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SENATE BILL 5946

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State of Washington

59th Legislature

2005 Regular Session

By Senators Jacobsen and Swecker

Read first time 02/16/2005. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to intercounty rural library districts; amending  
2 RCW 27.12.190 and 27.12.355; and adding new sections to chapter 27.12  
3 RCW.

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

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

7 (1)(a) The legislative authority of a county comprising part of an  
8 intercounty rural library district may, by resolution, submit a request  
9 to the county auditor calling for an election to be held in the county  
10 for the purpose of determining whether the county shall withdraw from  
11 the library district. The adopted resolution shall request that the  
12 election be held in the county at the next date provided in RCW  
13 29A.04.330 but not fewer than forty-five days from the date of the  
14 resolution.

15 (b)(i) A petition calling for a vote to determine whether a county  
16 shall withdraw from an intercounty rural library district may be made  
17 in writing and filed with the county legislative authority. The  
18 petition must set forth reasons for requesting the election and must be  
19 signed by qualified voters in the county equal in number to twenty

1 percent of the votes cast at the last general election. If such a  
2 petition is received, the legislative authority shall immediately  
3 transmit the petition to the county auditor. Upon receipt of the  
4 petition, the auditor shall, within twenty-one days, certify the  
5 sufficiency or insufficiency of the petition. If the petition is found  
6 to contain a sufficient number of signatures, the petition, together  
7 with a certificate of sufficiency attached thereto, shall be  
8 transmitted to the legislative authority.

9 (ii) Upon receipt of the sufficient petition and certificate of  
10 sufficiency, the legislative authority at its next meeting shall fix a  
11 date for a public hearing on the matter to be held not fewer than two  
12 weeks nor more than four weeks after the meeting fixing the date. Upon  
13 the day fixed, the legislative authority shall determine whether to  
14 adopt a resolution calling for an election to determine whether the  
15 county shall withdraw from the library district.

16 (c) Elections conducted to determine whether the county shall  
17 withdraw from the library district shall be held in accordance with  
18 state general election laws.

19 (2) In accordance with the provisions of this section, if,  
20 following the conduct of the election, a majority of the persons voting  
21 on the proposition vote in favor of withdrawing the county from the  
22 library district, the county shall cease to be a part of the  
23 intercounty library district and the process of transferring library  
24 district property, assets, and liabilities as provided for in section  
25 2 of this act shall commence. The effective date of the withdrawal  
26 shall be at the end of the day on December 31st in the year in which  
27 the ballot proposition is approved.

28 (3) Following the effective date of the withdrawal, a rural library  
29 district in the withdrawing county shall be deemed established.

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

32 (1) Following voter approval of a ballot proposition to withdraw a  
33 county from an intercounty rural library district as provided for in  
34 section 1 of this act, a pro rata portion of all property, assets, and  
35 liabilities of the library district shall be transferred to the rural  
36 library district of the withdrawing county established in section 1 of  
37 this act. The proportional distribution of property, assets, and

1 liabilities mandated by this transfer shall be based upon the  
2 population of the library district and the population of the  
3 withdrawing county according to the most recent federal decennial  
4 census.

5 (2) The withdrawal of a county from an intercounty rural library  
6 district shall not exempt any property therein from taxation for the  
7 purpose of paying the costs of redeeming any indebtedness of the  
8 library district existing at the time of the withdrawal.

9 **Sec. 3.** RCW 27.12.190 and 1982 c 123 s 8 are each amended to read  
10 as follows:

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

22 (2) The first appointments for boards comprised of but five  
23 trustees shall be for terms of one, two, three, four, and five years  
24 respectively, and thereafter a trustee shall be appointed annually to  
25 serve for five years. The first appointments for boards comprised of  
26 seven trustees shall be for terms of one, two, three, four, five, six,  
27 and seven years respectively, and thereafter a trustee shall be  
28 appointed annually to serve for seven years. No person shall be  
29 appointed to any board of trustees for more than two consecutive terms.  
30 Vacancies shall be filled for unexpired terms as soon as possible in  
31 the manner in which members of the board are regularly chosen.

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

35 (4) A library trustee in the case of a city or town may be removed  
36 only by vote of the legislative body. A trustee of a county library,  
37 a rural county library district library, or an island library district

1 library may be removed for just cause by the county commissioners after  
2 a public hearing upon a written complaint stating the ground for  
3 removal, which complaint, with a notice of the time and place of  
4 hearing, shall have been served upon the trustee at least fifteen days  
5 before the hearing. A trustee of an intercounty rural library district  
6 may be removed by the joint action of the board of county commissioners  
7 of the counties involved in the same manner as provided herein for the  
8 removal of a trustee of a county library.

9 (5)(a) If, as of December 31, 2005, a county comprising part of an  
10 intercounty rural library district has a population exceeding fifty  
11 percent of the total district population, and if fewer than fifty  
12 percent of the trustees of that intercounty rural library district are  
13 residents of that county, the following applies:

14 (i) The votes of the trustees for the district, which shall be  
15 equal in number to the number of trustees, shall be allocated to the  
16 nearest one-tenth of one percent among the trustees of the counties  
17 comprising the district in direct proportion to the population of each  
18 county, excluding incorporated areas that are not part of the district,  
19 as it relates to the population of the district; and

20 (ii) A board subject to this subsection (5) shall adopt procedures  
21 for the proportional distribution of trustee votes, including  
22 procedures ensuring that voting rights of trustees from the same county  
23 are shared equally, and shall implement this subsection (5) by December  
24 31, 2005.

25 (b) Population determinations made in accordance with this  
26 subsection (5) shall be determined by the most recent federal decennial  
27 census.

28 (c) The office of the secretary of state is responsible for  
29 enforcing this subsection (5).

30 **Sec. 4.** RCW 27.12.355 and 1987 c 138 s 1 are each amended to read  
31 as follows:

32 (1) As provided in this section, a rural county library district,  
33 island library district, or intercounty rural library district may  
34 withdraw areas from its boundaries, or reannex areas into the library  
35 district that previously had been withdrawn from the library district  
36 under this section.

1           (2) The withdrawal of an area shall be authorized upon: (a)  
2 Adoption of a resolution by the board of trustees requesting the  
3 withdrawal and finding that, in the opinion of the board, inclusion of  
4 this area within the library district will result in a reduction of the  
5 district's tax levy rate under the provisions of RCW 84.52.010; and (b)  
6 adoption of a resolution by the city or town council approving the  
7 withdrawal, if the area is located within the city or town, or adoption  
8 of a resolution by the county legislative authority of the county  
9 within which the area is located approving the withdrawal, if the area  
10 is located outside of a city or town. A withdrawal shall be effective  
11 at the end of the day on the thirty-first day of December in the year  
12 in which the resolutions are adopted, but for purposes of establishing  
13 boundaries for property tax purposes, the boundaries shall be  
14 established immediately upon the adoption of the second resolution.

15           The authority of an area to be withdrawn from a library district as  
16 provided under this section is in addition, and not subject, to the  
17 provisions of RCW 27.12.380, or sections 1 and 2 of this act.

18           The withdrawal of an area from the boundaries of a library district  
19 shall not exempt any property therein from taxation for the purpose of  
20 paying the costs of redeeming any indebtedness of the library district  
21 existing at the time of the withdrawal.

22           (3) An area that has been withdrawn from the boundaries of a  
23 library district under this section may be reannexed into the library  
24 district upon: (a) Adoption of a resolution by the board of trustees  
25 proposing the reannexation; and (b) adoption of a resolution by the  
26 city or town council approving the reannexation, if the area is located  
27 within the city or town, or adoption of a resolution by the county  
28 legislative authority of the county within which the area is located  
29 approving the reannexation, if the area is located outside of a city or  
30 town. The reannexation shall be effective at the end of the day on the  
31 thirty-first day of December in the year in which the adoption of the  
32 second resolution occurs, but for purposes of establishing boundaries  
33 for property tax purposes, the boundaries shall be established  
34 immediately upon the adoption of the second resolution. Referendum  
35 action on the proposed reannexation may be taken by the voters of the  
36 area proposed to be reannexed if a petition calling for a referendum is  
37 filed with the city or town council, or county legislative authority,  
38 within a thirty-day period after the adoption of the second resolution,

1 which petition has been signed by registered voters of the area  
2 proposed to be reannexed equal in number to ten percent of the total  
3 number of the registered voters residing in that area.

4 If a valid petition signed by the requisite number of registered  
5 voters has been so filed, the effect of the resolutions shall be held  
6 in abeyance and a ballot proposition to authorize the reannexation  
7 shall be submitted to the voters of the area at the next special  
8 election date specified in RCW (~~(29.13.020)~~) 29A.04.330 that occurs  
9 forty-five or more days after the petitions have been validated.  
10 Approval of the ballot proposition authorizing the reannexation by a  
11 simple majority vote shall authorize the reannexation.

12 NEW SECTION. **Sec. 5.** If any provision of this act or its  
13 application to any person or circumstance is held invalid, the  
14 remainder of the act or the application of the provision to other  
15 persons or circumstances is not affected.

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