

CHAPTER 116.

[H. B. 411.]

RELATING TO PUBLIC LIBRARIES AND MUSEUMS.

AN ACT providing for the establishment and maintenance of public and free libraries and museums, and repealing certain other laws relating to public libraries.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. By a majority vote at any election, any city, village, town, school district, or other body authorized to levy and collect taxes, or by vote of its common council, any city may establish and maintain a free public library, with or without branches, either by itself or in connection with any other body authorized to maintain such library. Whenever twenty-five taxpayers shall petition, the question of providing library facilities shall be voted on at the next election or meeting at which taxes may be voted: *Provided*, That due public notice shall have been given of the proposed action.

Libraries may be established.

Petition.

SEC. 2. By similar vote money may be granted toward the support of libraries not owned by the public but maintained for its welfare and free use: *Provided*, That such libraries shall be subject to the inspection of the state library commission and registered by it as maintaining a proper standard; that the commission shall certify what number of books circulated are of such a character as to merit a grant of public money; and that the amount granted yearly to libraries on the basis of circulation shall not exceed ten cents for each volume of the circulation thus certified by the commission.

Support.

State inspection.

Circulation as basis of support.

SEC. 3. Taxes, in addition to those otherwise authorized, may be voted by any authority named in section one, and for any purpose specified in sections one and two and shall, unless otherwise directed by such vote, be considered as annual appropriations therefor until changed by further vote, and shall be levied and collected yearly, or as directed, as are other general taxes; and all money received from

Annual appropriations.

taxes or other sources for such library shall be kept as a separate library fund and expended only under direction of the library trustees on properly authenticated vouchers. Every free library now established and every free library hereafter established shall be maintained and managed as provided in this act.

All free libraries come under this act.

SEC. 4. The management and control of every public library shall be vested in a board of five trustees (unless a larger number be decided upon by a vote at the time of establishment or at some subsequent annual election) who shall be elected by the legal voters; except that in cities they shall be appointed by the mayor, with the consent of the city council, from citizens of recognized fitness for such position. No person shall be ineligible as a trustee by reason of sex, and no trustee as such shall ever receive any compensation. The first trustees shall determine by lot whose term of office shall expire each year, and a new trustee shall be elected or appointed annually to serve for five years, except that when the board consists of more than five members, each trustee shall serve for a term of years corresponding to the number of regular members on the board in order that one term shall expire each year; all vacancies shall be as soon as possible filled in like manner as the members of the board are regularly chosen, and in an unexpired term for the residue of the term only.

Trustees.

Sex.

Term.

SEC. 5. The trustees shall immediately after taking office meet and organize by the election of one of their number president and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library as may be expedient, not inconsistent with law or this act. They shall have the supervision, care and custody of the rooms or buildings constructed, leased or set apart for the library and the exclusive control of the expenditures of all moneys collected for the library fund; and such money shall be paid out from the treasury by the proper officers upon the properly authenticated vouchers of the board of trustees without further audit. They may accept and receive gifts of

Officer of board.

Powers.

money, real estate, books, or other property for library purposes. They may lease and occupy, purchase, or erect on purchased or donated grounds, an appropriate building or buildings for library purposes. They shall have power to appoint a chief librarian, who shall possess such qualifications with respect to experience, ability, citizenship, electoral capacity, and residence as the board may require and who shall be subject to removal by the board. They shall adopt a system of competition or examination under which all appointments except that of chief librarian shall be made and under such system the chief librarian shall have power, by and with the consent of the board, to appoint all subordinate employes of the library, prescribe rules for their conduct, and remove them from office. So far as possible, all appointments shall be made for ascertained fitness for the work, and removals shall be made for demonstrated unfitness and neither appointments nor removals shall be made because of the candidate's race, color, political influence, or religious belief. The trustees shall have the power to do all other acts and things necessary to the management, custody, and control of the library.

Gifts.

Librarian.

Competitive examinations for subordinates.

Annual report of trustees.

SEC. 6. The trustees shall make an annual report at the close of each year to the city council or the proper body authorized to levy and collect taxes, stating the condition of their trust, the various sums of money received from the library fund and all other sources, how much money has been expended, the number of books and periodicals on hand, the number added during the year, the number missing or retired, the number loaned out and the general character of such loans, and such other statistics, information and suggestions as they may deem of general interest, together with their estimate of the income necessary for the proper maintenance of the library fund for the ensuing year: *Provided*, That nothing in this act shall be construed as empowering the board of trustees to incur any indebtedness except as there is sufficient money in the library fund applicable to the payment thereof.

SEC. 7. In order to avail the library of any provision of this act for state aid, the board of trustees shall apply

to the state library commission to have the institution registered by the commission as a library under its visitation and supervision. State aid.

SEC. 8. Every library which receives state aid shall make to the commission an annual report verified by the oath of its presiding officer, and giving such information in such form as shall be prescribed by the commission. Annual report to state commission. These reports shall be summarized and transmitted to the Governor by the commission, together with the reports of its proceedings as required by law.

SEC. 9. Every library established or maintained under this act shall be forever free for the use of the inhabitants of the city, town, village, or district where located, subject to such reasonable rules and regulations as the trustees may find necessary in order that the library shall be of the greatest benefit to the greatest number; and they may exclude from the use of the library any person who wilfully violates such rules. Libraries to be free.

SEC. 10. The board of trustees of any free library in this state may, under such rules and regulations as it may deem necessary and upon such conditions as may be agreed upon, allow non-residents of the city, town, village, or district in which the library is situated to use the books therein and may make exchanges of books with any other public library, either permanently or temporarily; and any such board may contract with the board of commissioners of the county in which the library is situated, or with the board of commissioners, village trustees, town or city council, of any neighboring county, village, town or city, to loan the books of said library to the residents of such county, village, town or city, upon the terms agreed upon in such contract; and every such board of trustees, board of county commissioners or village trustees, town or city council, is hereby empowered to make contracts for such purpose and to pay the consideration agreed upon therein to the board of trustees of such library out of the county, town, village, or city treasury upon the rendering of proper accounts therefor. Non-residents may use. Books loaned to non-residents.

Malicious mischief.

SEC. 11. Whoever intentionally injures, defaces, or destroys any property belonging to or deposited in any public library, reading room, museum, or other educational institution, shall be punished by imprisonment in the penitentiary for not more than three years, or in the county jail for not more than one year, or by a fine of not more than five hundred dollars, or by both such fine and imprisonment.

Keeping books overtime.

SEC. 12. Whoever wilfully detains and book, newspaper, magazine, pamphlet, manuscript, or other property belonging in or to any public or incorporated library, reading room, museum, or other educational institution, for thirty days after notice in writing to return the same, given after the expiration of the time which by the rules of such institution such article or other property may be kept, shall be punished by a fine of not less than one or more than twenty-five dollars, or by imprisonment in the jail not exceeding six months; and the said notice shall bear on its face a copy of this section.

Club libraries become public, how.

SEC. 13. Any corporation, association, school district or combination of districts may, by legal vote, duly approved by the state library commission, transfer the ownership and control of its library, with all its appurtenances, to any public library under the supervision of the commission, and thereafter said public library shall be entitled to receive any money, books, or other property from the state or other sources, to which said corporation, association, or district would have been entitled but for such transfer; and the trustees or body making the transfer shall thereafter be relieved of all responsibility pertaining to property thus transferred.

Conditions of state support.

SEC. 14. If the local authorities of any library, supported wholly or in part by state money, fail to provide for the safety and public usefulness of its books, the state library commission shall, in writing, notify the trustees of said library of what is necessary to meet the state's requirements, and on such notice all its rights to further grants of money or books from the state shall be suspended

until the commission certifies that the requirements have been met; and if said trustees shall refuse or neglect to comply with such requirements for sixty days after the service of such notice, the commission may remove them from office and thereafter all books and other library property wholly or in part paid for from state money shall be under the full and direct control of the commission which, as shall seem best for the public interest, may appoint new trustees to carry on the library, or may store it, or may distribute to other libraries the books paid for with state money.

SEC. 15. Under such rules as it may prescribe, the state library commission may lend from any books it may have for the purpose of selections of books for a limited time to any public library in this state under its visitation or supervision, or to any community not yet having established such library but having conformed to the conditions required for such loans. All the official publications of the state shall be furnished, through the state library commission, to every free public library in the state, free of charge. State to
loan books.

SEC. 16. The trustees or librarian of, or any citizen interested in, any public library in the state shall be entitled to ask from the state library commission any needed advice or instruction as to a library building, furniture and equipment, government and service, rules for readers, selecting, buying, cataloguing, shelving, or lending books, or any other matter pertaining to the establishment, reorganization, or administration of a public library. The commission may provide for giving such advice and instruction either personally or through printed matter and correspondence. The commission may, on request, select or buy books or furnish books instead of money apportioned, or may make exchanges and loans from any collection of books it may have in its possession. Such assistance shall be free to residents of this state as far as practicable, but the commission may in its discretion charge a proper fee to non-residents, or for assistance of a personal State to
give advice.

nature or for anything which is not properly an expense to the state but which may be authorized for the accommodation of users of such library.

Disposition
of proceeds.

SEC. 17. The state library commission may use receipts from fees, fines, gifts from all sources, or sale of its bulletins or similar printed matter, for buying books or for any other proper expenses of carrying on its work.

Appor-
tionments.

SEC. 18. Such sums as shall have been appropriated by the legislature as a fund for public library aid, shall be paid annually by the State Treasurer on the warrant of the State Auditor, according to an apportionment to be made for the benefit of deserving free libraries by the commission in accordance with its rules, and duly authenticated

Local funds.

by it: *Provided*, That this money shall not be spent for any books except those approved or selected and furnished by the commission; that no locality shall share in the apportionment unless it shall raise and use for the same purpose not less than an equal amount from taxation or other local sources; that for any part of the apportionment not payable directly to the library trustees, the commission shall file with the State Auditor proper vouchers, showing that it has been spent in accordance with law exclusively for books for free libraries or for proper expenses incurred for their benefit; and that books paid for by the state shall be subject to return to the commission whenever the library shall neglect or refuse to conform to the regulations under which it secured them.

Record of
expenditures.

SEC. 19. Any library established under this act may be abolished only by a majority vote of the people at a regular annual election, ratified by a majority vote at the next annual election. If any such library be abolished its property shall be used first to return to the state library commission, for the benefit of other public libraries in that locality, the equivalent of such sums as it may have received from the state or from other sources as gifts for public use. After such return any remaining property may be used as directed in the vote abolishing the library; but if the entire library property does not exceed in value the amount of such gifts it may be transferred to the com-

Vote to
abolish
library.

mission for public use and the trustees shall thereupon be freed from further responsibility. No abolition of a public library established under this act shall be lawful till the commission grants a certificate that its assets have been properly distributed and its abolition completed in accordance with law.

Permission
of state to
abolish.

SEC. 20. All persons desirous of making gifts of money, personal property or real estate for the benefit of a public library shall have the right to vest the title thereto in the board of trustees, to be held and controlled by the board when accepted, according to the terms of the deed of gift, devise or bequest.

Title of
gifts.

SEC. 21. All provisions of this act shall apply equally to libraries and to combined libraries and museums, and the word library shall be construed to include reference and circulating libraries and reading rooms.

Museums
included.

SEC. 22. An act authorizing the establishment of public libraries in cities, approved March 20, 1895; also an act authorizing cities of the first class to purchase or set apart lands for the purpose of public libraries, museums, or art galleries, to contract for the annual expenditure of a certain sum in their maintenance, and to issue bonds or to make an annual tax levy to pay for the same, and declaring an emergency, approved March 11, 1901; also, an act providing for the establishment and maintenance of public and free libraries and museums, and repealing all laws in conflict therewith, approved March 18, 1901; also, an act to amend an act authorizing the establishment of public libraries in cities, approved March 7, 1907, are hereby repealed.

Ch. 134, p.
345, L. '95,
§§ 981-989
Bal., §§ 7739-
7747 Pierce;
ch. 69, p. 119,
L. '01, §§
7748-7749
Pierce; ch.
104, p. 336,
L. '01, §§
7718-7738
Pierce; ch.
82, p. 144,
L. '07,
repealed.

Passed by the House March 4, 1909.

Passed by the Senate March 8, 1909.

Approved March 13, 1909.