuation of the rural partial-county library district  
29 subsequently reaches fifty million dollars as a result of annexation or  
30 appreciation, the fifty million dollar limitation shall not apply.

31       (8) If a ballot proposition is approved creating a rural county  
32 library district in the county, every rural partial-county library  
33 district in that county shall be dissolved and its assets and  
34 liabilities transferred to the rural county library district. Where a  
35 rural partial-county library district has annexed a city or town, the  
36 voters of the city or town shall be allowed to vote on the proposed  
37 creation of a rural county library district and, if created, the rural  
38 county library district shall include each city and town that was  
39 annexed to the rural partial-county library district.

1       (9) Nothing in this section authorizes the consolidation of a rural  
2 partial-county library district with any rural county library district;  
3 island library district; city, county, or regional library; intercounty  
4 library district; or other rural partial-county library district,  
5 unless, in addition to any other requirements imposed by statute, the  
6 boards of all library districts involved approve the consolidation.

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