
HOUSE BILL 2978

State of Washington**57th Legislature****2002 Regular Session****By** Representatives Sommers and Ogden; by request of Governor Locke

Read first time 02/21/2002. Referred to Committee on Appropriations.

1 AN ACT Relating to the state library; amending RCW 27.04.100,
2 27.12.180, 27.12.260, 27.12.320, 27.12.360, 27.18.010, 27.18.030,
3 17.15.040, 27.12.100, 27.12.305, 28A.410.240, 28A.650.015, 35.17.170,
4 40.06.020, 40.06.050, 40.07.030, 40.14.080, 40.14.100, 40.14.180,
5 42.30.110, 43.105.290, 43.105.825, 43.126.025, 43.131.051, 43.136.030,
6 63.29.280, and 70.95C.060; adding a new section to chapter 28B.40 RCW;
7 creating new sections; repealing RCW 40.06.030, 40.06.040, 40.06.060,
8 40.06.900, 27.04.010, 27.04.020, 27.04.030, 27.04.045, and 27.04.055;
9 providing effective dates; providing an expiration date; and declaring
10 an emergency.

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

12 NEW SECTION. **Sec. 1.** The legislature recognizes that because of
13 the serious revenue shortfall for the immediate future that substantial
14 cuts in state services must be made. Furthermore, the legislature
15 finds that efficiencies and economies in state government can be
16 achieved by merging the operations of agencies with like functions.
17 The state library and academic, agency, and other public libraries
18 provide similar services to consumers. In addition, with the increased
19 availability of digitized information for employees of state agencies,

1 the legislature, and academia, consumers' use of the state library has
2 declined over the years. The decline in use of the library has led the
3 legislature to conclude that the library should be eliminated.

4 It is, therefore, the intent of the legislature to transfer the
5 most important responsibilities of the state library to other public
6 libraries, to distribute its collection of books, documents, and other
7 printed materials to public agencies and public libraries, and to
8 abolish the state library.

9 **PART 1**

10 **STATE LIBRARY ABOLISHED**

11 NEW SECTION. **Sec. 101.** (1) The state library is hereby abolished
12 effective October 1, 2002, and its powers, duties, and functions are
13 either transferred to other public agencies as enumerated in this act
14 or eliminated.

15 (2)(a) All reports, documents, surveys, books, records, files,
16 papers, or written material in the possession of the state library
17 shall be delivered to the custody of the agency assuming responsibility
18 for the function transferred. All cabinets, furniture, office
19 equipment, motor vehicles, and other tangible property employed by the
20 state library shall be made available to the agency assuming
21 responsibility for the function transferred. All funds, credits, or
22 other assets held by the state library shall be assigned to the agency
23 assuming responsibility for the function transferred.

24 (b) Any appropriations made to the state library shall, on October
25 31, 2002, be transferred and credited to the agency assuming
26 responsibility for the function transferred.

27 (c) If any question arises as to the transfer of any personnel,
28 funds, books, documents, records, papers, files, equipment, or other
29 tangible property used or held in the exercise of the powers and the
30 performance of the duties and functions transferred, the director of
31 financial management shall make a determination as to the proper
32 allocation and certify the same to the state agencies concerned.

33 (3) All rules and all pending business before the state library
34 shall be continued and acted upon by the agency assuming responsibility
35 for the function transferred. All existing contracts and obligations
36 shall remain in full force and shall be performed by the agency
37 assuming responsibility for the function transferred.

1 (4) The transfer of the powers, duties, functions, and personnel of
2 the state library does not affect the validity of any act performed
3 before October 31, 2002.

4 (5) If apportionments of budgeted funds are required because of the
5 transfers directed by this section, the director of financial
6 management shall certify the apportionments to the agencies affected,
7 the state auditor, and the state treasurer. Each of these shall make
8 the appropriate transfer and adjustments in funds and appropriation
9 accounts and equipment records in accordance with the certification.

10 (6) This section may not be construed to alter any existing
11 collective bargaining unit or the provisions of any existing collective
12 bargaining agreement until the agreement has expired or until the
13 bargaining unit has been modified. This section may not be construed
14 to alter any right of employees to bargain collectively.

15 **PART 2**

16 **TRANSFER AND ELIMINATION OF FUNCTIONS**

17 NEW SECTION. **Sec. 201.** Effective October 31, 2002, all employees
18 of the state library who are currently located in branch libraries in
19 state institutions or in an agency library under a contract the state
20 library has with a state agency before October 31, 2002, shall be
21 transferred to the jurisdiction of the state agency in which the branch
22 or agency library is located.

23 NEW SECTION. **Sec. 202.** (1) Responsibility for the Washington
24 talking book and braille library is transferred to the department of
25 community, trade, and economic development.

26 (2) Responsibility for the Washington Room and other northwest
27 collections including newspapers, manuscripts, historic photographs,
28 northwest history books, census data, maps, published government
29 documents, and other historical materials are transferred to the state
30 archivist.

31 NEW SECTION. **Sec. 203.** A new section is added to chapter 28B.40
32 RCW to read as follows:

33 The secretary of state is designated as the state's federal
34 depository and as the regional depository for Washington and Alaska.

1 **Sec. 204.** RCW 27.04.100 and 1990 c 68 s 1 are each amended to read
2 as follows:

3 (1) In recognition of prison overcrowding and the hazardous nature
4 of employment in state institutions and offices, the legislature hereby
5 provides a supplementary program to reimburse employees (~~(of the)~~) who
6 are employed by a state agency that maintains a library located within
7 a state institution, for some of their costs attributable to their
8 being the victims of offender or resident assaults. This program shall
9 be limited to the reimbursement provided in this section.

10 (2) An employee is only entitled to receive the reimbursement
11 provided in this section if the (~~state librarian, or the state~~
12 ~~librarian's~~) secretary, or the secretary's designee, finds that each
13 of the following has occurred:

14 (a) An offender or resident has assaulted the employee while the
15 employee is performing the employee's official duties and as a result
16 (~~thereof~~), the employee has sustained injuries which have required
17 the employee to miss days of work; and

18 (b) The assault cannot be attributable to any extent to the
19 employee's negligence, misconduct, or failure to comply with any rules
20 or conditions of employment.

21 (3) The reimbursement authorized under this section shall be as
22 follows:

23 (a) The employee's accumulated sick leave days shall not be reduced
24 for the workdays missed;

25 (b) For each workday missed for which the employee is not eligible
26 to receive compensation under chapter 51.32 RCW, the employee shall
27 receive full pay; and

28 (c) With respect to workdays missed for which the employee will
29 receive or has received compensation under chapter 51.32 RCW, the
30 employee shall be reimbursed in an amount which, when added to that
31 compensation, will result in the employee receiving full pay for the
32 workdays missed.

33 (4) Reimbursement under this section may not last longer than three
34 hundred sixty-five consecutive days after the date of the injury.

35 (5) The employee shall not be entitled to the reimbursement
36 provided in subsection (3) of this section for any workday for which
37 the (~~state librarian, or the state librarian's~~) secretary, or the
38 secretary's designee, finds that the employee has not diligently
39 pursued his or her compensation remedies under chapter 51.32 RCW.

1 (6) The reimbursement shall only be made for absences which the
2 (~~state librarian, or the state librarian's~~) secretary, or the
3 secretary's designee, believes are justified.

4 (7) While the employee is receiving reimbursement under this
5 section, he or she shall continue to be classified as a state employee
6 and the reimbursement amount shall be considered as salary or wages.

7 (8) All reimbursement payments required to be made to employees
8 under this section shall be made by the state (~~library~~) agency by
9 which they are employed. The payments shall be considered as a salary
10 or wage expense and shall be paid by the state (~~library~~) agency in
11 the same manner and from the same appropriations as other salary and
12 wage expenses of the state (~~library~~) agency.

13 (9) Should the legislature revoke the reimbursement authorized
14 under this section or repeal this section, no affected employee is
15 entitled thereafter to receive the reimbursement as a matter of
16 contractual right.

17 (10) For the purposes of this section, "offender or resident"
18 means: (a) Inmate as defined in RCW 72.09.020, (b) offender as defined
19 in RCW 9.94A.030, (c) any other person in the custody of or subject to
20 the jurisdiction of the department of corrections, or (d) a resident of
21 a state institution.

22 **Sec. 205.** RCW 27.12.180 and 1941 c 65 s 6 are each amended to read
23 as follows:

24 Instead of establishing or maintaining an independent library, the
25 legislative body of any governmental unit authorized to maintain a
26 library shall have power to contract to receive library service from an
27 existing library, the board of trustees of which shall have reciprocal
28 power to contract to render the service with the consent of the
29 legislative body of its governmental unit. Such a contract shall
30 require that the existing library perform all the functions of a
31 library within the governmental unit wanting service. In like manner
32 a legislative body may contract for library service from a library not
33 owned by a public corporation but maintained for free public use(~~(÷~~
34 ~~PROVIDED, That such a library be subject to inspection by the state~~
35 ~~librarian and be certified by him as maintaining a proper standard)~~).
36 Any school district may contract for school library service from any
37 existing library, such service to be paid for from funds available to
38 the school district for library purposes.

1 **Sec. 206.** RCW 27.12.260 and 1935 c 119 s 12 are each amended to
2 read as follows:

3 At the close of each year the board of trustees of every library
4 shall make a report to the legislative body of the governmental unit
5 wherein the board serves, showing the condition of their trust during
6 the year, the sums of money received for the library fund from taxes
7 and other sources, the sums of money expended and the purposes of the
8 expenditures, the number of books and periodicals on hand, the number
9 added during the year, the number retired, the number loaned out, and
10 such other statistics and information and such suggestions as they deem
11 of public interest. (~~A copy of this report shall be filed with the~~
12 ~~state librarian.~~)

13 **Sec. 207.** RCW 27.12.320 and 1982 c 123 s 12 are each amended to
14 read as follows:

15 A library established or maintained under this chapter (except a
16 regional or a rural county library district library, an intercounty
17 rural library district library, or an island library district library)
18 may be abolished only in pursuance of a vote of the electors of the
19 governmental unit in which the library is located, taken in the manner
20 prescribed in RCW 27.12.030 for a vote upon the establishment of a
21 library. If a library of a city or town be abolished, the books and
22 other printed or written matter belonging to it shall go to the library
23 of the county whereof the municipality is a part, if there be a county
24 library(~~(, but if not, then to the state library. If a library of a~~
25 ~~county or region be abolished, the books and other printed matter~~
26 ~~belonging to it shall go to the state library. All other)~~). If there
27 is no county library, all library property, including books and
28 documents, shall be disposed of as the legislative body of the
29 governmental unit shall direct.

30 After a rural county library district, an island library district,
31 or an intercounty rural library district has been in operation for
32 three or more years, it may be dissolved pursuant to a majority vote of
33 all of the qualified electors residing outside of incorporated cities
34 and towns voting upon a proposition for its dissolution, at a general
35 election, which proposition may be placed upon the ballot at any such
36 election whenever a petition by ten percent or more qualified voters
37 residing outside of incorporated cities or towns within a rural county
38 library district, an island library district, or an intercounty rural

1 library district requesting such dissolution shall be filed with the
2 board of trustees of such district not less than ninety days prior to
3 the holding of any such election. An island library district may also
4 be dissolved pursuant to RCW 27.12.450.

5 If a rural county library district is dissolved, (~~the books and~~
6 ~~other printed matter belonging to it shall go to the state library.~~
7 ~~All other~~) all library property, including books and other printed
8 materials, shall be disposed of as the legislative body of the
9 governmental unit shall direct. When an intercounty rural library
10 district is dissolved, the books, funds and other property thereof
11 shall be divided among the participating counties in the most equitable
12 manner possible (~~as determined by the state librarian, who shall give~~
13 ~~consideration to~~) considering such items as the original source of
14 property, the amount of funds raised from each county by the district,
15 and the ability of the counties to make further use of such property or
16 equipment for library purposes. (~~Printed material which the state~~
17 ~~librarian finds will not be used by any of the participating counties~~
18 ~~for further library purposes shall be turned over to the state~~
19 ~~library.~~)

20 When an island library district is dissolved pursuant to this
21 section, the books (~~and~~), other printed matter belonging to it
22 (~~shall go to the state library. All~~), and other library property
23 shall be disposed of as the legislative body of the governmental unit
24 shall direct. When an island library district is dissolved due to the
25 establishment of a county library district, pursuant to RCW 27.12.450,
26 all property, assets, and liabilities of the preexisting island library
27 district within the area included in the county rural library district
28 shall pass to and be assumed by the county rural library district:
29 PROVIDED, That where within any county rural library district
30 heretofore or hereafter organized under the provisions of this chapter
31 a preexisting island library district has incurred a bonded
32 indebtedness which was outstanding at the time of the formation of the
33 county rural library district, the preexisting island library district
34 shall retain its corporate existence insofar as is necessary for the
35 purpose until the bonded indebtedness outstanding against it on and
36 after the effective date of the formation has been paid in full:
37 PROVIDED FURTHER, That a special election may be called by the board of
38 trustees of the county rural library district, to be held at the next
39 general or special election held in the respective counties, for the

1 purpose of affording the voters residing within the area outside of the
2 preexisting island library district an opportunity to assume the
3 obligation of the bonded indebtedness of the preexisting island library
4 district or the question may be submitted to the voters as a separate
5 proposition at the election on the proposal for the formation of the
6 county rural library district.

7 **Sec. 208.** RCW 27.12.360 and 1982 c 123 s 13 are each amended to
8 read as follows:

9 Any city or town with a population of one hundred thousand or less
10 at the time of annexation may become a part of any rural county library
11 district, island library district, or intercounty rural library
12 district lying contiguous thereto by annexation in the following
13 manner: The inclusion of such a city or town may be initiated by the
14 adoption of an ordinance by the legislative authority thereof stating
15 its intent to join the library district and finding that the public
16 interest will be served thereby. Before adoption, the ordinance shall
17 be submitted to the library board of the city or town for its review
18 and recommendations. (~~If no library board exists in the city or town,~~
19 ~~the state librarian shall be notified of the proposed ordinance.~~) If
20 the board of trustees of the library district concurs in the
21 annexation, notification thereof shall be transmitted to the
22 legislative authority or authorities of the counties in which the city
23 or town is situated.

24 **Sec. 209.** RCW 27.18.010 and 1982 c 123 s 17 are each amended to
25 read as follows:

26 As used in this chapter, except where the context otherwise
27 requires:

28 (1) "Compact" means the interstate library compact.

29 (2) "Public library agency", with reference to this state, means
30 (~~the state library and~~) any county or city library or any regional
31 library, rural county library district library, island library district
32 library, or intercounty rural library district library.

33 (~~(3) "State library agency", with reference to this state, means~~
34 ~~the commissioners of the state library.~~)

35 **Sec. 210.** RCW 27.18.030 and 1965 ex.s. c 93 s 3 are each amended
36 to read as follows:

1 The ((state)) head librarian of The Evergreen State College shall
2 be the compact administrator pursuant to Article X of the compact.
3 (~~The state librarian shall appoint one or more deputy compact~~
4 ~~administrators.~~) Every library agreement made pursuant to Article VI
5 of the compact shall, as a condition precedent to its entry into force,
6 be submitted to the ((state)) head librarian of The Evergreen State
7 College for his or her recommendations.

8 **Sec. 211.** RCW 17.15.040 and 1997 c 357 s 5 are each amended to
9 read as follows:

10 (1) The interagency integrated pest management coordinating
11 committee is created. The committee is composed of the integrated pest
12 management coordinator from each agency or institution listed under RCW
13 17.15.020 and the representatives designated under RCW 17.15.030. The
14 coordinator from the department of agriculture shall serve as chair of
15 the committee.

16 (2) The interagency integrated pest management coordinating
17 committee shall share information among the state agencies and
18 institutions and facilitate interagency coordination.

19 (3) The interagency integrated pest management coordinating
20 committee shall meet at least two times a year. All meetings of the
21 committee must be open to the public. The committee shall give public
22 notice of each meeting.

23 (4) By November 30th of each odd-numbered year up to and including
24 November 30th, 2001, the department of agriculture, with the advice of
25 the interagency integrated pest management coordinating committee,
26 shall prepare a report on the progress of integrated pest management
27 programs. The report is to be made available through the ((state
28 ~~library~~)) department of agriculture's web site and placed on the
29 legislative alert list.

30 **Sec. 212.** RCW 27.12.100 and 1965 c 63 s 1 are each amended to read
31 as follows:

32 An intercounty rural library district shall be established by joint
33 action of two or more counties proceeding by either of the following
34 alternative methods:

35 (1) The boards of county commissioners of any two or more counties
36 shall adopt identical resolutions proposing the formation of such a
37 district to include all of the areas outside of incorporated cities or

1 towns in such counties as may be designated in such resolutions. In
2 lieu of such resolutions a petition of like purport signed by ten
3 percent of the registered voters residing outside of incorporated
4 cities or towns of a county, may be filed with the county auditor
5 thereof, and shall have the same effect as a resolution. The
6 proposition for the formation of the district as stated on the petition
7 shall be prepared by the (~~attorney general~~) prosecuting attorney's
8 office upon request of the (~~state library commission~~) legislative
9 body of the county or counties. Action to initiate the formation of
10 such a district shall become ineffective in any county if corresponding
11 action is not completed within one year thereafter by each other county
12 included in such proposal. The county auditor in each county shall
13 check the validity of the signatures on the petition and shall certify
14 to the board of county commissioners the sufficiency of the signatures.
15 If each petition contains the signatures of ten percent of the
16 registered voters residing outside the incorporated cities and towns of
17 the county, each board of county commissioners shall pass a resolution
18 calling an election for the purpose of submitting the question to the
19 voters and setting the date of said election. When such action has
20 been taken in each of the counties involved, notification shall be made
21 by each board of county commissioners to the board of county
22 commissioners of the county having the largest population according to
23 the last federal census, who shall give proper notification to each
24 county auditor. At the next general or special election held in the
25 respective counties there shall be submitted to the voters in the areas
26 outside of incorporated cities and towns a question as to whether an
27 intercounty rural library district shall be established as outlined in
28 the resolutions or petitions. Notice of said election shall be given
29 the county auditor pursuant to RCW 29.27.080. The county auditor shall
30 provide for the printing of a separate ballot and shall provide for the
31 distribution of ballots to the polling places pursuant to RCW
32 29.04.020. The county auditor shall instruct the election boards in
33 split precincts. The respective county canvassing boards in each
34 county to be included within the intercounty rural library district
35 shall canvass the votes and certify the results to the county auditor
36 pursuant to chapter 29.62 RCW; the result shall then be certified by
37 each county auditor to the county auditor of the county having the
38 largest population according to the last federal census. If a majority
39 of the electors voting on the proposition in each of the counties

1 affected shall vote in favor of such district it shall thereby become
2 established, and the board of county commissioners of the county having
3 the largest population according to the last federal census shall
4 declare the intercounty rural library district established. If two or
5 more of the counties affected are in an existing intercounty rural
6 library district, then the electors in areas outside incorporated
7 cities and towns in those counties shall vote as a unit and the
8 electors in areas outside incorporated cities and towns in each of the
9 other affected counties shall vote as separate units. If a majority of
10 the electors voting on the proposition in the existing district and a
11 majority of the voters in any of the other affected counties shall vote
12 in favor of an expanded intercounty rural library district it shall
13 thereby become established.

14 (2) The county commissioners of two or more counties meeting in
15 joint session attended by a majority of the county commissioners of
16 each county may, by majority vote of those present, order the
17 establishment of an intercounty rural library district to include all
18 of the area outside of incorporated cities and towns in as many of the
19 counties represented at such joint meeting as shall be determined by
20 resolution of such joint meeting. If two or more counties are in an
21 existing intercounty rural library district, then a majority vote of
22 all of the commissioners present from those counties voting as a unit,
23 and a majority vote of the commissioners present from any other county
24 shall cause the joint session to order the establishment of an expanded
25 intercounty rural library district. No county, however, shall be
26 included in such district if a majority of its county commissioners
27 vote against its inclusion in such district.

28 **Sec. 213.** RCW 27.12.305 and 1972 ex.s. c 90 s 1 are each amended
29 to read as follows:

30 Any public library(~~(, including the state library created pursuant~~
31 ~~to chapter 27.04 RCW, shall have)) has the authority to provide for the
32 sale of library materials developed by the library staff for its use
33 but which are of value to others such as book catalogs, books published
34 by the library, indexes, films, slides, book lists, and similar
35 materials.~~

36 The (~~library commission,~~) board of library trustees(~~(,)~~) or other
37 governing authority charged with the direct control of a public library
38 shall determine the prices and quantities of materials to be prepared

1 and offered for sale. Prices shall be limited to the publishing and
2 preparation costs, exclusive of staff salaries and overhead. Any
3 moneys received from the sales of such materials shall be placed in the
4 appropriate library fund.

5 Nothing in this section shall be construed to authorize any library
6 to charge any resident for a library service nor to authorize any
7 library to sell materials to a branch library or library which is part
8 of a depository library system when such materials may be distributed
9 free of cost to such library nor shall this section be construed to
10 prevent, curtail, or inhibit any free distribution programs or exchange
11 programs between libraries or between libraries and other agencies.

12 **Sec. 214.** RCW 28A.410.240 and 2000 c 39 s 203 are each amended to
13 read as follows:

14 (1) By December 1, 2003, and annually thereafter, the Washington
15 professional educator standards board shall prepare a report that
16 includes the following information:

17 (a) The range of scores on the basic skills assessment under RCW
18 28A.410.220(1) for persons who passed the assessment and were admitted
19 to a Washington preparation program; and

20 (b) The range of scores on the subject assessments under RCW
21 28A.410.220(2) for persons who passed the assessments and earned an
22 endorsement.

23 (2) The information under subsection (1) of this section shall be
24 reported for the individual public and private colleges and
25 universities in Washington, as well as reported on an aggregate basis.
26 The report shall also include results disaggregated demographically.
27 The report shall include information on the number and percentage of
28 candidates exempted from assessments, demographic information on
29 candidates exempted, institutions attended and endorsements sought by
30 exempted candidates, and reasons for exclusion from the required
31 assessments. The report shall be made available (~~((through the state
32 library,))~~) on the (~~((website))~~) web site of the office of superintendent
33 of public instruction, and placed on the legislative alert list.

34 **Sec. 215.** RCW 28A.650.015 and 1995 c 335 s 507 are each amended to
35 read as follows:

36 (1) The superintendent of public instruction, to the extent funds
37 are appropriated, shall develop and implement a Washington state K-12

1 education technology plan. The technology plan shall be updated on at
2 least a biennial basis, shall be developed to coordinate and expand the
3 use of education technology in the common schools of the state. The
4 plan shall be consistent with applicable provisions of chapter 43.105
5 RCW. The plan, at a minimum, shall address:

6 (a) The provision of technical assistance to schools and school
7 districts for the planning, implementation, and training of staff in
8 the use of technology in curricular and administrative functions;

9 (b) The continued development of a network to connect school
10 districts, institutions of higher learning, and other sources of on-
11 line information; and

12 (c) Methods to equitably increase the use of education technology
13 by students and school personnel throughout the state.

14 (2) The superintendent of public instruction shall appoint an
15 educational technology advisory committee to assist in the development
16 and implementation of the technology plan in subsection (1) of this
17 section. The committee shall include, but is not limited to, persons
18 representing: The state board of education, the commission on student
19 learning, the department of information services, educational service
20 districts, school directors, school administrators, school principals,
21 teachers, classified staff, higher education faculty, parents,
22 students, business, labor, scientists and mathematicians, the higher
23 education coordinating board, and the work force training and education
24 coordinating board(~~(, and the state library)~~).

25 **Sec. 216.** RCW 35.17.170 and 1965 c 7 s 35.17.170 are each amended
26 to read as follows:

27 The commission shall each month print in pamphlet form a detailed
28 itemized statement of all receipts and expenses of the city and a
29 summary of its proceedings during the preceding month and furnish
30 copies (~~(thereof)~~) to (~~(the state library,)~~) the city library, the
31 newspapers of the city, and to persons who apply therefor at the office
32 of the city clerk. At the end of each year the commission shall cause
33 a complete examination of all the books and accounts of the city to be
34 made by competent accountants and shall publish the result of such
35 examination to be made in the manner above provided for publication of
36 statements of monthly expenditures.

1 **Sec. 217.** RCW 40.06.020 and 1977 ex.s. c 232 s 9 are each amended
2 to read as follows:

3 ~~((There is hereby created as a division of the state library, and
4 under the direction of the state librarian, a state publications
5 distribution center. The center shall utilize the depository library
6 system to permit citizens economical and convenient access to state
7 publications. To this end the state library commission shall make such
8 rules and regulations as may be deemed necessary to carry out the
9 provisions of this chapter))~~ Every state agency that produces a state
10 publication shall maintain a copy of the publication for use by the
11 public or state employees. An agency may comply with this section by
12 making the state publication available through its web site.

13 **Sec. 218.** RCW 40.06.050 and 1963 c 233 s 5 are each amended to
14 read as follows:

15 ~~((The center))~~ Each state agency shall publish and distribute or
16 place on its web site and update regularly a list of available state
17 publications, and may publish and distribute such other descriptive
18 printed matter as will facilitate the distribution of state
19 publications.

20 **Sec. 219.** RCW 40.07.030 and 1977 ex.s. c 232 s 3 are each amended
21 to read as follows:

22 (1) Any annual, biennial, or special report required to be made by
23 any state officer, board, agency, department, commissioner, regents,
24 trustees, or institution to the governor or to the legislature may be
25 typewritten and a copy shall be filed with the governor, or the
26 governor's designee, and the legislature as the law may require. ~~((An
27 additional copy shall be filed with the state library as a public
28 record.))~~

29 (2) The director or the director's designee may selectively review
30 state publications in order to determine if specific state publications
31 are economically and effectively contributing to the accomplishment of
32 state agency program objectives. The director or the director's
33 designee shall provide general guidelines as to the number of copies to
34 be printed for use or distribution by the issuing agency and any public
35 or other distribution under chapter 40.06 RCW as now or hereafter
36 amended, or other applicable directives.

1 (3) No agency head shall recommend a state publication for printing
2 and distribution, other than those required by law, unless the benefits
3 from the publication and distribution (~~(thereof)~~) to the citizens and
4 taxpayers of this state clearly exceed the costs of preparation,
5 printing, and distribution.

6 (4) The director, after consultation with affected agencies, shall
7 prepare and publish guidelines for use by state agencies in determining
8 and evaluating the benefits and costs of current and proposed state
9 publications. All state agencies shall evaluate each new state
10 publication they propose and shall annually evaluate each continuing
11 state publication they produce in accordance with the guidelines
12 published by the director.

13 (5) The director shall, after consultation with affected state
14 agencies, also provide by general rules and regulations for overall
15 control of the quality of the printing of state publications.
16 Necessary publications are to be prepared and printed in the most
17 economic manner consistent with effectiveness and achievement of
18 program objectives.

19 **Sec. 220.** RCW 40.14.080 and 1983 c 3 s 84 are each amended to read
20 as follows:

21 The provisions of this chapter shall not be construed as repealing
22 or modifying any other acts or parts of acts authorizing the
23 destruction of public records save for those specifically named in
24 section 9 (~~(of this act; nor shall this chapter affect the provisions~~
25 ~~of chapter 40.07 RCW requiring the deposit of all state publications in~~
26 ~~the state library)), chapter 246, Laws of 1957.~~

27 **Sec. 221.** RCW 40.14.100 and 1971 ex.s. c 102 s 2 are each amended
28 to read as follows:

29 As used in RCW 40.14.010 and 40.14.100 through 40.14.180, unless
30 the context requires otherwise, "legislative records" shall be defined
31 as correspondence, amendments, reports, and minutes of meetings made by
32 or submitted to legislative committees or subcommittees and transcripts
33 or other records of hearings or supplementary written testimony or data
34 thereof filed with committees or subcommittees in connection with the
35 exercise of legislative or investigatory functions, but does not
36 include the records of an official act of the legislature kept by the
37 secretary of state, bills and their copies, published materials,

1 digests, or multi-copied matter which are routinely retained and
2 otherwise available ((at the state library or)) in a public repository,
3 or reports or correspondence made or received by or in any way under
4 the personal control of the individual members of the legislature.

5 **Sec. 222.** RCW 40.14.180 and 1983 c 3 s 85 are each amended to read
6 as follows:

7 The provisions of RCW 40.14.010 and 40.14.100 through 40.14.180
8 shall not be construed as repealing or modifying any other acts or
9 parts of acts authorizing the retention or destruction of public
10 records nor shall RCW 40.14.010 and 40.14.100 through 40.14.180 affect
11 ((the provisions of chapter 40.07 RCW requiring the deposit of all
12 state publications in the state library nor shall it affect)) the
13 confidentiality of the bill drafting records of the code reviser's
14 office.

15 **Sec. 223.** RCW 42.30.110 and 2001 c 216 s 1 are each amended to
16 read as follows:

17 (1) Nothing contained in this chapter may be construed to prevent
18 a governing body from holding an executive session during a regular or
19 special meeting:

20 (a) To consider matters affecting national security;

21 (b) To consider the selection of a site or the acquisition of real
22 estate by lease or purchase when public knowledge regarding such
23 consideration would cause a likelihood of increased price;

24 (c) To consider the minimum price at which real estate will be
25 offered for sale or lease when public knowledge regarding such
26 consideration would cause a likelihood of decreased price. However,
27 final action selling or leasing public property shall be taken in a
28 meeting open to the public;

29 (d) To review negotiations on the performance of publicly bid
30 contracts when public knowledge regarding such consideration would
31 cause a likelihood of increased costs;

32 (e) To consider, in the case of an export trading company,
33 financial and commercial information supplied by private persons to the
34 export trading company;

35 (f) To receive and evaluate complaints or charges brought against
36 a public officer or employee. However, upon the request of such

1 officer or employee, a public hearing or a meeting open to the public
2 shall be conducted upon such complaint or charge;

3 (g) To evaluate the qualifications of an applicant for public
4 employment or to review the performance of a public employee. However,
5 subject to RCW 42.30.140(4), discussion by a governing body of
6 salaries, wages, and other conditions of employment to be generally
7 applied within the agency shall occur in a meeting open to the public,
8 and when a governing body elects to take final action hiring, setting
9 the salary of an individual employee or class of employees, or
10 discharging or disciplining an employee, that action shall be taken in
11 a meeting open to the public;

12 (h) To evaluate the qualifications of a candidate for appointment
13 to elective office. However, any interview of such candidate and final
14 action appointing a candidate to elective office shall be in a meeting
15 open to the public;

16 (i) To discuss with legal counsel representing the agency matters
17 relating to agency enforcement actions, or to discuss with legal
18 counsel representing the agency litigation or potential litigation to
19 which the agency, the governing body, or a member acting in an official
20 capacity is, or is likely to become, a party, when public knowledge
21 regarding the discussion is likely to result in an adverse legal or
22 financial consequence to the agency.

23 This subsection (1)(i) does not permit a governing body to hold an
24 executive session solely because an attorney representing the agency is
25 present. For purposes of this subsection (1)(i), "potential
26 litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a)
27 concerning:

28 (A) Litigation that has been specifically threatened to which the
29 agency, the governing body, or a member acting in an official capacity
30 is, or is likely to become, a party;

31 (B) Litigation that the agency reasonably believes may be commenced
32 by or against the agency, the governing body, or a member acting in an
33 official capacity; or

34 (C) Litigation or legal risks of a proposed action or current
35 practice that the agency has identified when public discussion of the
36 litigation or legal risks is likely to result in an adverse legal or
37 financial consequence to the agency;

38 (j) ~~((To consider, in the case of the state library commission or
39 its advisory bodies, western library network prices, products,~~

1 equipment, and services, when such discussion would be likely to
2 adversely affect the network's ability to conduct business in a
3 competitive economic climate. However, final action on these matters
4 shall be taken in a meeting open to the public;

5 (k)) To consider, in the case of the state investment board,
6 financial and commercial information when the information relates to
7 the investment of public trust or retirement funds and when public
8 knowledge regarding the discussion would result in loss to such funds
9 or in private loss to the providers of this information.

10 (2) Before convening in executive session, the presiding officer of
11 a governing body shall publicly announce the purpose for excluding the
12 public from the meeting place, and the time when the executive session
13 will be concluded. The executive session may be extended to a stated
14 later time by announcement of the presiding officer.

15 **Sec. 224.** RCW 43.105.290 and 1996 c 171 s 13 are each amended to
16 read as follows:

17 The ((state library, with the assistance of the)) department of
18 information services and the state archives((7)) shall establish a
19 pilot project to design and test an electronic information locator
20 system, allowing members of the public to locate and access electronic
21 public records. In designing the system, the following factors shall
22 be considered: (1) Ease of operation by citizens; (2) access through
23 multiple technologies, such as direct dial and toll-free numbers,
24 kiosks, and the internet; (3) compatibility with private on-line
25 services; and (4) capability of expanding the electronic public records
26 included in the system. The pilot project may restrict the type and
27 quality of electronic public records that are included in the system to
28 test the feasibility of making electronic public records and
29 information widely available to the public.

30 **Sec. 225.** RCW 43.105.825 and 1999 c 285 s 7 are each amended to
31 read as follows:

32 (1) In overseeing the technical aspects of the K-20 network, the
33 information services board is not intended to duplicate the statutory
34 responsibilities of the higher education coordinating board, the
35 superintendent of public instruction, the information services board,
36 ((the state librarian,)) or the governing boards of the institutions of
37 higher education.

1 (2) The board may not interfere in any curriculum or legally
2 offered programming offered over the network.

3 (3) The coordination of telecommunications planning for
4 institutions of higher education as defined in RCW 28B.10.016 remains
5 the responsibility of the higher education coordinating board under RCW
6 28B.80.600. The board may recommend, but not require, revisions to the
7 higher education coordinating board's telecommunications plan.

8 (4) The responsibility to review and approve standards and common
9 specifications for the network remains the responsibility of the
10 information services board under RCW 43.105.041.

11 (5) The coordination of telecommunications planning for the common
12 schools remains the responsibility of the superintendent of public
13 instruction. Except as set forth in RCW 43.105.041(1)(d), the board
14 may recommend, but not require, revisions to the superintendent's
15 telecommunications plans.

16 **Sec. 226.** RCW 43.126.025 and 1983 c 273 s 2 are each amended to
17 read as follows:

18 There is hereby created a Washington state board on geographic
19 names composed of:

- 20 (~~(1) ((The state librarian or a representative;~~
21 ~~(2))~~) The commissioner of public lands or a representative;
22 (~~((3))~~) (2) The chairperson of the Washington state heritage
23 council created by 1983 law; and
24 (~~((4))~~) (3) Four members from the general public to be appointed by
25 the commissioner of public lands.

26 The commissioner of public lands or his or her representative shall
27 be chairman of the board.

28 The members of the initial board to be appointed by the
29 commissioner shall be appointed as follows: One member for a one-year
30 term, one member for a two-year term, one member for a three-year term,
31 and one member for a four-year term. Thereafter, each member shall be
32 appointed for a three-year term. Each member of the board shall
33 continue in office until a successor is appointed.

34 **Sec. 227.** RCW 43.131.051 and 2000 c 189 s 4 are each amended to
35 read as follows:

36 The joint legislative audit and review committee shall conduct a
37 program and fiscal review of any entity scheduled for termination under

1 this chapter. This program and fiscal review shall be completed and a
2 preliminary report prepared during the calendar year prior to the date
3 established for termination. These reports shall be prepared in the
4 manner set forth in RCW 44.28.071 and 44.28.075. Upon completion of
5 its preliminary report, the joint legislative audit and review
6 committee shall transmit copies of the report to the office of
7 financial management and any affected entity. The final report shall
8 include the response, if any, of the affected entity and the office of
9 financial management in the same manner as set forth in RCW 44.28.088,
10 except the affected entity and the office of financial management shall
11 have sixty days to respond to the report. The joint legislative audit
12 and review committee shall transmit the final report to the
13 legislature, to the state entity affected, and to the governor(~~(, and~~
14 ~~to the state library)~~).

15 **Sec. 228.** RCW 43.136.030 and 1982 1st ex.s. c 35 s 41 are each
16 amended to read as follows:

17 The (~~legislative budget~~) joint legislative audit and review
18 committee shall review each tax preference for termination by the
19 processes provided in this chapter. The review shall be completed and
20 a report prepared on or before June 30th of the year prior to the date
21 established for termination. Upon completion of its report, the
22 (~~legislative budget~~) joint legislative audit and review committee
23 shall transmit copies of the report to the department of revenue. The
24 department of revenue may then conduct its own review of the tax
25 preference scheduled for termination and shall prepare a report on or
26 before September 30th of the year prior to the date established for
27 termination. Upon completion of its report the department of revenue
28 shall transmit copies of its report to the (~~legislative budget~~) joint
29 legislative audit and review committee. The (~~legislative budget~~)
30 joint legislative audit and review committee shall prepare a final
31 report that includes the reports of both the department of revenue and
32 the (~~legislative budget~~) joint legislative audit and review
33 committee. The (~~legislative budget~~) joint legislative audit and
34 review committee and the department of revenue shall, upon request,
35 make available to each other all working papers, studies, and other
36 documents which relate to reports required under this section. The
37 (~~legislative budget~~) joint legislative audit and review committee

1 shall transmit the final report to all members of the legislature(~~(7)~~)
2 and to the governor(~~(, and to the state library)~~).

3 **Sec. 229.** RCW 63.29.280 and 1983 c 179 s 28 are each amended to
4 read as follows:

5 If the department determines after investigation that any property
6 delivered under this chapter has insubstantial commercial value, the
7 department may destroy or otherwise dispose of the property at any
8 time. No action or proceeding may be maintained against the state or
9 any officer or against the holder for or on account of any action taken
10 by the department pursuant to this section. Documents which are to be
11 destroyed shall be copied on film and retained for ten years. Original
12 documents which the department has identified to be destroyed and which
13 have legal significance or historical interest may be surrendered to
14 the state historical museum (~~(or to the state library)~~).

15 **Sec. 230.** RCW 70.95C.060 and 1988 c 177 s 6 are each amended to
16 read as follows:

17 (1) The office shall establish a statewide waste reduction hot line
18 with the capacity to refer waste generators and the public to sources
19 of information on specific waste reduction techniques and procedures.
20 The hot line shall coordinate with all other state waste hot lines.

21 (2) The director shall (~~(work with the state library to)~~) establish
22 a data base system that shall include proven waste reduction techniques
23 and case studies of effective waste reduction. The data base system
24 shall be: (a) Coordinated with all other state agency data bases on
25 waste reduction; (b) administered in conjunction with the statewide
26 waste reduction hot line; and (c) readily accessible to the public.

27 NEW SECTION. **Sec. 231.** The following acts or parts of acts are
28 each repealed:

29 (1) RCW 40.06.030 (Deposits by state agencies--Exemptions) and 1977
30 ex.s. c 232 s 10 & 1963 c 233 s 3;

31 (2) RCW 40.06.040 (Inter-library depository contracts) and 1981 c
32 260 s 8;

33 (3) RCW 40.06.060 (Agencies to furnish lists to center) and 1963 c
34 233 s 6;

35 (4) RCW 40.06.900 (Effective date--1963 c 233) and 1963 c 233 s 8;

1 (5) RCW 27.04.010 (Library created) and 1999 c 123 s 1 & 1943 c 207
2 s 1;

3 (6) RCW 27.04.020 (Library commission) and 1999 c 123 s 2, 1984 c
4 287 s 58, 1975-'76 2nd ex.s. c 34 s 66, 1967 c 198 s 1, 1963 c 202 s 1,
5 1961 c 45 s 1, & 1941 c 5 s 1;

6 (7) RCW 27.04.030 (Duties of commission) and 1999 c 123 s 3, 1987
7 c 330 s 401, 1986 c 79 s 1, 1984 c 152 s 1, 1943 c 207 s 2, & 1941 c 5
8 s 2;

9 (8) RCW 27.04.045 (Duties of state librarian--Lending fees for
10 interlibrary services) and 1999 c 123 s 5, 1996 c 171 s 6, 1989 c 96 s
11 7, & 1984 c 152 s 2; and

12 (9) RCW 27.04.055 (Qualifications of librarians--Rules--Fees) and
13 1999 c 123 s 4.

14 **PART 3**

15 **MISCELLANEOUS PROVISIONS**

16 NEW SECTION. **Sec. 301.** (1) To assure that the state library's
17 document, book, and other printed material collections are
18 appropriately distributed, a task force is created to oversee the
19 dissemination of the library's collection.

20 (2) The task force shall be comprised of the following members:

21 (a) The state librarian or his or her designee;

22 (b) The dean or director of library services for the following
23 universities and college: University of Washington; Washington State
24 University; Eastern Washington University; Western Washington
25 University; Central Washington University; and The Evergreen State
26 College;

27 (c) Two representatives of community college libraries to be
28 selected by the state board for community and technical colleges;

29 (d) Four representatives of local public libraries, three to be
30 selected by the association of Washington cities and one to be selected
31 by the Washington state association of counties;

32 (e) A representative, selected by the secretary or director of each
33 state agency that currently houses a branch of the state library;

34 (f) The director of financial management or his or her designee;

35 (g) The director of the department of information services or his
36 or her designee;

1 (h) The director of the department of general administration or his
2 or her designee;

3 (i) The director of the department of community, trade, and
4 economic development or his or her designee;

5 (j) The director of the department of personnel or his or her
6 designee; and

7 (k) Two representatives from the office of the secretary of state,
8 one of whom shall be the state archivist.

9 (3) The chair of the task force shall be appointed by the governor.

10 (4) The state library's books, documents, or other printed
11 materials may only be distributed to public local, state agency, or
12 academic libraries.

13 (5) Any of the state library's books, documents, or other printed
14 materials not distributed as provided in this section shall be placed
15 in surplus.

16 (6) In making the decisions regarding the distribution of the state
17 library's collection, the task force shall consider the following
18 principles:

19 (a) Book, document, or printed material collections shall be
20 distributed as a group whenever possible;

21 (b) If possible, books, documents, and other printed material on
22 particular topics shall be distributed to state agency libraries whose
23 mission is in keeping with the topics of the collection; and

24 (c) In the event multiple agencies express interest in a particular
25 collection, consideration shall be given to the agency that has
26 sufficient physical space to house the collection.

27 (7) The task force shall maintain documentation indicating with
28 which agency the state library's books, documents, and other printed
29 materials have been placed. This documentation shall be published on
30 the web site for the office of financial management.

31 (8) The task force shall begin its work on April 1, 2002, and
32 complete its work no later than October 31, 2002.

33 NEW SECTION. **Sec. 302.** Part headings used in this act are not any
34 part of the law.

35 NEW SECTION. **Sec. 303.** Section 227 of this act expires June 30,
36 2015.

1 NEW SECTION. **Sec. 304.** Section 301 of this act is necessary for
2 the immediate preservation of the public peace, health, or safety, or
3 support of the state government and its existing public institutions,
4 and takes effect April 1, 2002.

5 NEW SECTION. **Sec. 305.** Sections 1, 101, 201 through 231, 302, and
6 303 of this act take effect October 1, 2002.

--- END ---