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HOUSE BILL 1417

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State of Washington                      58th Legislature                      2003 Regular Session

By Representatives Mielke, Ahern, McMahan, Boldt and Pearson

Read first time 01/24/2003.                      Referred to Committee on Local Government.

1            AN ACT Relating to providing for the election of library trustees;  
2 amending RCW 27.12.190, 27.12.010, 27.12.040, 27.12.050, 27.12.130,  
3 27.12.420, 27.12.470, and 29.21.015; and adding new sections to chapter  
4 27.12 RCW.

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

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

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

1 ~~trustees shall be for terms of one, two, three, four, and five years~~  
2 ~~respectively, and thereafter a trustee shall be appointed annually to~~  
3 ~~serve for five years. The first appointments for boards comprised of~~  
4 ~~seven trustees shall be for terms of one, two, three, four, five, six,~~  
5 ~~and seven years respectively, and thereafter a trustee shall be~~  
6 ~~appointed annually to serve for seven years. No person shall be~~  
7 ~~appointed to any board of trustees for more than two consecutive terms.~~  
8 ~~Vacancies shall be filled for unexpired terms as soon as possible in~~  
9 ~~the manner in which members of the board are regularly chosen.)), who~~

10 are elected to those positions and serve until their successors have  
11 been elected and qualified and assume office in accordance with RCW  
12 29.04.170.

13 A board of trustees for a city or town library shall consist of  
14 five trustees who are elected to six-year staggered terms of office by  
15 the voters of the city or town. A board of trustees for a county  
16 library, rural county library district, island library district, or  
17 rural partial-county library district shall consist of five trustees  
18 who are elected to six-year staggered terms of office by the voters of  
19 the county or library district. A board of trustees for a regional  
20 library shall consist of either five or seven trustees who are elected  
21 to six-year staggered terms of office by the voters of the governmental  
22 units that establish and maintain the regional library. A board of  
23 trustees for an intercounty rural library district shall consist of  
24 either five or seven trustees who are elected to six-year terms of  
25 office by the voters of the library district.

26 A library trustee shall not receive a salary or other compensation  
27 for services as trustee, but necessary expenses actually incurred shall  
28 be paid from the library funds.

29 ((~~A library trustee in the case of a city or town may be removed~~  
30 ~~only by vote of the legislative body. A trustee of a county library,~~  
31 ~~a rural county library district library, or an island library district~~  
32 ~~library may be removed for just cause by the county commissioners after~~  
33 ~~a public hearing upon a written complaint stating the ground for~~  
34 ~~removal, which complaint, with a notice of the time and place of~~  
35 ~~hearing, shall have been served upon the trustee at least fifteen days~~  
36 ~~before the hearing. A trustee of an intercounty rural library district~~  
37 ~~may be removed by the joint action of the board of county commissioners~~

1 ~~of the counties involved in the same manner as provided herein for the~~  
2 ~~removal of a trustee of a county library.))~~

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

5 (1) Except for the initial trustees, library trustees shall be  
6 elected to six-year staggered terms of office at general elections held  
7 in odd-numbered years. Trustees shall serve until their successors are  
8 elected and qualified and assume office in accordance with RCW  
9 29.04.170. A primary shall not be held to nominate candidates as part  
10 of the process for electing library trustees. Each candidate shall run  
11 for one of five or seven separate library trustee positions. The  
12 person receiving the greatest number of votes for each position shall  
13 be elected to that position. Vacancies shall occur and be filled as  
14 provided in chapter 42.12 RCW.

15 (2) Initial library trustees shall be elected at the same election  
16 at which the proposition is submitted to the voters authorizing the  
17 formation of the library district or at the first general election held  
18 after the library has been created in the case of a county, city, or  
19 town library or a regional library. The election of initial library  
20 district trustees is null and void if the ballot proposition  
21 authorizing the formation of the library district is not approved.

22 (3) A primary shall not be held to nominate candidates as part of  
23 the process for initially electing library trustees. Each candidate  
24 shall run for one of five or seven separate library trustee positions.  
25 A special filing period shall be opened as provided in RCW 29.15.170  
26 and 29.15.180. The person receiving the greatest number of votes for  
27 each position shall be elected to that position. The initial library  
28 trustees shall assume office immediately when they are elected and  
29 qualified, but their terms of office shall be calculated from the first  
30 day of January after their election.

31 (4) Staggering of the terms of office for the initial library  
32 trustees on a five-member board of trustees shall be accomplished as  
33 follows: (a) The two persons who are elected receiving the two  
34 greatest numbers of votes shall be elected to six-year terms of office  
35 if the election is held in an odd-numbered year or five-year terms of  
36 office if the election is held in an even-numbered year; (b) the two  
37 persons who are elected receiving the next two greatest numbers of

1 votes shall be elected to four-year terms of office if the election is  
2 held in an odd-numbered year or three-year terms of office if the  
3 election is held in an even-numbered year; and (c) the other person who  
4 is elected shall be elected to a two-year term of office if the  
5 election is held in an odd-numbered year or a one-year term of office  
6 if the election is held in an even-numbered year.

7 (5) Staggering of the terms of office for the initial library  
8 trustees on a seven-member board of trustees shall be accomplished as  
9 follows: (a) The three persons who are elected receiving the three  
10 greatest numbers of votes shall be elected to six-year terms of office  
11 if the election is held in an odd-numbered year or five-year terms of  
12 office if the election is held in an even-numbered year; (b) the two  
13 persons who are elected receiving the next two greatest numbers of  
14 votes shall be elected to four-year terms of office if the election is  
15 held in an odd-numbered year or three-year terms of office if the  
16 election is held in an even-numbered year; and (c) the other two  
17 persons who are elected shall be elected to two-year terms of office if  
18 the election is held in an odd-numbered year or one-year terms of  
19 office if the election is held in an even-numbered year.

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

22 The board of trustees of a library district may divide the library  
23 district into trustee districts equal to the number of members on the  
24 board of trustees. Each trustee district shall have approximately the  
25 same population and shall follow the boundaries of precincts. Trustee  
26 districts shall be redrawn as provided in chapter 29.70 RCW.

27 Only a registered voter who resides in a trustee district may be a  
28 candidate for, or serve as, a trustee of the trustee district. Voters  
29 of the entire library district may vote at a general election to elect  
30 a person as a trustee of the trustee district.

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 27.12 RCW  
32 to read as follows:

33 The first election of library trustees for libraries that are in  
34 existence as of July 1, 2003, shall take place at the 2004 general  
35 election. The existing board of library trustees of any library  
36 district may divide the library district into trustee districts for use

1 in the first and subsequent election of trustees. Any library created  
2 after July 1, 2003, shall have its initial trustees elected as provided  
3 in this act.

4 **Sec. 5.** RCW 27.12.010 and 1994 c 198 s 1 are each amended to read  
5 as follows:

6 As used in this chapter, unless the context requires a different  
7 meaning:

8 (1) "Governmental unit" means any county, city, town, rural county  
9 library district, intercounty rural library district, rural partial-  
10 county library district, or island library district;

11 (2) "Legislative body" means the body authorized to determine the  
12 amount of taxes to be levied in a governmental unit; in rural county  
13 library districts, in intercounty rural library districts, and in  
14 island library districts, the legislative body shall be the board of  
15 library trustees of the district;

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

18 (4) "Library district" means a rural county library district,  
19 intercounty rural library district, rural partial-county library  
20 district, or island library district;

21 (5) "Regional library" means a free public library maintained by  
22 two or more counties or other governmental units as provided in RCW  
23 27.12.080;

24 ~~((+5))~~ (6) "Rural county library district" means a ~~((library~~  
25 ~~servin~~~~g))~~ municipal corporation organized to provide library services  
26 to all the unincorporated area of a county ~~((not included within the~~  
27 ~~area of incorporated cities and towns: PROVIDED, That))~~, but any city  
28 or town with a population of one hundred thousand or less at the time  
29 of annexation may ~~((be included therein))~~ annex into a rural county  
30 library district as provided in RCW 27.12.360 through 27.12.390;

31 ~~((+6))~~ (7) "Intercounty rural library district" means a municipal  
32 corporation organized to provide library service for all unincorporated  
33 areas ~~((outside of incorporated cities and towns))~~ within two or more  
34 counties ~~((: PROVIDED, That))~~, but any city or town with a population  
35 of one hundred thousand or less at the time of annexation may ~~((be~~  
36 ~~included therein))~~ annex into an intercounty rural library district as  
37 provided in RCW 27.12.360 through 27.12.390;

1       (~~(7)~~) (8) "Island library district" means a municipal corporation  
2 organized to provide library service for all unincorporated areas  
3 (~~(outside of incorporated cities and towns)~~) on a single island only,  
4 and not all of the unincorporated area of the county, in counties  
5 composed entirely of islands and having a population of less than  
6 twenty-five thousand at the time the island library district was  
7 created(~~(: PROVIDED, That)~~), but any city or town with a population of  
8 one hundred thousand or less at the time of annexation may (~~be~~  
9 ~~included therein~~) annex into an island library district as provided in  
10 RCW 27.12.360 through 27.12.390; and

11       (~~(8)~~) (9) "Rural partial-county library district" means a  
12 municipal corporation organized to provide library service for a  
13 portion of the unincorporated area of a county(~~(:)~~), but any city or  
14 town located in the same county as a rural partial-county library  
15 district may annex to the district if the city or town has a population  
16 of one hundred thousand or less at the time of annexation.

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

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

21       (1) Petitions signed by at least ten percent of the registered  
22 voters of the unincorporated area of a county who voted in the last  
23 general election, (~~(outside of the area of incorporated cities and~~  
24 ~~towns,~~) asking that the question, "Shall a rural county library  
25 district be established?" be submitted to a vote of the (~~people~~)  
26 registered voters residing in the unincorporated area of the county,  
27 shall be filed with the county legislative authority.

28       (2) The county legislative authority, after having determined that  
29 the petitions were signed by the requisite number of registered voters,  
30 shall place the proposition for the establishment of a rural county  
31 library district on the ballot for the vote of the (~~people~~)  
32 registered voters of the unincorporated area of the county, (~~(outside~~  
33 ~~incorporated cities and towns,~~) at the next succeeding general or  
34 special election.

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



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

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

13 **Sec. 10.** RCW 27.12.470 and 1999 c 153 s 25 are each amended to  
14 read as follows:

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

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

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



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

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

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

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

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

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

7 NEW SECTION. **Sec. 11.** A new section is added to chapter 27.12 RCW  
8 to read as follows:

9 No election shall be held to elect a trustee of a library district,  
10 or to fill the remainder of an unexpired term which arose from a  
11 vacancy on the board of trustees of a library district, if no one or  
12 only one person files for the position.

13 If only one person files for the position, he or she shall be  
14 considered to have been elected to the position at the election that  
15 otherwise would have taken place for such position.

16 If no one files for the position and the upcoming election is one  
17 at which someone would have been elected to fill the expired term, the  
18 position shall be treated as vacant at the expiration of the term.

19 If no one files for the position and the upcoming election is one  
20 at which someone would have been elected to fill the remaining term of  
21 office, the person appointed to fill the vacancy shall be considered to  
22 have been elected to the position at the election and shall serve for  
23 the remainder of the unexpired term.

24 **Sec. 12.** RCW 29.21.015 and 1998 c 19 s 1 are each amended to read  
25 as follows:

26 (1) No primary may be held for any single position in any city,  
27 town, district, or district court, as required by RCW 29.21.010, if,  
28 after the last day allowed for candidates to withdraw, there are no  
29 more than two candidates filed for the position. The county auditor  
30 shall, as soon as possible, notify all the candidates so affected that  
31 the office for which they filed will not appear on the primary ballot.

32 (2) No primary may be held for the office of commissioner of a park  
33 and recreation district (~~(or)~~), for the office of cemetery district  
34 commissioner, or for the office of trustee of a library district.

35 (3) Names of candidates for offices that do not appear on the

1 primary ballot shall be printed upon the general election ballot in the  
2 manner specified by RCW 29.30.025.

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