

**Chapter 27.04 RCW
STATE LIBRARY**

Sections

- 27.04.010 Library created—Rule-making authority—Appointment of state librarian.
- 27.04.045 Duties of state librarian—Lending fees for interlibrary services.
- 27.04.055 Qualifications of librarians—Rules—Fees.
- 27.04.100 Reimbursement of employees for offender or resident assaults.
- 27.04.105 Grant pilot program—Student aid—Report.
- 27.04.900 State library commission—Transfer of functions to office of the secretary of state.
- 27.04.901 Effective date—2002 c 342.

Certain library records exempt from public inspection: RCW 42.56.310.

RCW 27.04.010 Library created—Rule-making authority—Appointment of state librarian. (1) There shall be a state library within the office of the secretary of state, and a state librarian to serve as its chief executive officer.

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

(3) The secretary of state shall appoint a state librarian who shall serve at the pleasure of the secretary of state. [2002 c 342 § 2; 1999 c 123 § 1; 1943 c 207 § 1; Rem. Supp. 1943 § 8225-1. Prior: See Reviser's note below.]

Reviser's note: For prior laws on this subject, see Laws 1929 c 159; 1921 c 7 § 13; 1913 c 72; 1903 c 171; 1901 c 43 and 46; 1893 c 63; 1891 c 37; Code 1881 §§ 2588-2613.

RCW 27.04.045 Duties of state librarian—Lending fees for interlibrary services. The state librarian shall be responsible and accountable for the following functions:

(1) Establishing content-related standards for common formats and agency indexes for state agency-produced information. In developing these standards, the state librarian is encouraged to seek involvement of, and comments from, public and private entities with an interest in such standards;

(2) Managing and administering the state library;

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

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

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

(6) Entering into agreements with other public or private entities as a means of implementing the mission, goals, and objectives

of the state library and the entity with which it enters such agreements. In agreements for services between the library and other state agencies, the library may negotiate an exchange of services in lieu of monetary reimbursement for the library's indirect or overhead costs, when such an arrangement facilitates the delivery of library services;

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

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

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

(10) Collecting and distributing copies of state publications, as defined in RCW 40.06.010, prepared by any state agency for distribution. The state library shall maintain the state publications distribution center, as provided in chapter 40.06 RCW to provide copies of materials that are not available in electronic format to state depository libraries;

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

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

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

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

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

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

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

(18) Accepting and expending in accordance with the terms thereof grants of federal, state, local, or private funds. For the purpose of qualifying to receive such grants, the state librarian is authorized to make applications and reports required by the grantor. [2020 c 274 § 9; 2006 c 199 § 2; 2002 c 342 § 3; 1999 c 123 § 5; 1996 c 171 § 6; 1989 c 96 § 7; 1984 c 152 § 2.]

Findings—2006 c 199: "The state of Washington recognizes that an informed citizenry is indispensable to the proper functioning of a democratic society. It is the basic right of citizens to know about the activities of their government, to benefit from the information

developed at public expense, and to have permanent access to the information published by state agencies.

The secretary of state through the state library must ensure permanent public access to public state government publications, regardless of the format, and prescribe the conditions for use of state publications in depository libraries." [2006 c 199 § 1.]

Captions not law—Effective dates—1996 c 171: See notes following RCW 2.68.050.

RCW 27.04.055 Qualifications of librarians—Rules—Fees. No library serving a community having over four thousand population, nor any library operated by the state or under its authority, may have in its employ, in the position of librarian or in any other full-time professional library position, a person who does not hold a librarian's certificate issued by the state librarian or its predecessor. A full-time professional library position, is one that requires, in the opinion of the state librarian, a knowledge of information resources and library/information service delivery equivalent to that required for graduation from an accredited library education program. This section does not apply to the state law library or to county law libraries. The state librarian shall:

- (1) Establish rules for, and prescribe and hold examinations to test, the qualifications of those seeking certificates as librarians;
- (2) Grant librarians' certificates without examination to applicants who are graduates of library schools programs accredited or otherwise officially recognized by the American library association for general library training, and grant certificates to other applicants when it has satisfied itself by examination that the applicant has attainments and abilities equivalent to those of a graduate of a library school program accredited or otherwise officially recognized by the American library association; and
- (3) Charge a fee to recover the costs associated with the application to be paid by each applicant for a librarian's certificate. Money paid as fees shall be retained by the state library as a recovery of costs. [2002 c 342 § 4; 1999 c 123 § 4.]

RCW 27.04.100 Reimbursement of employees for offender or resident assaults. (1) In recognition of prison overcrowding and the hazardous nature of employment in state institutions and offices, the legislature hereby provides a supplementary program to reimburse employees of the state library for some of their costs attributable to their being the victims of offender or resident assaults. This program shall be limited to the reimbursement provided in this section.

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

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

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

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

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

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

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

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

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

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

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

(8) All reimbursement payments required to be made to employees under this section shall be made by the state library. The payments shall be considered as a salary or wage expense and shall be paid by the state library in the same manner and from the same appropriations as other salary and wage expenses of the state library.

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

(10) For the purposes of this section, "offender or resident" means: (a) Inmate as defined in *RCW 72.09.020, (b) offender as defined in RCW 9.94A.030, (c) any other person in the custody of or subject to the jurisdiction of the department of corrections, or (d) a resident of a state institution. [1990 c 68 § 1.]

***Reviser's note:** RCW 72.09.020 was repealed by 1995 1st sp.s. c 19 § 36.

RCW 27.04.105 Grant pilot program—Student aid—Report. (1)

Subject to availability of amounts appropriated for this specific purpose, the state library shall administer a grant pilot program with the purpose of increasing free application for federal student aid and Washington application for state financial aid completion rates.

(2) The state library shall administer grants to local public libraries located within educational service districts that are in the bottom two for free application for federal student aid completion rates when combining their respective school districts' free application for federal student aid completion rates over the past three completed academic years prior to June 9, 2022. The state library shall, as a condition of the grant pilot program, require

local public libraries to partner with community-based organizations including, where appropriate, organizations with proven track records of working with historically underrepresented populations, to increase free application for federal student aid and Washington application for state financial aid completion. The organization or organizations selected shall:

(a) Be embedded in their respective community and have a strong foundation of trust among members of the community; and

(b) Be committed to working directly with individual members of their community to assist with one-on-one free application for federal student aid and Washington application for state financial aid completion and to provide information on how to access private scholarships.

(3) The state library shall report annually to the appropriate committees of the legislature in accordance with RCW 43.01.036 beginning December 1, 2023, on the progress of the library outreach pilot project to boost free application for federal student aid and Washington application for state financial aid completion rates. The report must include the specific number of students that were assisted through the grant pilot program. [2022 c 214 § 4.]

Intent—2022 c 214: See note following RCW 28B.77.300.

RCW 27.04.900 State library commission—Transfer of functions to office of the secretary of state. (1) The state library commission is hereby abolished and its powers, duties, and functions are hereby transferred to the office of the secretary of state. All references to the state library commission in the Revised Code of Washington shall be construed to mean the secretary of state or the office of the secretary of state.

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

(b) Any appropriations made to the state library commission or the state library shall, on July 1, 2002, be transferred and credited to the office of the secretary of state.

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

(3) All employees of the state library commission and the state library are transferred to the jurisdiction of the office of the secretary of state. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the office of the secretary of state to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that

may be appropriate thereafter in accordance with the laws and rules governing state civil service.

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

(5) The transfer of the powers, duties, functions, and personnel of the state library commission and the state library shall not affect the validity of any act performed before July 1, 2002.

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

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

(8) Subsequent to the merger of the state library into the office of the secretary of state, any reduction-in-force actions that occur on or before June 30, 2005, with respect to positions within the boundaries of the individual agency as the agencies existed on June 30, 2002, shall afford lay-off rights only to those positions that were within the boundaries of the respective individual agency as the agencies existed on June 30, 2002. [2002 c 342 § 1.]

RCW 27.04.901 Effective date—2002 c 342. This act takes effect July 1, 2002. [2002 c 342 § 8.]