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ENGROSSED SUBSTITUTE SENATE BILL 5348

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State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on State & Local Government (originally sponsored by Senators Gardner, Horn and Spanel; by request of Superintendent of Public Instruction and Washington State Library Commission)

Read first time 02/05/1999.

1 AN ACT Relating to the membership and responsibilities of the state  
2 library commission; amending RCW 27.04.010, 27.04.020, 27.04.030, and  
3 27.04.045; adding a new section to chapter 27.04 RCW; and repealing RCW  
4 27.04.050 and 27.04.110.

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

6 **Sec. 1.** RCW 27.04.010 and 1943 c 207 s 1 are each amended to read  
7 as follows:

8 There shall be a state library, with a state library commission to  
9 serve as the library's governing board, and a state librarian ((as  
10 the)) to serve as its chief executive officer ((in charge thereof)).

11 **Sec. 2.** RCW 27.04.020 and 1984 c 287 s 58 are each amended to read  
12 as follows:

13 (1) A state library commission is ((hereby)) created ((which)) and  
14 shall consist of ((the superintendent of public instruction, who shall  
15 be ex officio chairman of the commission, and four)) five commissioners  
16 appointed by the governor((, one of whom shall be a library trustee at  
17 the time of appointment and one a certified librarian actually engaged

1 ~~in library work at the time of appointment)).~~ The commission shall  
2 elect the chair from its membership.

3 ~~(2) The ((first appointments shall be for terms of one, two, three,~~  
4 ~~and four years respectively, and thereafter one commissioner shall be~~  
5 ~~appointed each year to serve for a four year term))~~ commission  
6 appointment expiring in July 1999 shall thereafter be filled by a  
7 certified librarian actually engaged in library work at the time of  
8 appointment. The commission appointment expiring in July 2000 shall  
9 thereafter be filled by a member of the general public. The commission  
10 appointment expiring in July 2001 shall thereafter be filled by a  
11 representative from an executive branch agency. The commission  
12 appointment expiring in July 2002 shall thereafter be filled by a  
13 library trustee at the time of appointment. The position held by the  
14 superintendent of public instruction shall be filled by an educator  
15 with knowledge in library and information technology policy, with an  
16 initial expiration date of 2003. A full term is five years.  
17 Commissioners may serve until reappointed or replaced. Vacancies shall  
18 be filled by appointments for the unexpired terms. An unexpired term  
19 of more than two and one-half years is considered a full term for  
20 purposes of reappointment. The governor may remove a commissioner for  
21 cause, in accordance with RCW 43.06.070. Each commissioner shall be  
22 compensated in accordance with RCW 43.03.240 and shall be reimbursed  
23 for travel expenses incurred in the actual performance of their duties  
24 in accordance with RCW 43.03.050 and 43.03.060.

25 **Sec. 3.** RCW 27.04.030 and 1987 c 330 s 401 are each amended to  
26 read as follows:

27 The state library commission:

28 (1) May make such rules under chapter 34.05 RCW as may be deemed  
29 necessary and proper to carry out the purposes of this chapter;

30 (2) Shall set general policy and strategic directions pursuant to  
31 the provisions of this chapter;

32 (3) Shall monitor agency progress toward its goals and objectives;

33 (4) Shall exert leadership in the development of information access  
34 and library services;

35 (5) Shall appoint a state librarian who shall serve at the pleasure  
36 of the commission. The commission may delegate such responsibilities  
37 and duties to the state librarian as it deems appropriate and shall  
38 regularly evaluate the performance of the state librarian;

1       ~~((4))~~ (6) Shall adopt ~~((a))~~ recommended budgets and submit ~~((it))~~  
2 them to the governor;

3       ~~((5) Shall have authority to contract with any agency of the state~~  
4 ~~of Washington for the purpose of providing library materials, supplies,~~  
5 ~~and equipment and employing assistants as needed for the development,~~  
6 ~~growth, and operation of any library facilities or services of such~~  
7 ~~agency;~~

8       ~~(6))~~ (7) Shall have authority to contract with any public library  
9 in the state for that library to render library service to the blind  
10 and/or physically handicapped throughout the state. The state library  
11 commission shall have authority to compensate such public library for  
12 the cost of the service it renders under such contract;

13       ~~((7))~~ (8) May adopt rules under chapter 34.05 RCW for the  
14 allocation of ~~((any))~~ grants of state, federal, or private funds ~~((for~~  
15 ~~library purposes))~~;

16       ~~((8))~~ (9) Shall have authority to accept and to expend in  
17 accordance with the terms thereof ~~((any))~~ grants of federal, state,  
18 local, or private funds ~~((which may become available to the state for~~  
19 ~~library purposes))~~. For the purpose of qualifying to receive such  
20 grants, the state library commission is authorized to make ~~((such))~~  
21 applications and reports ~~((as may be))~~ required by the ~~((federal~~  
22 ~~government or appropriate private entity as a condition thereto))~~  
23 grantor;

24       ~~((9) Shall have the authority to provide for the sale of library~~  
25 ~~material in accordance with RCW 27.12.305;))~~ and

26       (10) ~~((Shall have authority to establish rules and regulations for,~~  
27 ~~and prescribe and hold examinations to test, the qualifications of~~  
28 ~~those seeking certificates as librarians.~~

29       ~~(a) The commission shall grant librarians' certificates without~~  
30 ~~examination to applicants who are graduates of library schools~~  
31 ~~accredited by the American library association for general library~~  
32 ~~training, and shall grant certificates to other applicants when it has~~  
33 ~~satisfied itself by examination that the applicant has attainments and~~  
34 ~~abilities equivalent to those of a library school graduate and is~~  
35 ~~qualified to carry on library work ably and efficiently.~~

36       ~~(b) The commission shall require a fee of not less than one dollar~~  
37 ~~nor greater than that required to recover the costs associated with the~~  
38 ~~application to be paid by each applicant for a librarian's certificate.~~  
39 ~~Money paid as fees shall be deposited with the state treasurer.~~

1       ~~(c) A library serving a community having over four thousand~~  
2 ~~population shall not have in its employ, in the position of librarian~~  
3 ~~or in any other full-time professional library position, a person who~~  
4 ~~does not hold a librarian's certificate issued by the commission or its~~  
5 ~~predecessor.~~

6       ~~(d) A full-time professional library position, as intended by this~~  
7 ~~subsection, is one that requires, in the opinion of the commission, a~~  
8 ~~knowledge of books and of library technique equivalent to that required~~  
9 ~~for graduation from an accredited library school.~~

10       ~~(e) The provisions of this subsection apply to every library~~  
11 ~~serving a community having over four thousand population and to every~~  
12 ~~library operated by the state or under its authority, including~~  
13 ~~libraries of institutions of higher learning: PROVIDED, That nothing~~  
14 ~~in this subsection applies to the state law library or to county law~~  
15 ~~libraries)) Shall establish content-related standards for common~~  
16 ~~formats and agency indexes for state agency-produced information. In~~  
17 ~~developing these standards, the commission is encouraged to seek~~  
18 ~~involvement of, and comments from, public and private entities with an~~  
19 ~~interest in such standards.~~

20       NEW SECTION. Sec. 4. A new section is added to chapter 27.04 RCW  
21 to read as follows:

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

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

35       (2) Grant librarians' certificates without examination to  
36 applicants who are graduates of library schools programs accredited or  
37 otherwise officially recognized by the American library association for  
38 general library training, and grant certificates to other applicants

1 when it has satisfied itself by examination that the applicant has  
2 attainments and abilities equivalent to those of a graduate of a  
3 library school program accredited or otherwise officially recognized by  
4 the American library association; and

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

9 **Sec. 5.** RCW 27.04.045 and 1996 c 171 s 6 are each amended to read  
10 as follows:

11 The state (~~(library commission)~~) librarian shall be responsible and  
12 accountable for the following functions:

13 (1) Advising the commission and implementing policies, directions,  
14 and delegated authority set by the commission;

15 (2) Managing and administering the state library;

16 (3) Exerting leadership in information access and the development  
17 of library services;

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

22 (5) Employing and terminating personnel in accordance with chapter  
23 41.06 RCW as may be necessary to implement the purposes of this  
24 chapter;

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

32 (7) Maintaining a library at the state capitol grounds to  
33 effectively provide library and information services to members of the  
34 legislature, state officials, and state employees in connection with  
35 their official duties;

36 (~~(2) Acquiring and making available information, publications, and~~  
37 ~~source materials that pertain to the history of the state;~~

1       ~~(3))~~ (8) Serving as the depository for newspapers published in the  
2 state of Washington thus providing a central location for a valuable  
3 historical record for scholarly, personal, and commercial reference and  
4 circulation;

5       ~~((4))~~ (9) Promoting and facilitating electronic access to public  
6 information and services, including providing, or providing for, a  
7 service that identifies, describes, and provides location information  
8 for government information through electronic means, and that assists  
9 government agencies in making their information more readily available  
10 to the public;

11       ~~((5) Establishing content related standards for common formats and~~  
12 ~~agency indexes for state agency produced information. In developing~~  
13 ~~these standards, the commission is encouraged to include the state~~  
14 ~~archives, the department of information services, and public and~~  
15 ~~academic libraries;~~

16       ~~(6))~~ (10) Collecting and distributing copies of state publications  
17 ~~((by ensuring that:~~

18       ~~(a) The state library collects and makes available as part of its~~  
19 ~~collection copies of any state publication)), as defined in RCW~~  
20 ~~40.06.010, prepared by any state agency ((whenever fifteen or more~~  
21 ~~copies are prepared)) for distribution. The state library shall  
22 maintain the state publications distribution center, as provided in  
23 chapter 40.06 RCW. The state library commission, on recommendation of  
24 the state librarian, may provide by rule for deposit with the state  
25 library of up to three copies of ~~((such))~~ each publication;~~((and~~~~

26       ~~(b) The state library maintains a division to serve as state~~  
27 ~~publications distribution center, as provided in chapter 40.06 RCW;~~

28       ~~(7))~~ (11) Providing for the sale of library material in accordance  
29 with RCW 27.12.305;

30       (12) Providing advisory services to state agencies regarding their  
31 information needs;

32       ~~((8))~~ (13) Providing for library and information service to  
33 residents and staff of state-supported residential institutions;

34       ~~((9))~~ (14) Providing for library and information services to  
35 persons throughout the state who are blind and/or physically  
36 handicapped;

37       ~~((10))~~ (15) Assisting individuals and groups such as libraries,  
38 library boards, governing bodies, and citizens throughout the state  
39 toward the establishment and development of library services;

1       (~~(11)~~) (16) Making studies and surveys of library needs in order  
2 to provide, expand, enlarge, and otherwise improve access to library  
3 facilities and services throughout the state; and

4       (~~(12)~~) (17) Serving as (~~(a primary)~~) an interlibrary loan,  
5 information, reference, and referral (~~(center)~~) resource for all  
6 libraries in the state(;

7       ~~(13) Assisting in the provision of direct library and information~~  
8 ~~services to individuals;~~

9       ~~(14) Overseeing of the Washington library network in accordance~~  
10 ~~with chapters 27.26 and 43.105 RCW. This subsection shall expire on~~  
11 ~~June 30, 1997)). The state library may charge lending fees to other~~  
12 ~~libraries who charge the state library for similar services. Money~~  
13 ~~paid as fees shall be retained by the state library as a recovery of~~  
14 ~~costs.~~

15       NEW SECTION. Sec. 6. The following acts or parts of acts are each  
16 repealed:

17       (1) RCW 27.04.050 (Duties of librarian) and 1984 c 152 s 3 & 1943  
18 c 207 s 3; and

19       (2) RCW 27.04.110 (Learn-in-libraries program) and 1998 c 245 s 10,  
20 1991 c 91 s 1, & 1990 c 290 s 2.

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