

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2926

Chapter 342, Laws of 2002

57th Legislature
2002 Regular Session

STATE LIBRARY

EFFECTIVE DATE: 7/1/02

Passed by the House March 13, 2002
Yeas 95 Nays 0

FRANK CHOPP
**Speaker of the House of
Representatives**

Passed by the Senate March 14, 2002
Yeas 41 Nays 3

BRAD OWEN
President of the Senate

Approved April 3, 2002

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2926** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER
Chief Clerk

FILED

April 3, 2002 - 10:50 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2926

Passed Legislature - 2002 Regular Session

State of Washington

57th Legislature

2002 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Clements and Grant)

Read first time 03/04/2002. Referred to Committee on .

1 AN ACT Relating to a state library; amending RCW 27.04.010,
2 27.04.045, 27.04.055, 40.06.020, and 40.06.040; adding a new section to
3 chapter 27.04 RCW; repealing RCW 27.04.020 and 27.04.030; and providing
4 an effective date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 27.04 RCW
7 to read as follows:

8 (1) The state library commission is hereby abolished and its
9 powers, duties, and functions are hereby transferred to the office of
10 the secretary of state. All references to the state library commission
11 in the Revised Code of Washington shall be construed to mean the
12 secretary of state or the office of the secretary of state.

13 (2)(a) All reports, documents, surveys, books, records, files,
14 papers, or written material in the possession of the state library
15 commission or the state library shall be delivered to the custody of
16 the office of the secretary of state. All cabinets, furniture, office
17 equipment, motor vehicles, and other tangible property employed by the
18 state library commission or the state library shall be made available
19 to the office of the secretary of state. All funds, credits, or other

1 assets held by the state library commission or the state library shall
2 be assigned to the office of the secretary of state.

3 (b) Any appropriations made to the state library commission or the
4 state library shall, on the effective date of this section, be
5 transferred and credited to the office of the secretary of state.

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

12 (3) All employees of the state library commission and the state
13 library are transferred to the jurisdiction of the office of the
14 secretary of state. All employees classified under chapter 41.06 RCW,
15 the state civil service law, are assigned to the office of the
16 secretary of state to perform their usual duties upon the same terms as
17 formerly, without any loss of rights, subject to any action that may be
18 appropriate thereafter in accordance with the laws and rules governing
19 state civil service.

20 (4) All rules and all pending business before the state library
21 commission or the state library shall be continued and acted upon by
22 the office of the secretary of state. All existing contracts and
23 obligations shall remain in full force and shall be performed by the
24 office of the secretary of state.

25 (5) The transfer of the powers, duties, functions, and personnel of
26 the state library commission and the state library shall not affect the
27 validity of any act performed before the effective date of this
28 section.

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

35 (7) Nothing contained in this section may be construed to alter any
36 existing collective bargaining unit or the provisions of any existing
37 collective bargaining agreement until the agreement has expired or
38 until the bargaining unit has been modified by action of the personnel
39 resources board as provided by law.

1 (8) Subsequent to the merger of the state library into the office
2 of the secretary of state, any reduction-in-force actions that occur on
3 or before June 30, 2005, with respect to positions within the
4 boundaries of the individual agency as the agencies existed on June 30,
5 2002, shall afford lay-off rights only to those positions that were
6 within the boundaries of the respective individual agency as the
7 agencies existed on June 30, 2002.

8 **Sec. 2.** RCW 27.04.010 and 1999 c 123 s 1 are each amended to read
9 as follows:

10 (1) There shall be a state library(~~(, with a state library~~
11 ~~commission to serve as the library's governing board)) within the
12 office of the secretary of state, and a state librarian to serve as its
13 chief executive officer.~~

14 (2) The secretary of state may make such rules under chapter 34.05
15 RCW as necessary and proper to carry out the purposes of this chapter.

16 (3) The secretary of state shall appoint a state librarian who
17 shall serve at the pleasure of the secretary of state.

18 **Sec. 3.** RCW 27.04.045 and 1999 c 123 s 5 are each amended to read
19 as follows:

20 The state librarian shall be responsible and accountable for the
21 following functions:

22 (1) (~~Advising the commission and implementing policies,~~
23 ~~directions, and delegated authority set by the commission))
24 Establishing content-related standards for common formats and agency
25 indexes for state agency-produced information. In developing these
26 standards, the state librarian is encouraged to seek involvement of,
27 and comments from, public and private entities with an interest in such
28 standards;~~

29 (2) Managing and administering the state library;

30 (3) Exerting leadership in information access and the development
31 of library services;

32 (4) Acquiring library materials, equipment, and supplies by
33 purchase, exchange, gift, or otherwise; and, as appropriate, assisting
34 the legislature, other state agencies, and other libraries in the cost-
35 effective purchase of information resources;

1 (5) Employing and terminating personnel in accordance with chapter
2 41.06 RCW as may be necessary to implement the purposes of this
3 chapter;

4 (6) Entering into agreements with other public or private entities
5 as a means of implementing the mission, goals, and objectives of the
6 state library and the entity with which it enters such agreements. In
7 agreements for services between the library and other state agencies,
8 the library may negotiate an exchange of services in lieu of monetary
9 reimbursement for the library's indirect or overhead costs, when such
10 an arrangement facilitates the delivery of library services;

11 (7) Maintaining a library at the state capitol grounds to
12 effectively provide library and information services to members of the
13 legislature, state officials, and state employees in connection with
14 their official duties;

15 (8) Serving as the depository for newspapers published in the state
16 of Washington thus providing a central location for a valuable
17 historical record for scholarly, personal, and commercial reference and
18 circulation;

19 (9) Promoting and facilitating electronic access to public
20 information and services, including providing, or providing for, a
21 service that identifies, describes, and provides location information
22 for government information through electronic means, and that assists
23 government agencies in making their information more readily available
24 to the public;

25 (10) Collecting and distributing copies of state publications, as
26 defined in RCW 40.06.010, prepared by any state agency for
27 distribution. The state library shall maintain the state publications
28 distribution center, as provided in chapter 40.06 RCW. The office of
29 the secretary of state (~~(library commission)~~), on recommendation of the
30 state librarian, may provide by rule for deposit with the state library
31 of up to three copies of each publication;

32 (11) Providing for the sale of library material in accordance with
33 RCW 27.12.305;

34 (12) Providing advisory services to state agencies regarding their
35 information needs;

36 (13) Providing for library and information service to residents and
37 staff of state-supported residential institutions;

38 (14) Providing for library and information services to persons
39 throughout the state who are blind and/or physically handicapped;

1 (15) Assisting individuals and groups such as libraries, library
2 boards, governing bodies, and citizens throughout the state toward the
3 establishment and development of library services;

4 (16) Making studies and surveys of library needs in order to
5 provide, expand, enlarge, and otherwise improve access to library
6 facilities and services throughout the state; ~~((and))~~

7 (17) Serving as an interlibrary loan, information, reference, and
8 referral resource for all libraries in the state. The state library
9 may charge lending fees to other libraries ~~((who [that]))~~ that charge
10 the state library for similar services. Money paid as fees shall be
11 retained by the state library as a recovery of costs; and

12 (18) Accepting and expending in accordance with the terms thereof
13 grants of federal, state, local, or private funds. For the purpose of
14 qualifying to receive such grants, the state librarian is authorized to
15 make applications and reports required by the grantor.

16 **Sec. 4.** RCW 27.04.055 and 1999 c 123 s 4 are each amended to read
17 as follows:

18 No library serving a community having over four thousand
19 population, nor any library operated by the state or under its
20 authority, may have in its employ, in the position of librarian or in
21 any other full-time professional library position, a person who does
22 not hold a librarian's certificate issued by the ~~((commission))~~ state
23 librarian or its predecessor. A full-time professional library
24 position, is one that requires, in the opinion of the ~~((commission))~~
25 state librarian, a knowledge of information resources and
26 library/information service delivery equivalent to that required for
27 graduation from an accredited library education program. This section
28 does not apply to the state law library or to county law libraries.
29 The state ~~((library commission))~~ librarian shall:

30 (1) Establish rules for, and prescribe and hold examinations to
31 test, the qualifications of those seeking certificates as librarians;

32 (2) Grant librarians' certificates without examination to
33 applicants who are graduates of library schools programs accredited or
34 otherwise officially recognized by the American library association for
35 general library training, and grant certificates to other applicants
36 when it has satisfied itself by examination that the applicant has
37 attainments and abilities equivalent to those of a graduate of a

1 library school program accredited or otherwise officially recognized by
2 the American library association; and

3 (3) Charge a fee to recover the costs associated with the
4 application to be paid by each applicant for a librarian's certificate.
5 Money paid as fees shall be retained by the state library as a recovery
6 of costs.

7 **Sec. 5.** RCW 40.06.020 and 1977 ex.s. c 232 s 9 are each amended to
8 read as follows:

9 There is hereby created as a division of the state library, and
10 under the direction of the state librarian, a state publications
11 distribution center. The center shall utilize the depository library
12 system to permit citizens economical and convenient access to state
13 publications. To this end the secretary of state (~~library~~
14 ~~commission~~) shall make such rules (~~and regulations~~) as may be deemed
15 necessary to carry out the provisions of this chapter.

16 **Sec. 6.** RCW 40.06.040 and 1981 c 260 s 8 are each amended to read
17 as follows:

18 To provide economical public access to state publications, the
19 center may enter into depository contracts with any free public
20 library, The Evergreen State College, regional university, or state
21 university library, or, if needed, the library of any privately
22 incorporated college or university in this state. The requirements for
23 eligibility to contract as a depository library shall be established by
24 the secretary of state (~~library commission~~) upon recommendations of
25 the state librarian. The standards shall include and take into
26 consideration the type of library, available housing and space for the
27 publications, the number and qualifications of personnel, and
28 availability for public use. The center may also contract with public,
29 out-of-state libraries for the exchange of state and other publications
30 on a reciprocal basis. Any state publication to be distributed to the
31 public and the legislature shall be mailed at the lowest available
32 postal rate.

33 NEW SECTION. **Sec. 7.** The following acts or parts of acts are each
34 repealed:

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

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

7 NEW SECTION. **Sec. 8.** This act takes effect July 1, 2002.

Passed the House March 13, 2002.

Passed the Senate March 14, 2002.

Approved by the Governor April 3, 2002.

Filed in Office of Secretary of State April 3, 2002.