

Title 27

LIBRARIES, MUSEUMS, AND HISTORICAL ACTIVITIES

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Chapter 27.04 RCW STATE LIBRARY

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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.

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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;

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(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.]

Additional notes found at www.leg.wa.gov

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.]

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.

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 adjust-

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ments 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.]

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

Chapter 27.12 RCW PUBLIC LIBRARIES

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Certain library records exempt from public inspection: RCW 42.56.310.

Librarians—Qualifications and certification: RCW 27.04.055.

Rural library district regular property tax levy: RCW 84.52.063.

Special purpose districts, expenditures to recruit job candidates: RCW 42.24.170.

27.12.010 Definitions. As used in this chapter, unless the context requires a different meaning:

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

(2) "Intercounty rural library district" means a municipal corporation organized to provide library service for all areas outside of incorporated cities and towns within two or more counties: PROVIDED, That any city or town meeting the population requirements of RCW 27.12.360 may be included therein as provided in RCW 27.12.360 through 27.12.390;

(3) "Island library district" means a municipal corporation organized to provide library service for all areas outside of incorporated cities and towns on a single island only, and not all of the area of the county, in counties composed entirely of islands and having a population of less than twenty-five thousand at the time the island library district was created: PROVIDED, That any city or town meeting the population requirements of RCW 27.12.360 may be included therein as provided in RCW 27.12.360 through 27.12.390;

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

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

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

(7) "Rural county library district" means a library serving all the area of a county not included within the area of incorporated cities and towns: PROVIDED, That any city or town meeting the population requirements of RCW

27.12.360 may be included therein as provided in RCW 27.12.360 through 27.12.390; and

(8) "Rural partial-county library district" means a municipal corporation organized to provide library service for a portion of the unincorporated area of a county. Any city or town located in the same county as a rural partial-county library district may annex to the district if the city or town has a population of one hundred thousand or less at the time of annexation. [2009 c 40 § 2; 1994 c 198 § 1; 1993 c 284 § 2; 1982 c 123 § 1; 1981 c 26 § 1; 1977 ex.s. c 353 § 5; 1965 c 122 § 1; 1947 c 75 § 10; 1941 c 65 § 1; 1935 c 119 § 2; Rem. Supp. 1947 § 8226-2.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

27.12.020 Policy of state. It is hereby declared to be the policy of the state, as a part of its provision for public education, to promote the establishment and development of public library service throughout its various subdivisions. [1935 c 119 § 1; RRS § 8226-1. FORMER PART OF SECTION: 1941 c 65 § 2; 1935 c 119 § 3; Rem. Supp. 1941 § 8226-3 now codified as RCW 27.12.025.]

27.12.025 Authorization. Any governmental unit has power to establish and maintain a library, either by itself or in cooperation with one or more other governmental units. [1941 c 65 § 2; 1935 c 119 § 3; Rem. Supp. 1941 § 8226-3. Formerly RCW 27.12.020, part.]

27.12.030 Libraries, how established. A library may be established in any county, city, or town either (1) by its legislative body of its own initiative; or (2) upon the petition of one hundred taxpayers of such a governmental unit, the legislative body shall submit to a vote of the qualified electors thereof, at the next municipal or special election held therein (in the case of a city or town) or the next general election or special election held therein (in the case of a county), the question whether a library shall be established; and if a majority of the electors voting on the question vote in favor of the establishment of a library, the legislative body shall forthwith establish one. [1965 c 122 § 2; 1941 c 65 § 3; 1935 c 119 § 4; Rem. Supp. 1941 § 8226-4. Prior: 1915 c 12 § 1; 1913 c 123 § 1; 1909 c 116 § 1; 1901 c 166 § 1.]

27.12.040 Rural library districts—Establishment—Proposed maximum levy rate. The procedure for the establishment of a rural county library district shall be as follows:

(1) Petitions signed by at least ten percent of the registered voters of the county who voted in the last general election, outside of the area of incorporated cities and towns, asking that the question, "Shall a rural county library district be established?" be submitted to a vote of the people, shall be filed with the county legislative authority. For all districts created after July 26, 2009, the petition may include a proposed initial maximum levy rate. This initial maximum levy rate must not exceed the rate limit set forth in RCW 27.12.050(1).

(2) The county legislative authority, after having determined that the petitions were signed by the requisite number of registered voters, shall place the proposition for the establishment of a rural county library district on the ballot for the

vote of the people of the county, outside incorporated cities and towns, at the next succeeding general or special election. If the petition to create the rural county library district included a proposed initial maximum levy rate, the ballot proposition for the establishment of the rural county library district must include the initial maximum levy rate specified in the petition. This ballot must be submitted in such form as to enable the voters favoring the proposition to vote "Yes" and those opposing to vote "No."

(3) If a majority of those voting on the proposition vote in favor of the establishment of the rural county library district, the county legislative authority shall forthwith declare it established. [2009 c 306 § 1; 1990 c 259 § 1; 1955 c 59 § 4. Prior: 1947 c 75 § 11, part; 1943 c 251 § 1, part; 1941 c 65 § 4, part; Rem. Supp. 1947 § 8226-4a, part.]

Dissolution—Disposition of property: RCW 27.12.320.

Dissolution of island library district: RCW 27.12.450.

27.12.050 Rural library districts—Board of library trustees—Tax levies. (1) After the board of county commissioners has declared a rural county library district established, it shall appoint a board of library trustees and provide funds for the establishment and maintenance of library service for the district by making a tax levy on the property in the district of not more than fifty cents per thousand dollars of assessed value per year sufficient for the library service as shown to be required by the budget submitted to the board of county commissioners by the board of library trustees, and by making a tax levy in such further amount as shall be authorized pursuant to RCW 27.12.222 or 84.52.052 or 84.52.056. Such levies shall be a part of the general tax roll and shall be collected as a part of the general taxes against the property in the district.

(2) The initial levy rate may not exceed the rate limit in subsection (1) of this section or, if applicable, the initial maximum levy rate contained in the ballot proposition approved by the voters to create the district. In subsequent years, the levy rate may be increased as authorized under chapter 84.55 RCW. [2009 c 306 § 2; 1973 1st ex.s. c 195 § 5; 1955 c 59 § 5. Prior: 1947 c 75 § 11, part; 1943 c 251 § 1, part; 1941 c 65 § 4, part; Rem. Supp. 1947 § 8226-4a, part.]

Budget for capital outlays—Accumulation of funds: RCW 27.12.220.

Capital outlays—Bonds—Excess levies: RCW 27.12.222.

Additional notes found at www.leg.wa.gov

27.12.060 Rural library districts—General powers. A rural county library district shall be a public corporation with such powers as are necessary to carry out its functions and for taxation purposes shall have the power vested in municipal corporations for such purposes. [1984 c 186 § 6; 1983 c 167 § 19; 1980 c 100 § 1; 1955 c 59 § 6. Prior: 1947 c 75 § 11, part; 1943 c 251 § 1, part; 1941 c 65 § 4, part; Rem. Supp. 1947 § 8226-4a, part.]

Purpose—1984 c 186: See note following RCW 39.46.110.

Additional notes found at www.leg.wa.gov

27.12.070 Rural county library districts or rural partial-county library districts—Disbursement of revenues and collection of taxes. The county treasurer of the county in which any rural county library district or rural partial-county library district is created shall receive and disburse all

district revenues and collect all taxes levied under this chapter. [1993 c 284 § 3; 1984 c 186 § 7; 1973 1st ex.s. c 195 § 6; 1970 ex.s. c 42 § 2; 1955 c 59 § 7. Prior: 1947 c 75 § 11, part; 1943 c 251 § 1, part; 1941 c 65 § 4, part; Rem. Supp. 1947 § 8226-4a, part.]

Purpose—1984 c 186: See note following RCW 39.46.110.

Annual appropriations—Control of expenditures: RCW 27.12.240.

Capital outlays—General obligation bonds—Excess levies: RCW 27.12.222.

Additional notes found at www.leg.wa.gov

27.12.079 Disincorporation of district located in county with a population of two hundred ten thousand or more and inactive for five years. See chapter 57.90 RCW.

27.12.080 Regional libraries. Two or more counties, or other governmental units, by action of their legislative bodies, may join in establishing and maintaining a regional library under the terms of a contract to which all will agree. The expenses of the regional library shall be apportioned between or among the contracting parties concerned on such basis as shall be agreed upon in the contract. The treasurer of one of the governmental units, as shall be provided in the contract, shall have the custody of the funds of the regional library; and the treasurers of the other governmental units concerned shall transfer quarterly to him or her all moneys collected for free public library purposes in their respective governmental units. If the legislative body of any governmental unit decides to withdraw from a regional library contract, the governmental unit withdrawing shall be entitled to a division of the property on the basis of its contributions. [2011 c 336 § 700; 1941 c 65 § 5; 1935 c 119 § 5; Rem. Supp. 1941 § 8226-5.]

27.12.090 Intercounty rural library districts—Establishment. Intercounty rural library districts may be established to provide throughout several counties free public library service similar to that provided within a single county by a rural county library district. [1947 c 75 § 1; Rem. Supp. 1947 § 8246-1.]

Dissolution—Disposition of property: RCW 27.12.320.

27.12.100 Intercounty rural library districts—Establishment—Procedure. An intercounty rural library district shall be established by joint action of two or more counties proceeding by either of the following alternative methods:

(1) The boards of county commissioners of any two or more counties shall adopt identical resolutions proposing the formation of such a district to include all of the areas outside of incorporated cities or towns in such counties as may be designated in such resolutions. In lieu of such resolutions a petition of like purport signed by ten percent of the registered voters residing outside of incorporated cities or towns of a county, may be filed with the county auditor thereof, and shall have the same effect as a resolution. The proposition for the formation of the district as stated on the petition shall be prepared by the attorney general upon request of the state library commission. Action to initiate the formation of such a district shall become ineffective in any county if corresponding action is not completed within one year thereafter by each other county included in such proposal. The county auditor in each county shall check the validity of the signatures on the

petition and shall certify to the board of county commissioners the sufficiency of the signatures. If each petition contains the signatures of ten percent of the registered voters residing outside the incorporated cities and towns of the county, each board of county commissioners shall pass a resolution calling an election for the purpose of submitting the question to the voters and setting the date of said election. When such action has been taken in each of the counties involved, notification shall be made by each board of county commissioners to the board of county commissioners of the county having the largest population according to the last federal census, who shall give proper notification to each county auditor. At the next general or special election held in the respective counties there shall be submitted to the voters in the areas outside of incorporated cities and towns a question as to whether an intercounty rural library district shall be established as outlined in the resolutions or petitions. Notice of said election shall be given by the county auditor. The county auditor shall instruct the election boards in split precincts. The respective county canvassing boards in each county to be included within the intercounty rural library district shall canvass the votes and certify the results to the county auditor pursuant to chapter 29A.60 RCW; the result shall then be certified by each county auditor to the county auditor of the county having the largest population according to the last federal census. If a majority of the electors voting on the proposition in each of the counties affected shall vote in favor of such district it shall thereby become established, and the board of county commissioners of the county having the largest population according to the last federal census shall declare the intercounty rural library district established. If two or more of the counties affected are in an existing intercounty rural library district, then the electors in areas outside incorporated cities and towns in those counties shall vote as a unit and the electors in areas outside incorporated cities and towns in each of the other affected counties shall vote as separate units. If a majority of the electors voting on the proposition in the existing district and a majority of the voters in any of the other affected counties shall vote in favor of an expanded intercounty rural library district it shall thereby become established.

(2) The county commissioners of two or more counties meeting in joint session attended by a majority of the county commissioners of each county may, by majority vote of those present, order the establishment of an intercounty rural library district to include all of the area outside of incorporated cities and towns in as many of the counties represented at such joint meeting as shall be determined by resolution of such joint meeting. If two or more counties are in an existing intercounty rural library district, then a majority vote of all of the commissioners present from those counties voting as a unit, and a majority vote of the commissioners present from any other county shall cause the joint session to order the establishment of an expanded intercounty rural library district. No county, however, shall be included in such district if a majority of its county commissioners vote against its inclusion in such district. [2015 c 53 § 3; 1965 c 63 § 1; 1961 c 82 § 1; 1947 c 75 § 2; Rem. Supp. 1947 § 8246-2.]

27.12.110 Intercounty rural library districts—Expansion of existing districts. An existing rural county

library district may be expanded into an intercounty rural library district or an established intercounty rural library district may be expanded to include additional counties by joint action of all counties included in the proposed expanded district taken in the same manner as prescribed for the initiation of an intercounty rural library district. [1947 c 75 § 3; Rem. Supp. 1947 § 8246-3.]

27.12.120 Intercounty rural library districts—Assumption of property, assets, liabilities. All property, assets and liabilities of preexisting library districts within the area included in an intercounty rural library district shall pass to and be assumed by an intercounty rural library district: PROVIDED, That where within any intercounty rural library district heretofore or hereafter organized under the provisions of this chapter a preexisting library district had incurred a bonded indebtedness which was outstanding at the time of the formation of the intercounty rural library district, such preexisting library district shall retain its corporate existence insofar as is necessary for the purpose until the bonded indebtedness outstanding against it on and after the effective date of said formation has been paid in full: PROVIDED FURTHER, That a special election may be called by the board of trustees of the intercounty rural library district, to be held at the next general or special election held in the respective counties for the purpose of affording the voters residing within the area outside of the preexisting library district an opportunity to assume the obligation of the bonded indebtedness of the preexisting library district or the question may be submitted to the voters as a separate proposition at the election on the proposal for the formation of the intercounty rural library district. [1961 c 82 § 2; 1947 c 75 § 4; Rem. Supp. 1947 § 8246-4.]

27.12.130 Intercounty rural library districts—Board of trustees. Immediately following the establishment of an intercounty rural library district the boards of county commissioners of the counties affected shall jointly appoint a board of five or seven trustees for the district in accordance with RCW 27.12.190. The board of trustees shall appoint a librarian for the district. [1959 c 133 § 1; 1947 c 75 § 5; Rem. Supp. 1947 § 8246-5.]

27.12.140 Intercounty rural library districts—Name may be adopted. The board of trustees of an intercounty rural library district may adopt a name by which the district shall be known and under which it shall transact all of its business. [1947 c 75 § 6; Rem. Supp. 1947 § 8246-6.]

27.12.150 Intercounty rural library districts—Tax levies. Funds for the establishment and maintenance of the library service of the district shall be provided by the boards of county commissioners of the respective counties by means of an annual tax levy on the property in the district of not more than fifty cents per thousand dollars of assessed value per year. The tax levy in the several counties shall be at a uniform rate and shall be based on a budget to be compiled by the board of trustees of the intercounty rural library district who shall determine the uniform tax rate necessary and certify their determination to the respective boards of county commissioners.

Excess levies authorized pursuant to RCW 27.12.222 and 84.52.052 or 84.52.056 shall be at a uniform rate which uniform rate shall be determined by the board of trustees of the intercounty rural library district and certified to the respective boards of county commissioners. [1973 1st ex.s. c 195 § 7; 1955 c 59 § 8; 1947 c 75 § 7; Rem. Supp. 1947 § 8246-7.]

Budget for capital outlays—Accumulation of funds: RCW 27.12.220.

Capital outlays—Bonds—Excess levies: RCW 27.12.222.

Additional notes found at www.leg.wa.gov

27.12.160 Intercounty rural library districts—District treasurer. The board of trustees of an intercounty rural library district shall designate the county treasurer of one of the counties included in the district to act as treasurer for the district. All moneys raised for the district by taxation within the participating counties or received by the district from any other sources shall be paid over to him or her, and he or she shall disburse the funds of the district upon warrants drawn thereon by the auditor of the county to which he or she belongs pursuant to vouchers approved by the trustees of the district. [2011 c 336 § 701; 1947 c 75 § 8; Rem. Supp. 1947 § 8246-8.]

Annual expenditures—Control of appropriations: RCW 27.12.240.

27.12.170 Intercounty rural library districts—Powers of board—Procedures. Except as otherwise specifically provided intercounty rural library districts and the trustees thereof shall have the same powers as are prescribed by RCW 27.12.040 through 27.12.070, for rural county library districts and shall follow the same procedures and be subject to the same limitations as are provided therein with respect to the contracting of indebtedness. [1947 c 75 § 9; Rem. Supp. 1947 § 8246-9.]

27.12.180 Contracts for library service. Instead of establishing or maintaining an independent library, the legislative body of any governmental unit authorized to maintain a library shall have power to contract to receive library service from an existing library, the board of trustees of which shall have reciprocal power to contract to render the service with the consent of the legislative body of its governmental unit. Such a contract shall require that the existing library perform all the functions of a library within the governmental unit wanting service. In like manner a legislative body may contract for library service from a library not owned by a public corporation but maintained for free public use: PROVIDED, That such a library be subject to inspection by the state librarian and be certified by him or her as maintaining a proper standard. Any school district may contract for school library service from any existing library, such service to be paid for from funds available to the school district for library purposes. [2011 c 336 § 702; 1941 c 65 § 6; 1935 c 119 § 7; Rem. Supp. 1941 § 8226-7.]

27.12.190 Library trustees—Appointment, election, removal, compensation. The management and control of a library shall be vested in a board of either five or seven trustees as hereinafter in this section provided. In cities and towns five trustees shall be appointed by the mayor with the consent of the legislative body. In counties, rural county library dis-

tricts, and island library districts, except as provided in RCW 27.12.192, five trustees shall be appointed by the board of county commissioners. In a regional library district a board of either five or seven trustees shall be appointed by the joint action of the legislative bodies concerned. In intercounty rural library districts a board of either five or seven trustees shall be appointed by the joint action of the boards of county commissioners of each of the counties included in a district. The first appointments for boards comprised of but five trustees shall be for terms of one, two, three, four, and five years respectively, and thereafter a trustee shall be appointed annually to serve for five years. The first appointments for boards comprised of seven trustees shall be for terms of one, two, three, four, five, six, and seven years respectively, and thereafter a trustee shall be appointed annually to serve for seven years. No person shall be appointed to any board of trustees for more than two consecutive terms. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen.

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

A library trustee in the case of a city or town may be removed only by vote of the legislative body. A trustee of a county library, a rural county library district library, or an island library district library may be removed for just cause by the county commissioners after a public hearing upon a written complaint stating the ground for removal, which complaint, with a notice of the time and place of hearing, shall have been served upon the trustee at least fifteen days before the hearing. A trustee of an intercounty rural library district may be removed by the joint action of the board of county commissioners of the counties involved in the same manner as provided herein for the removal of a trustee of a county library. [2017 c 134 § 1; 1982 c 123 § 8; 1981 c 26 § 2; 1965 c 122 § 3; 1959 c 133 § 2; 1947 c 75 § 12; 1941 c 65 § 7; 1939 c 108 § 1; 1935 c 119 § 8; Rem. Supp. 1947 § 8226-8. Prior: 1915 c 12 § 2; 1909 c 116 § 4; 1901 c 166 § 4. Formerly RCW 27.12.190 and 27.12.200.]

27.12.192 Library trustees—Seven member rural county library district boards. In any county with an adopted home rule charter and one million or more residents, the board of trustees of a rural county library district will be made up of seven members who are appointed by the county executive and confirmed by the county legislative authority. Members shall be residents of either those cities or towns that, through annexation, have become part of the rural county library district or unincorporated areas of the county, and that represent the geographic diversity of the library district. The composition of an initial seven-member rural county library district board of trustees will comprise the existing five trustees, who will serve out their existing terms, and two new trustees, whose positions shall have initial terms of one and two years respectively. Thereafter a trustee shall be appointed to serve for five years to fill each expired term. No person may be appointed to any board of trustees for more than two consecutive terms. [2017 c 134 § 2.]

27.12.210 Library trustees—Organization—Bylaws—Powers and duties. The trustees, immediately after their

appointment or election, shall meet and organize by the election of such officers as they deem necessary. They shall:

(1) Adopt such bylaws, rules, and regulations for their own guidance and for the government of the library as they deem expedient;

(2) Have the supervision, care, and custody of all property of the library, including the rooms or buildings constructed, leased, or set apart therefor;

(3) Employ a librarian, and upon his or her recommendation employ such other assistants as may be necessary, all in accordance with the provisions of *RCW 27.08.010, prescribe their duties, fix their compensation, and remove them for cause;

(4) Submit annually to the legislative body a budget containing estimates in detail of the amount of money necessary for the library for the ensuing year; except that in a library district the board of library trustees shall prepare its budget, certify the same and deliver it to the board of county commissioners in ample time for it to make the tax levies for the purpose of the district;

(5) Have exclusive control of the finances of the library;

(6) Accept such gifts of money or property for library purposes as they deem expedient;

(7) Lease or purchase land for library buildings;

(8) Lease, purchase, or erect an appropriate building or buildings for library purposes, and acquire such other property as may be needed therefor;

(9) Purchase books, periodicals, maps, and supplies for the library; and

(10) Do all other acts necessary for the orderly and efficient management and control of the library. [2011 c 336 § 703; 1982 c 123 § 9; 1941 c 65 § 8; 1935 c 119 § 9; Rem. Supp. 1941 § 8226-9. Prior: 1909 c 116 § 5; 1901 c 166 § 5.]

*Reviser's note: RCW 27.08.010 was repealed by 1987 c 330 § 402. See RCW 27.04.055 for qualifications of librarians.

27.12.212 Community revitalization financing—Public improvements. In addition to other authority that a rural county library district or intercounty rural library district possesses, a rural county library district or an intercounty rural library district may provide any public improvement as defined under RCW 39.89.020, but this additional authority is limited to participating in the financing of the public improvements as provided under RCW 39.89.050.

This section does not limit the authority of a rural county library district or intercounty rural library district to otherwise participate in the public improvements if that authority exists elsewhere. [2001 c 212 § 11.]

27.12.215 Job recruitment expenditures authorized. The trustees of a library or a library district have the authority to spend funds to recruit job candidates. The trustees have the authority to reimburse job candidates for reasonable and necessary travel expenses including transportation, subsistence, and lodging. [1979 ex.s. c 40 § 1.]

27.12.220 Rural, island, and intercounty rural districts—Budget for capital outlays—Accumulation of funds. The trustees of any rural county library district, any island library district, or any intercounty rural library district may include in the annual budget of such district an item for

the accumulation during such year of a specified sum of money to be expended in a future year for the acquisition, enlargement or improvement of real or personal property for library purposes. [1982 c 123 § 10; 1947 c 22 § 1; Rem. Supp. 1947 § 8246a.]

27.12.222 Rural, island, and intercounty rural districts—General obligation bonds—Excess levies. A rural county library district, intercounty rural library district, or island library district may contract indebtedness and issue general obligation bonds not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to one-tenth of one percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015. The maximum term of nonvoter approved general obligation bonds shall not exceed twenty years. A rural county library district, island library district, or intercounty rural library district may additionally contract indebtedness and issue general obligation bonds for capital purposes only, together with any outstanding general indebtedness, not to exceed an amount equal to one-half of one percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015 whenever a proposition authorizing the issuance of such bonds has been approved by the voters of the district pursuant to RCW 39.36.050, by three-fifths of the persons voting on the proposition at which election the number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in such taxing district at the last preceding general election. If the voters shall so authorize at an election held pursuant to RCW 39.36.050, the district may levy annual taxes in excess of normal legal limitations to pay the principal and interest upon such bonds as they shall become due. The excess levies mentioned in this section or in RCW 84.52.052 or 84.52.056 may be made notwithstanding anything contained in RCW 27.12.050 or 27.12.150 or any other statute pertaining to such library districts. [2020 c 207 § 1; 1984 c 186 § 8; 1982 c 123 § 11; 1970 ex.s. c 42 § 3; 1955 c 59 § 1.]

Purpose—1984 c 186: See note following RCW 39.46.110.

Island library districts—Tax levies: RCW 27.12.420.

Additional notes found at www.leg.wa.gov

27.12.223 Bonds—Sale—Security for deposit. Bonds authorized by RCW 27.12.222 shall be issued and sold in accordance with chapter 39.46 RCW. All such bonds shall be legal securities for any bank or trust company for deposit with the state treasurer or any county or city treasurer as security for deposits in lieu of a surety bond under any law relating to deposits of public moneys. [1984 c 186 § 9; 1983 c 167 § 20; 1970 ex.s. c 56 § 6; 1969 ex.s. c 232 § 4; 1955 c 59 § 2.]

Purpose—1984 c 186: See note following RCW 39.46.110.

Purpose—1970 ex.s. c 56: See note following RCW 39.52.020.

Additional notes found at www.leg.wa.gov

27.12.240 Annual appropriations—Control of expenditures. After a library shall have been established or library service contracted for, the legislative body of the governmental unit for which the library was established or the

service engaged, shall appropriate money annually for the support of the library. All funds for the library, whether derived from taxation or otherwise, shall be in the custody of the treasurer of the governmental unit, and shall be designated by him or her in some manner for identification, and shall not be used for any but library purposes. The board of trustees shall have the exclusive control of expenditures for library purposes subject to any examination of accounts required by the state and money shall be paid for library purposes only upon vouchers of the board of trustees, without further audit. The board shall not make expenditures or incur indebtedness in any year in excess of the amount of money appropriated and/or available for library purposes. [2011 c 336 § 704; 1965 c 122 § 4; 1941 c 65 § 9; 1939 c 108 § 3; 1935 c 119 § 10; Rem. Supp. 1941 § 8226-10. Prior: 1909 c 116 § 3; 1901 c 166 § 3. Formerly RCW 27.12.240 and 27.12.250.]

27.12.260 Annual report of trustees. At the close of each year the board of trustees of every library shall make a report to the legislative body of the governmental unit wherein the board serves, showing the condition of their trust during the year, the sums of money received for the library fund from taxes and other sources, the sums of money expended and the purposes of the expenditures, the number of books and periodicals on hand, the number added during the year, the number retired, the number loaned out, and such other statistics and information and such suggestions as they deem of public interest. A copy of this report shall be filed with the state librarian. [1935 c 119 § 12; RRS § 8226-12. Prior: 1909 c 116 § 8; 1901 c 166 § 8.]

27.12.270 Rules and regulations—Free use of libraries. Every library established or maintained under *this act shall be free for the use of the inhabitants of the governmental unit in which it is located, subject to such reasonable rules and regulations as the trustees find necessary to assure the greatest benefit to the greatest number, except that the trustees may charge a reasonable fee for the use of certain duplicate copies of popular books. [1935 c 119 § 13; RRS § 8226-13. Prior: 1909 c 116 § 9, part; 1901 c 166 § 9, part.]

***Reviser's note:** Term "this act" was first used in basic act, 1935 c 119 and appeared in subsequent amendments. Chapter 119, Laws of 1935 was codified in RCW 27.08.010, 27.12.010 through 27.12.080, 27.12.180 through 27.12.210, 27.12.230 through 27.12.280, 27.12.290 through 27.12.320, 27.12.330, and 27.12.340.

27.12.280 Use by nonresidents—Exchange of books. The board of trustees of a library, under such rules and regulations as it may deem necessary and upon such terms and conditions as may be agreed upon, may allow nonresidents of the governmental unit in which the library is situated to use the books thereof, and may make exchanges of books with any other library, either permanently or temporarily. [1935 c 119 § 14; RRS § 8226-14. Prior: 1909 c 116 § 10; 1901 c 166 § 10.]

27.12.285 Library services for Indian tribes. The legislature finds that it is necessary to give the several boards of library trustees in this state additional powers in order to effectuate the state's policy with regard to libraries as set forth in RCW 27.12.020. On and after March 27, 1975 the board of

library trustees in any county of this state, in addition to any other powers and duties, is hereby authorized to provide library services to Indian tribes recognized as such by the federal government or to supplement any existing library services of such an Indian tribe. The power granted by this section shall extend beyond the geographic limits of the library district and the county or counties in which the district is located. [1975 c 50 § 1.]

27.12.290 Violators may be excluded. A board of library trustees may exclude from the use of the library under its charge any person who wilfully and persistently violates any rule or regulation prescribed for the use of the library or its facilities or any person whose physical condition is deemed dangerous or offensive to other library users. [1935 c 119 § 15; RRS § 8226-15. Prior: 1909 c 116 § 9, part; 1901 c 166 § 9, part.]

27.12.300 Gifts—Title to property. The title to money or property given to or for the use or benefit of a library shall vest in the board of trustees, to be held and used according to the terms of the gift. [1935 c 119 § 18; RRS § 8226-18. Prior: 1909 c 116 § 20; 1901 c 166 § 20.]

27.12.305 Sale of library materials authorized—Disposition of proceeds. Any public library, including the state library created pursuant to chapter 27.04 RCW, shall have the authority to provide for the sale of library materials developed by the library staff for its use but which are of value to others such as book catalogs, books published by the library, indexes, films, slides, book lists, and similar materials.

The library commission, board of library trustees, or other governing authority charged with the direct control of a public library shall determine the prices and quantities of materials to be prepared and offered for sale. Prices shall be limited to the publishing and preparation costs, exclusive of staff salaries and overhead. Any moneys received from the sales of such materials shall be placed in the appropriate library fund.

Nothing in this section shall be construed to authorize any library to charge any resident for a library service nor to authorize any library to sell materials to a branch library or library which is part of a depository library system when such materials may be distributed free of cost to such library nor shall this section be construed to prevent, curtail, or inhibit any free distribution programs or exchange programs between libraries or between libraries and other agencies. [1972 ex.s. c 90 § 1.]

27.12.310 Charter provisions superseded. Every existing free public library shall be considered as if established under *this act, and the board of trustees and the legislative body of the governmental unit in which the library is located shall proceed forthwith to make such changes as may be necessary to effect compliance with the terms hereof; and every existing contract for library service shall continue in force and be subject to *this act until the contract be terminated or a library be established by the governmental unit for which the service was engaged. The provisions of *this act shall be construed as superseding the provisions of any

municipal charter in conflict herewith. [1935 c 119 § 19; RRS § 8226-19.]

*Reviser's note: For "this act," see note following RCW 27.12.270.

27.12.320 Dissolution—Disposition of property. A library established or maintained under this chapter (except a regional or a rural county library district library, an inter-county rural library district library, or an island library district library) may be abolished only in pursuance of a vote of the electors of the governmental unit in which the library is located, taken in the manner prescribed in RCW 27.12.030 for a vote upon the establishment of a library. If a library of a city or town be abolished, the books and other printed or written matter belonging to it shall go to the library of the county whereof the municipality is a part, if there be a county library, but if not, then to the state library. If a library of a county or region be abolished, the books and other printed matter belonging to it shall go to the state library. All other library property shall be disposed of as the legislative body of the governmental unit shall direct.

After a rural county library district, an island library district, or an intercounty rural library district has been in operation for three or more years, it may be dissolved pursuant to a majority vote of all of the qualified electors residing outside of incorporated cities and towns voting upon a proposition for its dissolution, at a general election, which proposition may be placed upon the ballot at any such election whenever a petition by ten percent or more qualified voters residing outside of incorporated cities or towns within a rural county library district, an island library district, or an intercounty rural library district requesting such dissolution shall be filed with the board of trustees of such district not less than ninety days prior to the holding of any such election. An island library district may also be dissolved pursuant to RCW 27.12.450.

If a rural county library district is dissolved, the books and other printed matter belonging to it shall go to the state library. All other library property shall be disposed of as the legislative body of the governmental unit shall direct. When an intercounty rural library district is dissolved, the books, funds and other property thereof shall be divided among the participating counties in the most equitable manner possible as determined by the state librarian, who shall give consideration to such items as the original source of property, the amount of funds raised from each county by the district, and the ability of the counties to make further use of such property or equipment for library purposes. Printed material which the state librarian finds will not be used by any of the participating counties for further library purposes shall be turned over to the state library.

When an island library district is dissolved pursuant to this section, the books and other printed matter belonging to it shall go to the state library. All other library property shall be disposed of as the legislative body of the governmental unit shall direct. When an island library district is dissolved due to the establishment of a county library district, pursuant to RCW 27.12.450, all property, assets, and liabilities of the preexisting island library district within the area included in the county rural library district shall pass to and be assumed by the county rural library district: PROVIDED, That where within any county rural library district heretofore or hereafter

organized under the provisions of this chapter a preexisting island library district has incurred a bonded indebtedness which was outstanding at the time of the formation of the county rural library district, the preexisting island library district shall retain its corporate existence insofar as is necessary for the purpose until the bonded indebtedness outstanding against it on and after the effective date of the formation has been paid in full: PROVIDED FURTHER, That a special election may be called by the board of trustees of the county rural library district, to be held at the next general or special election held in the respective counties, for the purpose of affording the voters residing within the area outside of the preexisting island library district an opportunity to assume the obligation of the bonded indebtedness of the preexisting island library district or the question may be submitted to the voters as a separate proposition at the election on the proposal for the formation of the county rural library district. [1982 c 123 § 12; 1965 c 122 § 5; 1947 c 75 § 13; 1935 c 119 § 20; Rem. Supp. 1947 § 8226-20. Prior: 1909 c 116 § 19; 1901 c 166 § 19.]

27.12.321 School district public libraries abolished—Disposition of assets. School district public libraries organized under chapter 119, Laws of 1935, as amended prior to *this 1965 amendatory act, are hereby abolished as of January 1, 1966.

All assets belonging to any school district public library abolished by this section shall go to the rural county library district of the county in which the school district public library is located. [1965 c 122 § 6.]

*Reviser's note: For codification of "this 1965 amendatory act" [1965 ex.s. c 122], see Codification Tables.

27.12.330 Penalty for injury to property. Whoever intentionally injures, defaces, or destroys any property belonging to or deposited in any public library, reading room, or other educational institution, shall be guilty of a misdemeanor. [1935 c 119 § 16; RRS § 8226-16. Prior: 1909 c 116 § 11; 1901 c 166 § 11.]

27.12.340 Wilfully retaining books—Infraction. It is a class 4 civil infraction for any person to wilfully retain any book, newspaper, magazine, pamphlet, manuscript, or other property belonging in or to any public library, reading room, or other educational institution, for thirty days after notice in writing to return the same, given after the expiration of the time that by the rules of such institution such article or other property may be kept. [1987 c 456 § 29; 1935 c 119 § 17; RRS § 8226-17. Prior: 1909 c 116 § 12; 1901 c 166 § 12.]

Legislative finding—1987 c 456: See RCW 7.80.005.

Additional notes found at www.leg.wa.gov

27.12.350 Executory conditional sales contracts for purchase of property—Limit on indebtedness—Election, when. See RCW 39.30.010.

27.12.355 Rural county library district, island library district, or intercounty rural library district—Withdrawal or reannexation of areas. (1) As provided in this section, a rural county library district, island library district, or intercounty rural library district may withdraw areas

from its boundaries, or reannex areas into the library district that previously had been withdrawn from the library district under this section.

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

The authority of an area to be withdrawn from a library district as provided under this section is in addition, and not subject, to the provisions of RCW 27.12.380.

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

(3) An area that has been withdrawn from the boundaries of a library district under this section may be reannexed into the library district upon: (a) Adoption of a resolution by the board of trustees proposing the reannexation; and (b) adoption of a resolution by the city or town council approving the reannexation, if the area is located within the city or town, or adoption of a resolution by the county legislative authority of the county within which the area is located approving the reannexation, if the area is located outside of a city or town. The reannexation shall be effective at the end of the day on the thirty-first day of December in the year in which the adoption of the second resolution occurs, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution. Referendum action on the proposed reannexation may be taken by the voters of the area proposed to be reannexed if a petition calling for a referendum is filed with the city or town council, or county legislative authority, within a thirty-day period after the adoption of the second resolution, which petition has been signed by registered voters of the area proposed to be reannexed equal in number to ten percent of the total number of the registered voters residing in that area.

If a valid petition signed by the requisite number of registered voters has been so filed, the effect of the resolutions shall be held in abeyance and a ballot proposition to authorize the reannexation shall be submitted to the voters of the area at the next special election date according to RCW 29A.04.330. Approval of the ballot proposition authorizing the reannexation by a simple majority vote shall authorize the reannexation. [2006 c 344 § 18; 1987 c 138 § 1.]

Additional notes found at www.leg.wa.gov

27.12.360 Annexation of city or town into rural county library district, island library district, or inter-county rural library district—Initiation procedure. Any city or town with a population of three hundred thousand or less at the time of annexation may become a part of any rural county library district, island library district, or intercounty rural library district lying contiguous thereto by annexation in the following manner: The inclusion of such a city or town may be initiated by the adoption of an ordinance by the legislative authority thereof stating its intent to join the library district and finding that the public interest will be served thereby. Before adoption, the ordinance shall be submitted to the library board of the city or town for its review and recommendations. If no library board exists in the city or town, the state librarian shall be notified of the proposed ordinance. If the board of trustees of the library district concurs in the annexation, notification thereof shall be transmitted to the legislative authority or authorities of the counties in which the city or town is situated. [2009 c 40 § 1; 1982 c 123 § 13; 1981 c 26 § 3; 1977 ex.s. c 353 § 1.]

27.12.370 Annexation of city or town into library district—Special election procedure. The county legislative authority or authorities shall by resolution call a special election to be held in such city or town at the next special election date according to RCW 29A.04.321, and shall cause notice of such election to be given as provided for in RCW 29A.52.355.

The election on the annexation of the city or town into the library district shall be conducted by the auditor of the county or counties in which the city or town is located in accordance with the general election laws of the state and the results thereof shall be canvassed by the canvassing board of the county or counties. No person shall be entitled to vote at such election unless he or she is registered to vote in said city or town for at least thirty days preceding the date of the election. The ballot proposition shall be in substantially the following form:

"Shall the city or town of be annexed to and be a part of library district?
YES
NO

If a majority of the persons voting on the proposition shall vote in favor thereof, the city or town shall thereupon be annexed and shall be a part of such library district. [2011 c 10 § 78; 2006 c 344 § 19; 1982 c 123 § 14; 1977 ex.s. c 353 § 2.]

Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

Additional notes found at www.leg.wa.gov

27.12.380 Annexation of city or town into library district—Withdrawal of annexed city or town. The legislative body of such a city or town which has annexed to such a library district, may, by resolution, present to the voters of such city or town a proposition to withdraw from said library district at any general election held at least three years following the annexation to the library district. [1982 c 123 § 15; 1977 ex.s. c 353 § 3.]

27.12.390 Annexation of city or town into library district—Tax levies. The annual tax levy authorized by RCW 27.12.050, 27.12.150, and 27.12.420 shall be imposed throughout the library district, including any city or town annexed thereto. Any city or town annexed to a rural library district, island library district, or intercounty rural library district shall be entitled to levy up to three dollars and sixty cents per thousand dollars of assessed valuation less any regular levy made by such library district in the incorporated area, notwithstanding any other provision of law: PROVIDED, That the limitations upon regular property taxes imposed by chapter 84.55 RCW shall apply. [1982 c 123 § 16; 1977 ex.s. c 353 § 4.]

27.12.395 Annexation of city or town into library district—Assumption of liabilities. (1) All liabilities of a city or town that is annexed to a rural county library district or intercounty rural library district, which liabilities were incurred for the purpose of or in the course of acquiring, operating, or maintaining a library or libraries, may, if provided for in the ordinance providing for annexation and in the resolution of the district consenting to annexation, pass to and be assumed by the rural county library district or intercounty rural library district. Notwithstanding the foregoing, if the city or town has incurred any voted bonded indebtedness for the purpose of acquiring, operating, or maintaining a library or libraries, and if the indebtedness is outstanding at the time of the annexation, the voted bonded indebtedness shall not be assumed by the annexing district.

(2) Notwithstanding subsection (1) of this section, if the annexed city or town has outstanding at the time of the annexation any voted bonded indebtedness incurred for the purpose of acquiring, operating, or maintaining a library or libraries, a special election may be called by the board of trustees of the rural county library district or intercounty rural library district, to be held at the next general or special election held in the applicable county or counties, for the purpose of affording the voters residing within the area of the district outside the annexed city or town an opportunity to assume the voted bonded indebtedness of the annexed city or town upon the assent of three-fifths of the voters. [1985 c 392 § 1.]

27.12.400 Island library districts—Establishment—Procedure. The procedure for the establishment of an island library district shall be as follows:

(1) Petitions signed by at least ten percent of the registered voters of the island, outside of the area of incorporated cities and towns, asking that the question, "Shall an island library district be established?" be submitted to a vote of the people of the island, shall be filed with the board of county commissioners.

(2) The board of county commissioners, after having determined that the petitions were signed by the requisite number of qualified petitioners, shall place the proposition for the establishment of an island library district on the ballot for the vote of the people of the island, outside incorporated cities and towns, at the next succeeding general or special election.

(3) If a majority of those voting on the proposition vote in favor of the establishment of the island library district, the

board of county commissioners shall forthwith declare it established. [1982 c 123 § 2.]

27.12.410 Island library districts—Restrictions on establishment. An island library district may not be established if there is in existence a library district serving all of the area of the county not included within the area of incorporated cities and towns. [1982 c 123 § 3.]

27.12.420 Island library districts—Board of trustees—Tax levies. Immediately following the establishment of an island library district, the board of county commissioners shall appoint a board of library trustees for the district in accordance with RCW 27.12.190. The board of trustees shall appoint a librarian for the district.

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

Excess levies authorized pursuant to RCW 27.12.222, 84.52.052, or 84.52.056 shall be at a rate determined by the board of trustees of the island library district and certified to the board of county commissioners. [1982 c 123 § 4.]

27.12.430 Island library districts—Name may be adopted. The board of trustees of an island library district may adopt a name by which the district shall be known and under which it shall transact all of its business. [1982 c 123 § 6.]

27.12.440 Island library districts—Powers and limitations for indebtedness. Except as otherwise specifically provided, island library districts and the trustees thereof shall have the same powers and limitations as are prescribed by RCW 27.12.060 through 27.12.070 for rural county library districts and shall follow the same procedures and be subject to the same limitations as are provided therein with respect to the contracting of indebtedness. [1982 c 123 § 5.]

27.12.450 Island library districts—Dissolution, when. If after an island library district serving a single island has been established, a rural county library district serving all of the area of the county not included within the area of incorporated cities and towns is established as provided in RCW 27.12.040, the district serving the single island in the county shall be dissolved. [1982 c 123 § 7.]

Dissolution of library districts: RCW 27.12.320.

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

The procedure to create a rural partial-county library district is initiated by the filing of petitions with the county audi-

tor proposing the creation of the district that have been signed by at least ten percent of the registered voters residing in the area proposed to be included in the rural partial-county library district. The county auditor shall review the petitions and certify the sufficiency or insufficiency of the signatures to the county legislative authority.

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

The rural partial-county library district shall be created if the ballot proposition authorizing the creation of the district is approved by a simple majority vote of the voters voting on the proposition. Immediately after creation of the rural partial-county library district the county legislative authority shall appoint a board of library trustees for the district as provided under RCW 27.12.190.

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

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

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

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

Nothing in this section authorizes the consolidation of a rural partial-county library district with any rural county library district; island library district; city, county, or regional library; intercounty library district; or other rural partial-

county library district, unless, in addition to any other requirements imposed by statute, the boards of all library districts involved approve the consolidation. [1999 c 153 § 25; 1994 c 198 § 2; 1993 c 284 § 1.]

Additional notes found at www.leg.wa.gov

Chapter 27.15 RCW LIBRARY CAPITAL FACILITY AREAS

Sections

27.15.005	Findings.
27.15.010	Definitions.
27.15.020	Request to establish library capital facility area—Ballot proposition.
27.15.030	Governing body.
27.15.040	Authority to construct, acquire, maintain, and remodel facilities—Interlocal agreements—Legal title.
27.15.050	Financing—Bonds authorized.
27.15.060	Dissolution of library capital facility area.

27.15.005 Findings. The legislature finds that it is in the interests of the people of the state of Washington to be able to establish library capital facility areas as quasi-municipal corporations and independent taxing units existing within the boundaries of existing rural county library districts, rural intercounty library districts, rural partial-county library districts, or island library districts, for the purpose of financing the construction of capital library facilities. [1995 c 368 § 1.]

27.15.010 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Library district" means rural county library district, rural intercounty library district, rural partial-county library district, or island library district.

(2) "Library capital facility area" means a quasi-municipal corporation and independent taxing authority within the meaning of Article VII, section 1 of the state Constitution, and a taxing district within the meaning of Article VII, section 2 of the state Constitution, created by a county legislative authority of one or several counties. A library capital facility area may include all or a portion of a city or town.

(3) "Library capital facilities" includes both real and personal property including, but not limited to, land, buildings, site improvements, equipment, furnishings, collections, and all necessary costs related to acquisition, financing, design, construction, equipping, and remodeling. [1995 c 368 § 2.]

27.15.020 Request to establish library capital facility area—Ballot proposition. (1) Upon receipt of a completed written request to both establish a library capital facility area and submit a ballot proposition under RCW 27.15.050 to finance library capital facilities, that is signed by a majority of the members of the board of trustees of a library district or board of trustees of a city or town library, the county legislative authority or county legislative authorities for the county or counties in which a proposed library capital facility area is to be established must submit a ballot proposition to voters to establish the proposed library capital facility area and authorize the library capital facility area to finance library capital facilities by issuing general indebtedness and imposing excess levies to retire the indebtedness. The ballot proposi-

tion must be submitted to voters at a general or special election. If the proposed election date is not a general election, the county legislative authority is encouraged to request an election when another unit of local government with territory located in the proposed library capital facility area is already holding a special election under RCW 29A.04.330. The ballot proposition must be approved by a supermajority vote.

(2) A completed request submitted under this section must include: (a) A description of the boundaries of the library capital facility area; and (b) a copy of the resolution of the legislative authority of each city or town, and board of trustees of each library district, with territory included within the proposed library capital facility area indicating both: (i) Its approval of the creation of the proposed library capital facility area; and (ii) agreement on how election costs will be paid for submitting the ballot proposition to voters.

(3) For the purposes of this section, a supermajority vote means the affirmative vote of a three-fifths majority of those voting on the proposition, and the total number of persons voting on the proposition must be at least 40 [forty] percent of the voters in the proposed library capital facility area who voted in the last preceding statewide general election. [2020 c 207 § 2; 2015 c 53 § 4; 1996 c 258 § 1; 1995 c 368 § 3.]

27.15.030 Governing body. The governing body of the library capital facility area shall be three members of the county legislative authority from each county in which the library capital facility area is located. In counties that have more than three members of their legislative body, the three members who shall serve on the governing body of the library capital facility area shall be chosen by the full membership of the county legislative authority. Where the library capital facility area is located in more than one county, a county may be represented by less than three members by mutual agreement of the legislative authorities of the participating counties. [1995 c 368 § 4.]

27.15.040 Authority to construct, acquire, maintain, and remodel facilities—Interlocal agreements—Legal title. A library capital facilities [facility] area may construct, acquire, maintain, and remodel library capital facilities and the governing body of the library capital facility area may, by interlocal agreement or otherwise, contract with a county, city, town, or library district to design, administer the construction of, operate, or maintain a library capital facility financed pursuant to this chapter. Legal title to library capital facilities acquired or constructed pursuant to this chapter may be transferred, acquired, or held by the library capital facility area or by a county, city, town, or library district in which the facility is located. [1995 c 368 § 5.]

27.15.050 Financing—Bonds authorized. (1) A library capital facility area may contract indebtedness or borrow money to finance library capital facilities and may issue general obligation bonds for such purpose not exceeding an amount, together with any existing indebtedness of the library capital facility area, equal to one and one-quarter percent of the value of the taxable property in the district and impose excess property tax levies to retire the general indebtedness as provided in RCW 39.36.050 if a ballot proposition authorizing both the indebtedness and excess levies is

approved by at least three-fifths of the voters of the library capital facility area voting on the proposition, and the total number of voters voting on the proposition constitutes not less than forty percent of the total number of voters in the library capital facility area voting at the last preceding general election. The term "value of the taxable property" has the meaning set forth in RCW 39.36.015. Such a proposition shall be submitted to voters at a general or special election and may be submitted to voters at the same election as the election when the ballot proposition authorizing the establishing of the library capital facility area is submitted. If the proposed election date is not a general election, the county legislative authority is encouraged to request an election when another unit of local government with territory located in the proposed library capital facility area is already holding a special election under RCW 29A.04.330.

(2) A library capital facility area may accept gifts or grants of money or property of any kind for the same purposes for which it is authorized to borrow money in subsection (1) of this section. [2015 c 53 § 5; 1996 c 258 § 2; 1995 c 368 § 6.]

27.15.060 Dissolution of library capital facility area.

(1) A library capital facility area may be dissolved by a majority vote of the governing body when all obligations under any general obligation bonds issued by the library capital facility area have been discharged and any other contractual obligations of the library capital facility area have either been discharged or assumed by another governmental entity.

(2) A library capital facility area shall be dissolved by the governing body if the first two ballot propositions under RCW 27.15.050 that are submitted to voters are not approved. [1995 c 368 § 7.]

Chapter 27.18 RCW

INTERSTATE LIBRARY COMPACT

Sections

27.18.010	Definitions.
27.18.020	Compact enacted—Provisions.
27.18.030	Compact administrator—Deputies—Library agreements, submittal.
27.18.040	Compliance with tax and bonding laws enjoined.
27.18.050	Withdrawal—Compact administrator to send and receive notices.

27.18.010 Definitions. As used in this chapter, except where the context otherwise requires:

(1) "Compact" means the interstate library compact.

(2) "Public library agency", with reference to this state, means the state library and any county or city library or any regional library, rural county library district library, island library district library, or intercounty rural library district library.

(3) "State library agency", with reference to this state, means the commissioners of the state library. [1982 c 123 § 17; 1965 ex.s. c 93 § 1.]

27.18.020 Compact enacted—Provisions. The interstate library compact hereby is enacted into law and entered into by this state with all states legally joining therein in the form substantially as follows:

INTERSTATE LIBRARY COMPACT

ARTICLE I. POLICY AND PURPOSE

Because the desire for the services provided by libraries transcends governmental boundaries and can most effectively be satisfied by giving such services to communities and people regardless of jurisdictional lines, it is the policy of the states party to this compact to cooperate and share their responsibilities; to authorize cooperation and sharing with respect to those types of library facilities and services which can be more economically or efficiently developed and maintained on a cooperative basis; and to authorize cooperation and sharing among localities, states and others in providing joint or cooperative library services in areas where the distribution of population or of existing and potential library resources make the provision of library service on an interstate basis the most effective way of providing adequate and efficient service.

ARTICLE II. DEFINITIONS

As used in this compact:

- (a) "Public library agency" means any unit or agency of local or state government operating or having power to operate a library.
- (b) "Private library agency" means any nongovernmental entity which operates or assumes a legal obligation to operate a library.
- (c) "Library agreement" means a contract establishing an interstate library district pursuant to this compact or providing for the joint or cooperative furnishing of library services.

ARTICLE III. INTERSTATE LIBRARY DISTRICTS

(a) Any one or more public library agencies in a party state in cooperation with any public library agency or agencies in one or more other party states may establish and maintain an interstate library district. Subject to the provisions of this compact and any other laws of the party states which pursuant hereto remain applicable, such district may establish, maintain and operate some or all of the library facilities and services for the area concerned in accordance with the terms of a library agreement therefor. Any private library agency or agencies within an interstate library district may cooperate therewith, assume duties, responsibilities and obligations thereto, and receive benefits therefrom as provided in any library agreement to which such agency or agencies become party.

(b) Within an interstate library district, and as provided by a library agreement, the performance of library functions may be undertaken on a joint or cooperative basis or may be undertaken by means of one or more arrangements between or among public or private library agencies for the extension of library privileges to the use of facilities or services operated or rendered by one or more of the individual library agencies.

(c) If a library agreement provides for joint establishment, maintenance or operation of library facilities or services by an interstate library district, such district shall have power to do any one or more of the following in accordance with such library agreement:

1. Undertake, administer and participate in programs or arrangements for securing, lending or servicing books and other publications, any other materials suitable to be kept or made available by libraries, library equipment or for the dissemination of information about libraries, the value and significance of particular items therein, and the use thereof.

2. Accept for any of its purposes under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, (conditional or otherwise), from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm or corporation, and receive, utilize and dispose of the same.

3. Operate mobile library units or equipment for the purpose of rendering bookmobile service within the district.

4. Employ professional, technical, clerical and other personnel, and fix terms of employment, compensation and other appropriate benefits; and where desirable, provide for the inservice training of such personnel.

5. Sue and be sued in any court of competent jurisdiction.

6. Acquire, hold, and dispose of any real or personal property or any interest or interests therein as may be appropriate to the rendering of library service.

7. Construct, maintain and operate a library, including any appropriate branches thereof.

8. Do such other things as may be incidental to or appropriate for the carrying out of any of the foregoing powers.

ARTICLE IV. INTERSTATE LIBRARY DISTRICTS,
GOVERNING BOARD

(a) An interstate library district which establishes, maintains or operates any facilities or services in its own right shall have a governing board which shall direct the affairs of the district and act for it in all matters relating to its business. Each participating public library agency in the district shall be represented on the governing board which shall be organized and conduct its business in accordance with provision therefor in the library agreement. But in no event shall a governing board meet less often than twice a year.

(b) Any private library agency or agencies party to a library agreement establishing an interstate library district may be represented on or advise with the governing board of the district in such manner as the library agreement may provide.

ARTICLE V. STATE LIBRARY AGENCY
COOPERATION

Any two or more state library agencies of two or more of the party states may undertake and conduct joint or cooperative library programs, render joint or cooperative library services, and enter into and perform arrangements for the cooperative or joint acquisition, use, housing and disposition of items or collections of materials which, by reason of expense, rarity, specialized nature, or infrequency of demand therefor would be appropriate for central collection and shared use. Any such programs, services or arrangements may include provision for the exercise on a cooperative or joint basis of any power exercisable by an interstate library district and an agreement embodying any such program, service or arrangement shall contain provisions covering the subjects detailed

in Article VI of this compact for interstate library agreements.

ARTICLE VI. LIBRARY AGREEMENTS

(a) In order to provide for any joint or cooperative undertaking pursuant to this compact, public and private library agencies may enter into library agreements. Any agreement executed pursuant to the provisions of this compact shall, as among the parties to the agreement:

1. Detail the specific nature of the services, programs, facilities, arrangements or properties to which it is applicable.
2. Provide for the allocation of costs and other financial responsibilities.
3. Specify the respective rights, duties, obligations and liabilities of the parties.
4. Set forth the terms and conditions for duration, renewal, termination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriate to the proper effectuation and performance of the agreement.

(b) No public or private library agency shall undertake to exercise itself, or jointly with any other library agency, by means of a library agreement any power prohibited to such agency by the constitution or statutes of its state.

(c) No library agreement shall become effective until filed with the compact administrator of each state involved, and approved in accordance with Article VII of this compact.

ARTICLE VII. APPROVAL OF LIBRARY AGREEMENTS

(a) Every library agreement made pursuant to this compact shall, prior to and as a condition precedent to its entry into force, be submitted to the attorney general of each state in which a public library agency party thereto is situated, who shall determine whether the agreement is in proper form and compatible with the laws of his state. The attorneys general shall approve any agreement submitted to them unless they shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public library agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within ninety days of its submission shall constitute approval thereof.

(b) In the event that a library agreement made pursuant to this compact shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction in the same manner and subject to the same requirements governing the action of the attorneys general pursuant to paragraph (a) of this article. This requirement of submission and approval shall be in addition to and not in substitution for the requirement of submission to and approval by the attorneys general.

ARTICLE VIII. OTHER LAWS APPLICABLE

Nothing in this compact or in any library agreement shall be construed to supersede, alter or otherwise impair any obligation imposed on any library by otherwise applicable law, nor to authorize the transfer or disposition of any property held in trust by a library agency in a manner contrary to the terms of such trust.

ARTICLE IX. APPROPRIATIONS AND AID

(a) Any public library agency party to a library agreement may appropriate funds to the interstate library district established thereby in the same manner and to the same extent as to a library wholly maintained by it and, subject to the laws of the state in which such public library agency is situated, may pledge its credit in support of an interstate library district established by the agreement.

(b) Subject to the provisions of the library agreement pursuant to which it functions and the laws of the states in which such district is situated, an interstate library district may claim and receive any state and federal aid which may be available to library agencies.

ARTICLE X. COMPACT ADMINISTRATOR

Each state shall designate a compact administrator with whom copies of all library agreements to which his state or any public library agency thereof is party shall be filed. The administrator shall have such other powers as may be conferred upon him by the laws of his state and may consult and cooperate with the compact administrators of other party states and take such steps as may effectuate the purposes of this compact. If the laws of a party state so provide, such state may designate one or more deputy compact administrators in addition to its compact administrator.

ARTICLE XI. ENTRY INTO FORCE AND WITHDRAWAL

(a) This compact shall enter into force and effect immediately upon its enactment into law by any two states. Thereafter, it shall enter into force and effect as to any other state upon the enactment thereof by such state.

(b) This compact shall continue in force with respect to a party state and remain binding upon such state until six months after such state has given notice to each other party state of the repeal thereof. Such withdrawal shall not be construed to relieve any party to a library agreement entered into pursuant to this compact from any obligation of that agreement prior to the end of its duration as provided therein.

ARTICLE XII. CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force

and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. [1965 ex.s. c 93 § 2.]

27.18.030 Compact administrator—Deputies—Library agreements, submittal. The state librarian shall be the compact administrator pursuant to Article X of the compact. The state librarian shall appoint one or more deputy compact administrators. Every library agreement made pursuant to Article VI of the compact shall, as a condition precedent to its entry into force, be submitted to the state librarian for his or her recommendations. [2011 c 336 § 705; 1965 ex.s. c 93 § 3.]

27.18.040 Compliance with tax and bonding laws enjoined. No regional library, county library, rural county library district library, island library district library, inter-county rural library district library, or city library of this state shall be a party to a library agreement which provides for the construction or maintenance of a library pursuant to Article III, subdivision (c-7) of the compact, nor levy a tax or issue bonds to contribute to the construction or maintenance of such a library, except after compliance with any laws applicable to regional libraries, county libraries, rural county library district libraries, island library district libraries, intercounty rural library district libraries, or city libraries relating to or governing the levying of taxes or the issuance of bonds. [1982 c 123 § 18; 1965 ex.s. c 93 § 4.]

27.18.050 Withdrawal—Compact administrator to send and receive notices. In the event of withdrawal from the compact the compact administrator shall send and receive any notices required by Article XI(b) of the compact. [1965 ex.s. c 93 § 5.]

Chapter 27.20 RCW STATE LAW LIBRARY

Sections

27.20.030	Library part of judicial branch.
27.20.040	State law librarian and assistants—Appointment, tenure, compensation.
27.20.050	Duties of law librarian.

27.20.030 Library part of judicial branch. The state law library shall be a part of the judicial branch of state government and shall be under the exclusive jurisdiction and control of the supreme court. [1959 c 188 § 1.]

Committee abolished: "The state law library committee is hereby abolished." [1959 c 188 § 5.] Provisions relating to the state law library committee were formerly codified in chapter 43.36 RCW but were repealed by 1959 c 188 § 6.

27.20.040 State law librarian and assistants—Appointment, tenure, compensation. The supreme court shall appoint a state law librarian, who may be removed at its pleasure. The librarian shall receive such compensation only as shall be fixed by the court.

The court may also appoint and fix the salaries of such assistants and clerical personnel as may be required. [1959 c 188 § 2.]

Rules of court: SAR 18.

(2021 Ed.)

27.20.050 Duties of law librarian. The duties of the state law librarian shall be as prescribed by statute and by rules of court. [1959 c 188 § 3.]

Duties of state law librarian relative to session laws, legislative journals and supreme court reports: Chapter 40.04 RCW.

Chapter 27.24 RCW COUNTY LAW LIBRARIES

Sections

27.24.010	Establishment.
27.24.020	Board of trustees—Composition—Terms.
27.24.030	Powers of board.
27.24.040	Annual report.
27.24.062	Establishment of regional law libraries.
27.24.066	Library rooms and service.
27.24.067	Free use of library.
27.24.068	Establishment of county law library—Trustee—Free use of library.
27.24.070	Portion of filing fees for county or regional law library.
27.24.090	Discontinuance of fees.
27.24.900	Effective date—1992 c 62.

27.24.010 Establishment. Each county with a population of eight thousand or more shall have a county law library, which shall be governed and maintained as hereinafter provided. [1992 c 62 § 1; 1919 c 84 § 1; RRS § 8247.]

27.24.020 Board of trustees—Composition—Terms. (1) Unless a regional law library is created pursuant to RCW 27.24.062, every county with a population of three hundred thousand or more must have a board of law library trustees consisting of five members to be constituted as follows: The chair of the county legislative authority is an ex officio trustee, the judges of the superior court of the county shall choose two of their number to be trustees, and the members of the county bar association shall choose two members of the bar of the county to be trustees.

(2) Unless a regional law library is created pursuant to RCW 27.24.062, every county with a population of eight thousand or more but less than three hundred thousand must have a board of law library trustees consisting of five members to be constituted as follows: The chair of the county legislative authority is an ex officio trustee, the judges of the superior court of the county shall choose one of their number to be a trustee, and the members of the county bar association shall choose three members of the county to be trustees. If there is no county bar association, then the lawyers of the county shall choose three of their number to be trustees.

(3) If a county has a population of less than eight thousand, then the provisions contained in RCW 27.24.068 shall apply to the establishment and operation of the county law library.

(4) If a regional law library is created pursuant to RCW 27.24.062, then it shall be governed by one board of trustees. The board shall consist of the following representatives from each county: The judges of the superior court of the county shall choose one of their number to be a trustee, the county legislative authority shall choose one of their number to be a trustee, and the members of the county bar association shall choose one member of the bar of the county to be a trustee. If there is no county bar association, then the lawyers of the county shall choose one of their number to be a trustee.

(5) The term of office of a member of the board who is a judge is for as long as he or she continues to be a judge, and the term of a member who is from the bar is four years. Vacancies shall be filled as they occur and in the manner directed in this section. The office of trustee shall be without salary or other compensation. The board shall elect one of their number president and the librarian shall act as secretary, except that in counties with a population of eight thousand or more but less than three hundred thousand, the board shall elect one of their number to act as secretary if no librarian is appointed. Meetings shall be held at least once per year, and if more often, then at such times as may be prescribed by rule. [2011 c 336 § 706; 2005 c 63 § 2; 1992 c 62 § 2; 1919 c 84 § 2; RRS § 8248.]

27.24.030 Powers of board. The board of law library trustees shall have power:

(1) To make and enforce rules for their own procedure and for the government, care and use of the library, and for the guidance of employees.

(2) To remove any trustee, except an ex officio trustee, for neglect to attend the meetings of the board.

(3) To employ a librarian and assistants and to prescribe their duties, fix their compensation and remove them at will.

(4) To purchase books, periodicals and other property suitable for the library and to accept gifts and bequests of money and property for the library, and to sell property which is unsuitable or not needed for the library.

(5) To examine and approve for payment claims and demands payable out of the county law library fund. [1919 c 84 § 3; RRS § 8249.]

27.24.040 Annual report. The board of law library trustees shall, on or before the first Monday in September of each year, make a report to the county legislative authority of their county giving the condition of their trust, with a full statement of all property received and how used, the number of books and other publications on hand, the number added by purchase, gift or otherwise during the preceding year, the number lost or missing, and such other information as may be of public interest, together with a financial report showing all receipts and disbursements of money. [1992 c 62 § 3; 1919 c 84 § 4; RRS § 8250.]

27.24.062 Establishment of regional law libraries. Two or more counties each with a population of from eight thousand to less than one hundred twenty-five thousand at the time of creation of the regional law library may, by agreement of the respective law library boards of trustees as described in RCW 27.24.020(2), create a regional law library and establish and maintain one principal law library at such location as the regional board of trustees may determine will best suit the needs of the users: PROVIDED, HOWEVER, That there shall be at all times a law library in such size as the board of trustees may determine necessary to be located at the courthouse where each superior court is located. [2005 c 63 § 1; 1992 c 62 § 4; 1991 c 363 § 18; 1971 ex.s. c 141 § 1; 1943 c 195 § 1; 1933 c 167 § 1; 1925 ex.s. c 94 § 1; Rem. Supp. 1943 § 8254-1.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

27.24.066 Library rooms and service. The county legislative authority of each county that is required to maintain a county law library shall upon demand by the board of law library trustees, provide a room suitable for the law library, with adequate heat, light, and janitor service. [1992 c 62 § 5; 1933 c 167 § 3, part; RRS § 8254-7.]

27.24.067 Free use of library. The use of the county law library shall be free to the judges of the state, to state and county officials, and to members of the bar, and to such others as the board of trustees may by rule provide. Residents of counties with a population of three hundred thousand or more shall have free use of the law library. [1992 c 62 § 6; 1933 c 167 § 3, part; RRS § 8254-8.]

27.24.068 Establishment of county law library—Trustee—Free use of library. In each county with a population of less than eight thousand, there may be a county law library which shall be governed and maintained by the prosecuting attorney who shall also serve as trustee of such library without additional salary or other compensation.

The use of the county law library shall be free to the judges of the state, to state and county officials, and to members of the bar, and to such others as the prosecuting attorney may by rule provide. [1991 c 363 § 19; 1975 c 37 § 1.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

27.24.070 Portion of filing fees for county or regional law library. In each county pursuant to this chapter, the county treasurer shall deposit in the county or regional law library fund a sum equal to seventeen dollars for every new probate or civil filing fee, including appeals and for every fee for filing a counterclaim, cross-claim, or third-party claim in any civil action, collected by the clerk of the superior court and seven dollars for every fee collected for the commencement of a civil action and for the filing of a counterclaim, cross-claim, or third-party claim in any civil action in district court for the support of the law library in that county or the regional law library to which the county belongs: PROVIDED, That upon a showing of need the seventeen dollar contribution may be increased up to twenty dollars or in counties with multiple library sites up to thirty dollars upon the request of the law library board of trustees and with the approval of the county legislative body or bodies. [2005 c 457 § 16; 1992 c 54 § 6; 1985 c 389 § 2; 1984 c 258 § 310; 1979 c 126 § 1; 1971 ex.s. c 141 § 3; 1969 c 25 § 2; 1961 c 304 § 9; 1957 c 31 § 1; 1953 c 249 § 1. Prior: (i) 1937 c 32 § 1, part; 1919 c 84 § 8, part; RRS § 8254, part. (ii) 1933 c 167 § 2, part; 1925 ex.s. c 94 § 3, part; RRS § 8254-3, part. (iii) 1943 c 195 § 2; Rem. Supp. 1943 § 8254-9.]

Intent—2005 c 457: See note following RCW 43.08.250.

Intent—1984 c 258: See note following RCW 3.34.130.

County clerk's fees: RCW 36.18.020.

District courts, filing fees in civil cases: RCW 3.62.060.

Additional notes found at www.leg.wa.gov

27.24.090 Discontinuance of fees. The collection of the fees directed in RCW 27.24.070 shall be discontinued whenever the board of trustees of a county library or the prosecuting attorney, as the case may be, files with the county

clerk and clerks of the district courts a written resolution to the effect that the county library fund in its county is sufficient for all present needs, which resolution shall remain effective until it is later rescinded. Upon its rescission, the county clerk and clerks of the district courts shall resume the collection of such fees. [1987 c 202 § 188; 1975 c 37 § 2; 1953 c 249 § 3; 1933 c 167 § 2, part; 1925 ex.s. c 94 § 3, part; RRS § 8254-3, part.]

Intent—1987 c 202: See note following RCW 2.04.190.

27.24.900 Effective date—1992 c 62. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect April 1, 1992. [1992 c 62 § 10.]

Chapter 27.34 RCW

STATE HISTORICAL SOCIETIES—HISTORIC PRESERVATION

Sections

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Historic preservation—Authority of county, city, or town to acquire property, borrow money, issue bonds, etc.: RCW 35.21.395, 36.32.435.

27.34.010 Purpose. The legislature finds that those articles and properties which illustrate the history of the state of Washington should be maintained and preserved for the use and benefit of the people of the state. It is the purpose of this chapter to designate the two state historical societies as trustees of the state for these purposes, and to establish:

(1) A comprehensive and consistent statewide policy pertaining to archaeology, history, historic preservation, and other historical matters;

(2) Statewide coordination of historical programs; and

(3) A coordinated budget for all state historical agencies. [1993 c 101 § 9; 1983 c 91 § 1.]

Findings—1993 c 101: "The legislature finds that:

(1) There is a strong community of interest between the Washington state historical society and the state capital historical association. This community of interest is expressed through many common goals, missions, and heritage programs, as well as a close geographic proximity between these two state historical agencies.

(2) The capacity to preserve our state's rich and diverse heritage and the unique political and cultural history of the state capital will be strengthened if the programs of both agencies are combined into a single, cohesive entity.

(3) In a time of limited state resources, operational efficiencies and savings can be achieved if the programs and personnel of both agencies are managed by a single entity.

It is, therefore, the purpose of this act to transfer the powers and duties of the state historical agency known as the state capital historical association to the Washington state historical society. However, it is the intent of the legislature that as the consolidation of these two agencies occurs, the unique missions and programs of the state capital historical association and the *state capital historical museum be preserved." [1993 c 101 § 1.]

***Reviser's note:** The "state capital historical museum" was renamed the "historic Lord mansion" by 2017 c 117 § 2.

27.34.020 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Advisory council" means the advisory council on historic preservation.

(2) "Department" means the department of archaeology and historic preservation.

(3) "Director" means the director of the department of archaeology and historic preservation.

(4) "Federal act" means the national historic preservation act of 1966 (Public Law 89-655; 80 Stat. 915).

(5) "Heritage barn" means any large agricultural outbuilding used to house animals, crops, or farm equipment, that is over fifty years old and has been determined by the department to: (a) Be eligible for listing on the Washington heritage register or the national register of historic places; or (b) have been listed on a local historic register and approved by the advisory council. In addition to barns, "heritage barn" includes agricultural resources such as milk houses, sheds, silos, or other outbuildings, that are historically associated with the working life of the farm or ranch, if these outbuildings are on the same property as a heritage barn.

(6) "Heritage council" means the Washington state heritage council.

(7) "Historic preservation" includes the protection, rehabilitation, restoration, identification, scientific excavation, and reconstruction of districts, sites, buildings, structures, and objects significant in American and Washington state history, architecture, archaeology, or culture.

(8) "Preservation officer" means the state historic preservation officer as provided for in RCW 43.334.020.

(9) "Project" means programs leading to the preservation for public benefit of historical properties, whether by state and local governments or other public bodies, or private organizations or individuals, including the acquisition of title or interests in, and the development of, any district, site, building, structure, or object that is significant in American and

Washington state history, architecture, archaeology, or culture, and property used in connection therewith, or for its development.

(10) "State historical agencies" means the state historical societies and the department.

(11) "State historical societies" means the Washington state historical society and the eastern Washington state historical society.

(12) "Cultural resource management plan" means a comprehensive plan which identifies and organizes information on the state of Washington's historic, archaeological, and architectural resources into a set of management criteria, and which is to be used for producing reliable decisions, recommendations, and advice relative to the identification, evaluation, and protection of these resources. [2007 c 333 § 5; 2005 c 333 § 13; 1995 c 399 § 13; 1993 c 101 § 10; 1986 c 266 § 9; 1983 c 91 § 2.]

Finding—Purpose—2007 c 333: See note following RCW 27.34.400.

Findings—1993 c 101: See note following RCW 27.34.010.

Transfer of powers and duties of office of archaeology and historic preservation—Construction of statutory references: See note following RCW 38.52.005.

Additional notes found at www.leg.wa.gov

27.34.060 State historical societies—Budget requests.

Each state historical society shall submit its budget requests to the heritage council for review and comment. [1983 c 91 § 6.]

27.34.070 State historical societies—Powers and duties—Rules. (1) Each state historical society is designated a trustee for the state whose powers and duties include but are not limited to the following:

(a) To collect, catalog, preserve, and interpret objects, manuscripts, sites, photographs, and other materials illustrative of the cultural, artistic, and natural history of this state;

(b) To operate state museums and assist and encourage cultural and historical studies and museum interpretive efforts throughout the state, including those sponsored by local historical organizations, and city, county, and state agencies;

(c) To engage in cultural, artistic, and educational activities, including classes, exhibits, seminars, workshops, and conferences if these activities are related to the basic purpose of the society;

(d) To plan for and conduct celebrations of significant events in the history of the state of Washington and to give assistance to and coordinate with state agencies, local governments, and local historical organizations in planning and conducting celebrations;

(e) To create one or more classes of membership in the society;

(f) To engage in the sale of various articles which are related to the basic purpose of the society;

(g) To engage in appropriate fund-raising activities for the purpose of increasing the self-support of the society;

(h) To accept gifts, grants, conveyances, bequests, and devises, of real or personal property, or both, in trust or otherwise, and sell, lease, exchange, invest, or expend the same or the proceeds, rents, profits, and income therefrom except as limited by the donor's terms. The governing boards of the

state historical societies shall adopt rules to govern and protect the receipt and expenditure of the proceeds, rents, profits, and income of all such gifts, grants, conveyances, bequests, and devises;

(i) To accept on loan or lend objects of historical interest, and sell, exchange, divest itself of, or refuse to accept, items which do not enhance the collection;

(j) To charge general or special admission fees to its museums or exhibits and to waive or decrease such fees as it finds appropriate; and

(k) To strengthen cultural and historical organizations statewide by providing grants at the discretion of the society in support of organizational capacity building, public programming, educational programming, outreach, collections management, and exhibitions as funding allows.

(2) All objects, sites, manuscripts, photographs, and all property, including real property, now held or hereafter acquired by the state historical societies shall be held by the societies in trust for the use and benefit of the people of Washington state.

(3) Each historical society is authorized to adopt rules under chapter 34.05 RCW to carry out the policies and purposes of this section. [2020 c 48 § 1; 2005 c 333 § 14; 1983 c 91 § 7.]

27.34.075 Educational publications printing. The provisions of chapter 43.19 RCW shall not apply to the printing of educational publications of the state historical societies. [2015 c 225 § 23; 1994 c 82 § 2.]

27.34.080 State historical societies—Appointment of directors—Removal. The governing board of each state historical society shall appoint its respective director with the consent of the governor. The governor may remove a director for cause or if a majority of the society's governing board votes for removal. [1983 c 91 § 8.]

27.34.200 Archaeology and historic preservation—Legislative declaration. The legislature hereby finds that the promotion, enhancement, perpetuation, and use of structures, sites, districts, buildings, and objects of historic, archaeological, architectural, and cultural significance is desirable in the interest of the public pride and general welfare of the people of the state; and the legislature further finds that the economic, cultural, and aesthetic standing of the state can be maintained and enhanced by protecting the heritage of the state and by preventing the destruction or defacement of these assets; therefore, it is hereby declared by the legislature to be the public policy and in the public interest of the state to designate, preserve, protect, enhance, and perpetuate those structures, sites, districts, buildings, and objects which reflect outstanding elements of the state's historic, archaeological, architectural, or cultural heritage, for the inspiration and enrichment of the citizens of the state. [1983 c 91 § 10.]

27.34.220 Director—Powers. The director or the director's designee is authorized:

(1) To promulgate and maintain the Washington heritage register of districts, sites, buildings, structures, and objects significant in American or Washington state history, architecture, archaeology, and culture, and to prepare comprehen-

sive statewide historic surveys and plans and research and evaluation of surveyed resources for the preparation of nominations to the Washington heritage register and the national register of historic places, in accordance with criteria approved by the advisory council established under RCW 27.34.250. Nominations to the national register of historic places shall comply with any standards and regulations promulgated by the United States secretary of the interior for the preservation, acquisition, and development of such properties. Nominations to the Washington heritage register shall comply with rules adopted under this chapter.

(2) To establish a program of matching grants-in-aid to public agencies, public or private organizations, or individuals for projects having as their purpose the preservation for public benefit of properties that are significant in American or Washington state history, architecture, archaeology, and culture.

(3) To promote historic preservation efforts throughout the state, including private efforts and those of city, county, and state agencies.

(4) To enhance the effectiveness of the state preservation program through the initiation of legislation, the use of varied funding sources, the creation of special purpose programs, and contact with state, county, and city officials, civic groups, and professionals.

(5) To spend funds, subject to legislative appropriation and the availability of funds, where necessary to assist the Indian tribes of Washington state in removing prehistoric human remains for scientific examination and reburial, if the human remains have been unearthed inadvertently or through vandalism and if no other public agency is legally responsible for their preservation.

(6) To consult with the governor and the legislature on issues relating to the conservation of the man-made environment and their impact on the well-being of the state and its citizens.

(7) To charge fees for professional and clerical services provided by the *office.

(8) To adopt such rules, in accordance with chapter 34.05 RCW, as are necessary to carry out RCW 27.34.200 through 27.34.280. [1997 c 145 § 1; 1987 c 505 § 8; 1986 c 266 § 11; 1985 c 64 § 2; 1983 c 91 § 12.]

***Reviser's note:** Powers, duties, and functions of the office of archaeology and historic preservation were transferred to the department of archaeology and historic preservation pursuant to 2005 c 333 § 12.

Additional notes found at www.leg.wa.gov

27.34.230 Director—Duties. The director or the director's designee shall:

(1) Receive, administer, and disburse such gifts, grants, and endowments from private sources as may be made in trust or otherwise for the purposes of RCW 27.34.200 through 27.34.220 or the federal act; and

(2) Develop and implement a cultural resource management plan. [2005 c 333 § 15; 1986 c 266 § 12; 1983 c 91 § 13.]

Additional notes found at www.leg.wa.gov

27.34.240 Apportionment of grants. The amounts made available for grants to the public agencies, public or private organizations, or individuals for projects for each fis-

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cal year shall be apportioned among program applicants by the director or the director's designee, with the advice of the preservation officer, in accordance with needs as contained in statewide archaeology and historic preservation plans developed by the department. [1986 c 266 § 13; 1983 c 91 § 14.]

Additional notes found at www.leg.wa.gov

27.34.250 Advisory council on historic preservation—Members. (1) There is hereby established an advisory council on historic preservation, which shall be composed of nine members appointed by the governor as follows:

(a) A representative of a local or state heritage organization;

(b) Six members of the public who are interested and experienced in matters to be considered by the council including the fields of history, architecture, and archaeology;

(c) A representative from the Washington archaeological community; and

(d) A native American.

(2) Each member of the council shall serve a four-year term.

(3) A vacancy in the council shall not affect its powers, but shall be filled in the same manner as the original appointment for the balance of the unexpired term.

(4) The chairperson of the council shall be designated by the governor.

(5) Five members of the council shall constitute a quorum. [1995 c 150 § 1. Prior: 1993 c 185 § 1; 1993 c 101 § 12; 1983 c 91 § 15.]

Findings—1993 c 101: See note following RCW 27.34.010.

Additional notes found at www.leg.wa.gov

27.34.260 Advisory council—Compensation and reimbursement of members. The directors of the state historical societies shall serve as members of the advisory council on historic preservation without additional compensation. All other members of the advisory council shall be reimbursed for travel expenses incurred in the performance of the duties of the council in accordance with RCW 43.03.050 and 43.03.060. [1983 c 91 § 18.]

27.34.270 Advisory council—Duties. The advisory council shall:

(1) Advise the governor and the department on matters relating to historic preservation; recommend measures to coordinate activities of state and local agencies, private institutions, and individuals relating to historic preservation; and advise on the dissemination of information pertaining to such activities; and

(2) Review and recommend nominations for the national register of historic places to the preservation officer and the director. [1997 c 145 § 2; 1986 c 266 § 14; 1983 c 91 § 17.]

Additional notes found at www.leg.wa.gov

27.34.280 Advisory council, heritage council—Financial and administrative services. The department shall provide administrative and financial services to the advisory council on historic preservation and to the Washington state heritage council. [1986 c 266 § 15; 1983 c 91 § 16.]

Additional notes found at www.leg.wa.gov

27.34.330 Heritage capital projects—Proposals for funding—Prioritized list. The Washington state historical society shall establish a competitive process to solicit proposals for and prioritize heritage capital projects for potential funding in the state capital budget. The society shall adopt rules governing project eligibility and evaluation criteria. Application for funding of specific projects may be made to the society by local governments, public development authorities, nonprofit corporations, tribal governments, and other entities, as determined by the society. The society, with the advice of leaders in the heritage field, including but not limited to representatives from the office of the secretary of state, the eastern Washington state historical society, and the department of archaeology and historic preservation, shall establish and submit a prioritized list of heritage capital projects to the governor and the legislature in the society's biennial capital budget request. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed ten million dollars. The prioritized list shall be developed through open and public meetings and the amount of state funding shall not exceed thirty-three and thirty-three one-hundredths percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the society shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant. [2015 3rd sp.s. c 3 § 7014; 2006 c 371 § 232; (2006 c 371 § 231 expired June 30, 2007). Prior: (2005 c 333 § 16 expired June 30, 2007); 2005 c 160 § 3; 1999 c 295 § 2; 1995 c 182 § 2.]

Effective date—2015 3rd sp.s. c 3: See note following RCW 43.160.080.

Findings—1995 c 182: "The legislature finds that the state of Washington has a rich heritage in historical sites and artifacts that have the potential to provide lifelong learning opportunities for citizens of the state. Further, the legislature finds that many of these historical treasures are not readily accessible to citizens, and that there is a need to create an ongoing program to support the capital needs of heritage organizations and facilities." [1995 c 182 § 1.]

Additional notes found at www.leg.wa.gov

27.34.350 Governor's award for excellence in teaching history. (1) Many people throughout the state contribute significantly to the promotion of historical study as a means to give the state's citizens a better sense of the past. The Washington state historical society recognizes the accomplishments of many men and women in the teaching professions whose skill and achievement in the inculcating of his-

toric values are not given the recognition nor the support they deserve or given the encouragement to continue their work.

(2) The governor's award for excellence in teaching history is created to annually recognize teachers and public and private nonprofit historical organizations that have organized, conducted, published, or offered on a consistently exemplary basis, outstanding activities that promote a better understanding and appreciation of the state's history. One cash award to an individual teacher and one cash award to an organization shall be made each year. The sums described in this section shall be raised through solicitations from private donors.

(3) The Washington state historical society's board of trustees shall make the final determination of award recipients. [1997 c 263 § 1.]

27.34.360 Women's history consortium—Created—Washington state historical society as managing agency.

(1) A women's history consortium is created with the Washington state historical society as the managing agency. To ensure geographic, demographic, and subject matter diversity, the consortium shall be managed by a board of advisors representing a range of perspectives, including private citizens, business, labor, historical societies, colleges and universities, educators, tribes, and public officials. Appointment of the board of advisors must be completed by September 30, 2005.

(2) The consortium is attached to the Washington state historical society as the managing agency. Accordingly, the agency shall:

(a) Direct and supervise the budgeting, recordkeeping, recording, and related administrative and clerical functions of the consortium;

(b) Include the consortium's budgetary requests in the society's departmental budget;

(c) Collect all nonappropriated revenues for the consortium and deposit them in the proper fund or account;

(d) Provide staff support for the consortium;

(e) Print and disseminate for the consortium any required notices, rules, or orders adopted by the consortium; and

(f) Allocate or otherwise provide office space for the consortium as may be necessary. [2005 c 391 § 2.]

Finding—Intent—2005 c 391: "The legislature finds that Washington state is widely recognized as being a steady leader in advancing rights and opportunities for women in all spheres of life. The legislature declares its intent to initiate the establishment of a Washington women's history consortium. This will improve the availability of historical information about the many actions taken by Washingtonians which have resulted in such notable and influential achievements for women and girls, for use by citizens, educators, researchers, and historians." [2005 c 391 § 1.]

27.34.365 Women's history consortium—Board of advisors.

The board of advisors shall consist of fifteen members. The director of the state historical society shall appoint eleven members to the board of advisors. Two members of the senate, one each representing the two largest caucuses of the senate, shall be appointed by the president of the senate, and two members of the house of representatives, one each representing the two largest caucuses of the house of representatives, shall be appointed by the speaker of the house of representatives.

The women's history consortium board of advisors may meet no more than two times per calendar year. If state funds are not available for travel, the board may meet on a voluntary basis at members' expense. [2010 1st sp.s. c 7 § 124; 2005 c 391 § 3.]

Finding—Intent—2005 c 391: See note following RCW 27.34.360.

Additional notes found at www.leg.wa.gov

27.34.370 Women's history consortium—Responsibilities of board of advisors. Key responsibilities of the board of advisors include:

- (1) Organizational and fiscal planning, management, and oversight;
- (2) Adopting criteria and procedures for consortium membership and member responsibilities;
- (3) Identifying short-term and long-term priorities of the consortium, with special emphasis on short-term priorities relating to preserving historical information from the last several decades before it is lost;
- (4) Appointing special committees and task forces including people from consortium members and nonmembers to assist with the consortium's tasks; and
- (5) Developing recommendations for statewide commemoration of the centennial of the adoption in 1910 of the fifth amendment to the Washington state Constitution, guaranteeing women's suffrage. [2005 c 391 § 4.]

Finding—Intent—2005 c 391: See note following RCW 27.34.360.

27.34.375 Women's history consortium—Responsibilities. Within available resources, the consortium responsibilities include:

- (1) Compiling a comprehensive index of existing historically relevant materials and making it available in electronic and print form;
- (2) Identifying topics, historical periods, materials, or activities not well represented in publicly accessible collections and developing strategies for making them publicly available, including topics related to motherhood and the accomplishments of mothers in Washington;
- (3) Encouraging collection and preservation of materials important to understanding Washington women's history, with special emphasis on the last several decades;
- (4) Referring potential donors of historical materials to appropriate museums, archives, libraries, and other organizations throughout the state;
- (5) Developing protocols for protection of donations, loans, leases, and purchases of historically relevant materials;
- (6) Encouraging exhibit development and sharing among member organizations and others;
- (7) Encouraging public access and educational institution access to women's history information, materials, and exhibits;
- (8) Seeking private donations to assist with consortium work;
- (9) Developing a concept for a grant program;
- (10) Developing a volunteer program; and
- (11) Encouraging development of curriculum materials. [2005 c 391 § 5.]

Finding—Intent—2005 c 391: See note following RCW 27.34.360.

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27.34.380 Women's history consortium—Report to the legislature. The consortium board of advisors shall provide a report to the appropriate committees of the legislature by December 1, 2006, addressing the following:

- (1) Progress on activities identified in RCW 27.34.370 and 27.34.375; and
- (2) Consortium needs and plans for the future. [2005 c 391 § 6.]

Finding—Intent—2005 c 391: See note following RCW 27.34.360.

27.34.390 Vancouver national historic reserve. The legislature affirms that the state of Washington is partner in the Vancouver national historic reserve as mandated under Public Law 104-333: The omnibus parks and public lands management act of 1996. As such, the state will take an active role in supporting the protection, preservation, interpretation, and rehabilitation of the Vancouver national historic reserve. [2007 c 138 § 2.]

Finding—Purpose—2007 c 138: "The three hundred sixty-six acre Vancouver national historic reserve was created by Congress through Public Law 104-333: The "omnibus parks and public lands management act of 1996" in recognition of the significant cultural, historic, and natural resources of the area. The historic reserve includes Fort Vancouver national historic site, Pearson airfield, Pearson air museum, officers row, Vancouver barracks, and a section of the Columbia river waterfront. The four legislatively designated partners in the reserve are the national park service, the United States army, the state of Washington, and the city of Vancouver.

The Vancouver national historic reserve trust, a 501(c)(3), was created in 1998 as the official nonprofit for the reserve. P.L. 104-333 required that the reserve be administered under a general management plan to be developed no later than three years after the enactment of the law. The management plan was adopted in February 2000 with the state of Washington as one of the signatories.

The legislature finds that the state of Washington, as one of four federally designated partners in the Vancouver national historic reserve, should be actively engaged in the protection, preservation, interpretation, and rehabilitation of the historic reserve for the use and benefit of the people of the state. Southwest Washington is a traditionally underserved area of the state with regard to cultural and recreational opportunities. The Vancouver national historic reserve is a unique historic site that offers a variety of historic, cultural, natural, and recreational opportunities and currently serves almost one million visitors per year. From the Hudson's Bay company fort, the story of the early settlers and fur traders to Vancouver barracks, over one hundred fifty years of military history, to the story of pioneering aviation and the golden age of flight at Pearson field, the historic reserve is unique because of the layers of history visitors can experience in one location. In addition, the historic reserve offers acres of green space and waterfront in the midst of the large Portland/Vancouver metropolitan area.

The legislature has declared through RCW 27.34.200 that it is the public policy and in the public interest of the state to designate, preserve, protect, enhance, and perpetuate those structures, sites, districts, buildings, and objects that reflect outstanding elements of the state's historic, archaeological, architectural, or cultural heritage, for the inspiration and enrichment of the people of the state. The Vancouver national historic reserve is on both the state and federal registers as a historic district and encompasses some of the richest historic, archaeological, architectural, and cultural resources in the state.

It is the purpose of this act to:

- (1) Confirm the role of the state of Washington in the development and management of the Vancouver national historic reserve;
- (2) Identify the role of state agencies in the Vancouver national historic reserve; and
- (3) Establish an account in the state treasury through the Washington state historical society for funds designated specifically for the Vancouver national historic reserve." [2007 c 138 § 1.]

27.34.395 Vancouver national historic reserve—Designated partner representative—Duties of Washington state historical society. The legislature affirms that the Washington state historical society is the state's designated

partner representative for the Vancouver national historic reserve. Accordingly, the Washington state historical society shall:

- (1) Participate in the regularly scheduled coordination meetings of the Vancouver national historic reserve partners;
- (2) Participate in the development of management, education, and interpretive plans and policies associated with the Vancouver national historic reserve; and
- (3) Develop and submit to the office of financial management and the legislature operating and capital budget requests concurrent with the biennial cycle and oversee the management of all funds appropriated by the state for the Vancouver national historic reserve. [2017 c 117 § 1; 2007 c 138 § 3.]

Finding—Purpose—2007 c 138: See note following RCW 27.34.390.

27.34.400 Heritage barn preservation program. (1) The Washington state heritage barn preservation program is created in the department.

(2) The director, in consultation with the heritage barn preservation advisory board, shall conduct a thematic study of Washington state's barns. The study shall include a determination of types, an assessment of the most unique and significant barns in the state, and a condition and needs assessment of historic barns in the state.

(3)(a) The department, in consultation with the heritage barn preservation advisory board, shall establish a heritage barn recognition program. To apply for recognition as a heritage barn, the barn owner shall supply to the department photos of the barn, photos of the farm and surrounding landscape, a brief history of the farm, and a construction date for the barn.

(b) Three times a year, the governor's advisory council on historic places shall review the list of barns submitted by the department for formal recognition as a heritage barn.

(4) Eligible applicants for heritage barn preservation fund awards include property owners, nonprofit organizations, and local governments.

(5) To apply for support from the heritage barn preservation fund, an applicant must submit an application to the department in a form prescribed by the department. Applicants must provide at least fifty percent of the cost of the project through in-kind labor, the applicant's own moneys, or other funding sources.

(6) The following types of projects are eligible for funding:

(a) Stabilization of endangered heritage barns and related agricultural buildings, including but not limited to repairs to foundations, sills, windows, walls, structural framework, and the repair and replacement of roofs; and

(b) Work that preserves the historic character, features, and materials of a historic barn.

(7) In making awards, the advisory board shall consider the following criteria:

(a) Relative historical and cultural significance of the barn;

(b) Urgency of the threat and need for repair;

(c) Extent to which the project preserves historic character and extends the useful life of the barn or associated agricultural building;

(d) Visibility of the barn from a state designated scenic byway or other publicly traveled way;

(e) Extent to which the project leverages other sources of financial assistance;

(f) Provision for long-term preservation;

(g) Readiness of the applicant to initiate and complete the project; and

(h) Extent to which the project contributes to the equitable geographic distribution of heritage barn preservation fund awards across the state.

(8) In awarding funds, special consideration shall be given to barns that are:

(a) Still in agricultural use;

(b) Listed on the national register of historic places; or

(c) Outstanding examples of their type or era.

(9) The conditions in this subsection must be met by recipients of funding in order to satisfy the public benefit requirements of the heritage barn preservation program.

(a) Recipients must execute a contract with the department before commencing work. The contract must include a historic preservation easement for between five to fifteen years depending on the amount of the award. The contract must specify public benefit and minimum maintenance requirements.

(b) Recipients must proactively maintain their historic barn for a minimum of ten years.

(c) Public access to the exterior of properties that are not visible from a public right-of-way must be provided under reasonable terms and circumstances, including the requirement that visits by nonprofit organizations or school groups must be offered at least one day per year.

(10) All work must comply with the United States secretary of the interior's standards for the rehabilitation of historic properties; however, exceptions may be made for the retention or installation of metal roofs on a case-by-case basis.

(11) The heritage barn preservation fund shall be acknowledged on any materials produced and in publicity for the project. A sign acknowledging the fund shall be posted at the worksite for the duration of the preservation agreement.

(12) Projects must be initiated within one year of funding approval and completed within two years, unless an extension is provided by the department in writing.

(13) If a recipient of a heritage barn preservation fund award, or subsequent owner of a property that was assisted by the fund, takes any action within ten years of the funding award with respect to the assisted property such as dismantlement, removal, or substantial alteration, which causes it to be no longer eligible for listing in the Washington heritage register, the fund shall be repaid in full within one year. [2007 c 333 § 2.]

Finding—Purpose—2007 c 333: "The legislature finds that historic barns are essential symbols of Washington's heritage representing a pioneering spirit of industriousness. Important for their association with broad patterns of agricultural history and community development and as examples of distinct architectural styles and methods of construction, historic barns serve as highly visible icons for local residents and visitors alike. The legislature acknowledges that factors such as changes in the agricultural economy and farming technologies, prohibitive rehabilitation costs, development pressures, and regulations restricting new uses, collectively work to endanger historic barns statewide and contribute to their falling into decay or being demolished altogether.

As historic barns represent irreplaceable resources, and recognizing that barn preservation will work to retain these structures as functional and eco-

nominally viable elements of working lands, the purpose of this act is to create a system acknowledging heritage barns statewide that provides emergency assistance to heritage barn owners through matching grants, assesses the need for long-term barn preservation, and considers additional incentives and regulatory revisions that work toward the preservation of heritage barns as integral components of Washington's historic landscapes." [2007 c 333 § 1.]

27.34.410 Heritage barn preservation fund. (1) The heritage barn preservation fund is created as an account in the state treasury. All receipts from appropriations and private sources must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to provide assistance to owners of heritage barns in Washington state in the stabilization and restoration of their barns so that these historic properties may continue to serve the community.

(2) The department shall minimize the amount of funds that are used for program administration, which shall include consultation with the department of enterprise services' barrier-free facilities program for input regarding accessibility for people with disabilities where public access to historic barns is permitted.

(3) The primary public benefit of funding through the heritage barn preservation program is the preservation and enhancement of significant historic properties that provide economic benefit to the state's citizens and enrich communities throughout the state. [2015 c 225 § 24; 2007 c 333 § 4.]

Finding—Purpose—2007 c 333: See note following RCW 27.34.400.

27.34.415 Cemeteries—Burial sites—Centralized database. The department of archaeology and historic preservation shall develop and maintain a centralized database and geographic information systems spatial layer of all known cemeteries and known sites of burials of human remains in Washington state. The information in the database is subject to public disclosure, except as provided in RCW 42.56.300; exempt information is available by confidentiality agreement to federal, state, and local agencies for purposes of environmental review, and to tribes in order to participate in environmental review, protect their ancestors, and perpetuate their cultures.

Information provided to state and local agencies under this section is subject to public disclosure, except as provided in RCW 42.56.300. [2008 c 275 § 6.]

Additional notes found at www.leg.wa.gov

27.34.420 Washington state historic cemetery preservation capital grant program. (1) The Washington state historic cemetery preservation capital grant program is created in the department.

(2) The capital grant program is intended to benefit the public by preserving outstanding examples of the state's historical heritage, enabling historic cemeteries to continue to serve their communities, and honoring the military veterans buried within them.

(3) Subject to appropriation, grants may be awarded each biennium for construction, renovation, or rehabilitation projects that preserve the historic character, features, and materials of the cemetery, or that maintain or improve the functions of the cemetery.

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(4) A capital grant award may not exceed fifty thousand dollars, adjusted biennially for inflation. The department may not require applicants to provide matching funds.

(5) Eligible applicants for capital grants include cemetery property owners, nonprofit organizations, and local governments.

(6) Applications for the capital grant program must be submitted to the department in a form and manner prescribed by the department. The applications must include a history of the cemetery which the department shall maintain on file.

(7) The director shall establish a committee to review applications. The committee shall consist of at least five members with expertise or association with historic preservation, cemetery associations, local cemetery boards, and other associations or professional organizations the director deems appropriate. When evaluating and prioritizing projects, the committee shall consider the following criteria:

(a) The relative historical significance of the cemetery;

(b) Whether the proposed project will result in lower costs of maintenance and operations; and

(c) The relative percentage of military burials in the cemetery.

(8) The conditions in this subsection must be met by recipients of funding in order to satisfy the public benefit requirements of the historic cemetery preservation capital grant program.

(a) The committee shall provide the department a prioritized list of projects for funding. The department and grant recipient must execute a contract before work on the grant project begins. The contract must specify public benefit and minimum maintenance requirements.

(b) Grant recipients must proactively maintain their historic cemetery for a minimum of ten years.

(c) Public access to the exterior of properties that are not visible from a public right-of-way must be provided under reasonable terms and circumstances, including the requirement that visits by nonprofit organizations or school groups must be offered at least one day per year. Tribal access must be provided under reasonable terms and circumstances to historic cemeteries in which there are Indian burials.

(9) Projects must be initiated within one year of funding approval and completed within two years, unless an extension is provided in writing by the department.

(10) If a recipient of an historic cemetery preservation capital grant, or subsequent owner of a property that was assisted by a grant, takes any action within ten years of the award with respect to the assisted property such as dismantlement, removal, substantial alteration, or any other action inconsistent with the property's status as a cemetery, the grant must be repaid in full within one year. [2016 c 102 § 1.]

27.34.900 Historic Lord mansion. The building and grounds designated as Block 2, Grainger's Addition to the City of Olympia, County of Thurston, acquired by the state under senate joint resolution No. 18, session of 1939, is hereby designated a part of the state capitol, to be known as the historic Lord mansion. [2017 c 117 § 2; 1993 c 101 § 13; 1981 c 253 § 3; 1941 c 44 § 3; Rem. Supp. 1941 § 8265-6. Formerly RCW 27.36.020.]

Findings—1993 c 101: See note following RCW 27.34.010.

27.34.906 Pickett House—In trust—Reverter. Said chapter, by acceptance of such conveyance, shall be deemed to have agreed to hold said property in trust for the state of Washington, and to maintain and keep the same open to the public as an historical site, and, in case of its failure so to do, title to said property shall revert to the state of Washington. [1965 c 31 § 2. Formerly RCW 27.28.022.]

27.34.910 Effective date—1983 c 91. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1983. [1983 c 91 § 27.]

27.34.916 Effective date—1993 c 101. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993. [1993 c 101 § 17.]

Chapter 27.40 RCW

THOMAS BURKE MEMORIAL WASHINGTON STATE MUSEUM OF UNIVERSITY OF WASHINGTON

Sections

27.40.010	Thomas Burke Memorial Washington State Museum constituted state natural history and anthropology museum.
27.40.030	Acceptance of materials from private sources.
27.40.034	Permanent acquisition of documents and materials on loan to museum, procedure—Return of stolen documents and materials to owner.
27.40.036	Sale or trade of acquired documents or materials—Use of proceeds.
27.40.040	Management in board of regents.

27.40.010 Thomas Burke Memorial Washington State Museum constituted state natural history and anthropology museum. The Thomas Burke Memorial Washington State Museum of the University of Washington is hereby constituted the state natural history and anthropology museum as a repository for the preservation, exhibition, interpretation, and conservation of documents and objects of a systematic anthropological, geological, and zoological character for the state. [1985 c 29 § 1; 1899 c 30 § 1; RRS § 8255.]

Additional notes found at www.leg.wa.gov

27.40.030 Acceptance of materials from private sources. This museum may receive all such above named documents or material for preservation and exhibition from any private person under such rules and regulations as the board of regents of the University of Washington may deem proper to make for the care of the aforesaid museum. [1899 c 30 § 3; RRS § 8257.]

27.40.034 Permanent acquisition of documents and materials on loan to museum, procedure—Return of stolen documents and materials to owner. The board of regents may provide, by rule or regulation, for:

(1) The permanent acquisition of documents or materials on loan to the state museum at the University of Washington, if the documents or materials have not been claimed by the

owner thereof within ninety days after notice is sent by certified mail, return receipt requested, to the owner at his or her last known address by the board of regents and if the certified letter be returned because it could not be delivered to the addressee, public notice shall be published by the University of Washington once each week during two successive weeks in a newspaper circulating in the city of Seattle and the county of King describing the unclaimed documents or materials, giving the name of the reputed owner thereof and requesting all persons who may have any knowledge of the whereabouts of the owner to contact the office of the museum of the University of Washington: PROVIDED HOWEVER, That more than one item may be described in each of the notices;

(2) The return to the rightful owner of documents or materials in the possession of the museum, which documents or materials are determined to have been stolen: PROVIDED, That any person claiming to be the rightful legal owner of the documents or materials who wishes to challenge the determination by the board shall have the right to commence a declaratory judgment action pursuant to chapter 7.24 RCW in the superior court for King county to determine the validity of his or her claim of ownership to the documents or materials. [2011 c 336 § 707; 1985 c 469 § 13; 1975 1st ex.s. c 159 § 1.]

27.40.036 Sale or trade of acquired documents or materials—Use of proceeds. Documents or materials acquired under the provisions of RCW 27.40.034 may be sold, or may be traded for other documents or materials. The proceeds from the sale of any such documents or materials may be used to acquire additional documents or materials or may be used to defray the cost of operating the museum. [1975 1st ex.s. c 159 § 2.]

27.40.040 Management in board of regents. The board of regents of the University of Washington ex officio shall have full charge and management of the state museum hereby created. [1899 c 30 § 4; RRS § 8258.]

Chapter 27.44 RCW

INDIAN GRAVES AND RECORDS

Sections

27.44.020	Examination permitted—Removal to archaeological repository.
27.44.030	Intent.
27.44.040	Protection of Indian graves—Penalty.
27.44.050	Civil action by Indian tribe or member—Time for commencing action—Venue—Damages—Attorneys' fees.
27.44.055	Skeletal human remains—Duty to notify—Ground disturbing activities—Coroner determination—Definitions.
27.44.901	Liberal construction—1989 c 44.

27.44.020 Examination permitted—Removal to archaeological repository. Any archaeologist or interested person may copy and examine such glyptic or painted records or examine the surface of any such cairn or grave, but no such record or archaeological material from any such cairn or grave may be removed unless the same shall be destined for reburial or perpetual preservation in a duly recognized archaeological repository and permission for scientific research and removal of specimens of such records and material has been granted by the state historic preservation officer.

Whenever a request for permission to remove records or material is received, the state historic preservation officer shall notify the affected Indian tribe or tribes. [1985 c 64 § 1; 1977 ex.s. c 169 § 6; 1941 c 216 § 2; Rem. Supp. 1941 § 3207-11.]

Additional notes found at www.leg.wa.gov

27.44.030 Intent. The legislature hereby declares that:

(1) Native Indian burial grounds and historic graves are acknowledged to be a finite, irreplaceable, and nonrenewable cultural resource, and are an intrinsic part of the cultural heritage of the people of Washington. The legislature recognizes the value and importance of respecting all graves, and the spiritual significance of such sites to the people of this state;

(2) There have been reports and incidents of deliberate interference with native Indian and historic graves for profit-making motives;

(3) There has been careless indifference in cases of accidental disturbance of sites, graves, and burial grounds;

(4) Indian burial sites, cairns, glyptic markings, and historic graves located on public and private land are to be protected and it is therefore the legislature's intent to encourage voluntary reporting and respectful handling in cases of accidental disturbance and provide enhanced penalties for deliberate desecration. [1989 c 44 § 1.]

27.44.040 Protection of Indian graves—Penalty. (1) Any person who knowingly removes, mutilates, defaces, injures, or destroys any cairn or grave of any native Indian, or any glyptic or painted record of any tribe or peoples is guilty of a class C felony punishable under chapter 9A.20 RCW. Persons disturbing native Indian graves through inadvertence, including disturbance through construction, mining, logging, agricultural activity, or any other activity, shall reinter the human remains under the supervision of the appropriate Indian tribe. The expenses of reinterment are to be paid by the *office of archaeology and historic preservation pursuant to RCW 27.34.220.

(2) Any person who sells any native Indian artifacts or any human remains that are known to have been taken from an Indian cairn or grave, is guilty of a class C felony punishable under chapter 9A.20 RCW.

(3) This section does not apply to:

(a) The possession or sale of native Indian artifacts discovered in or taken from locations other than native Indian cairns or graves, or artifacts that were removed from cairns or graves as may be authorized by RCW 27.53.060 or by other than human action; or

(b) Actions taken in the performance of official law enforcement duties.

(4) It shall be a complete defense in the prosecution under this section if the defendant can prove by a preponderance of evidence that the alleged acts were accidental or inadvertent and that reasonable efforts were made to preserve the remains, glyptic, or painted records, or artifacts accidentally disturbed or discovered, and that the accidental discovery or disturbance was properly reported. [1989 c 44 § 2.]

***Reviser's note:** Powers, duties, and functions of the office of archaeology and historic preservation were transferred to the department of archaeology and historic preservation pursuant to 2005 c 333 § 12.

(2021 Ed.)

27.44.050 Civil action by Indian tribe or member—Time for commencing action—Venue—Damages—Attorneys' fees. (1) Apart from any criminal prosecution, an Indian tribe or enrolled member thereof, shall have a civil action to secure an injunction, damages, or other appropriate relief against any person who is alleged to have violated RCW 27.44.040. The action must be brought within two years of the discovery of the violation by the plaintiff. The action may be filed in the superior or tribal court of the county in which the grave, cairn, remains, or artifacts are located, or in the superior court of the county within which the defendant resides.

(2) Any conviction pursuant to RCW 27.44.040 shall be prima facie evidence in an action brought under this section.

(3) If the plaintiff prevails:

(a) The court may award reasonable attorneys' fees to the plaintiff;

(b) The court may grant injunctive or such other equitable relief as is appropriate, including forfeiture of any artifacts or remains acquired or equipment used in the violation. The court shall order the disposition of any items forfeited as the court sees fit, including the reinterment of human remains;

(c) The plaintiff shall recover imputed damages of five hundred dollars or actual damages, whichever is greater. Actual damages include special and general damages, which include damages for emotional distress;

(d) The plaintiff may recover punitive damages upon proof that the violation was willful. Punitive damages may be recovered without proof of actual damages. All punitive damages shall be paid by the defendant to the *office of archaeology and historic preservation for the purposes of Indian historic preservation and to cover the cost of reinterment expenses by the office; and

(e) An award of imputed or punitive damages may be made only once for a particular violation by a particular person, but shall not preclude the award of such damages based on violations by other persons or on other violations.

(4) If the defendant prevails, the court may award reasonable attorneys' fees to the defendant. [1989 c 44 § 3.]

***Reviser's note:** Powers, duties, and functions of the office of archaeology and historic preservation were transferred to the department of archaeology and historic preservation pursuant to 2005 c 333 § 12.

27.44.055 Skeletal human remains—Duty to notify—Ground disturbing activities—Coroner determination—Definitions. (1) Any person who discovers skeletal human remains must notify the coroner and local law enforcement in the most expeditious manner possible. Any person knowing of the existence of human remains and not having good reason to believe that the coroner and local law enforcement has notice thereof and who fails to give notice thereof is guilty of a misdemeanor.

(2) Any person engaged in ground disturbing activity and who encounters or discovers skeletal human remains in or on the ground shall:

(a) Immediately cease any activity which may cause further disturbance;

(b) Make a reasonable effort to protect the area from further disturbance;

(c) Report the presence and location of the remains to the coroner and local law enforcement in the most expeditious manner possible; and

(d) Be held harmless from criminal and civil liability arising under the provisions of this section provided the following criteria are met:

(i) The finding of the remains was based on inadvertent discovery;

(ii) The requirements of the subsection are otherwise met; and

(iii) The person is otherwise in compliance with applicable law.

(3) The coroner must make a determination whether the skeletal human remains are forensic or nonforensic within five business days of receiving notification of a finding of such remains provided that there is sufficient evidence to make such a determination within that time period. The coroner will retain jurisdiction over forensic remains.

(a) Upon determination that the remains are nonforensic, the coroner must notify the department of archaeology and historic preservation within two business days. The department will have jurisdiction over such remains until provenance of the remains is established. A determination that remains are nonforensic does not create a presumption of removal or nonremoval.

(b) Upon receiving notice from a coroner of a finding of nonforensic skeletal human remains, the department must notify the appropriate local cemeteries, and all affected Indian tribes via certified mail to the head of the appropriate tribal government, and contact the appropriate tribal cultural resources staff within two business days of the finding. The determination of what are appropriate local cemeteries to be notified is at the discretion of the department. A notification to tribes of a finding of nonforensic skeletal human remains does not create a presumption that the remains are Indian.

(c) The state physical anthropologist must make an initial determination of whether nonforensic skeletal human remains are Indian or non-Indian to the extent possible based on the remains within two business days of notification of a finding of such nonforensic remains. If the remains are determined to be Indian, the department must notify all affected Indian tribes via certified mail to the head of the appropriate tribal government within two business days and contact the appropriate tribal cultural resources staff.

(d) The affected tribes have five business days to respond via telephone or writing to the department as to their interest in the remains.

(4) For the purposes of this section:

(a) "Affected tribes" are:

(i) Those federally recognized tribes with usual and accustomed areas in the jurisdiction where the remains were found;

(ii) Those federally recognized tribes that submit to the department maps that reflect the tribe's geographical area of cultural affiliation; and

(iii) Other tribes with historical and cultural affiliation in the jurisdiction where the remains were found.

(b) "Forensic remains" are those that come under the jurisdiction of the coroner pursuant to RCW 68.50.010.

(c) "Inadvertent discovery" has the same meaning as used in RCW 27.44.040.

(5) Nothing in this section constitutes, advocates, or otherwise grants, confers, or implies federal or state recognition of those tribes that are not federally recognized pursuant to 25 C.F.R. part 83, procedures for establishing that an American Indian group exists as an Indian tribe. [2008 c 275 § 2.]

Additional notes found at www.leg.wa.gov

27.44.901 Liberal construction—1989 c 44. This act is to be liberally construed to achieve the legislature's intent. [1989 c 44 § 11.]

Chapter 27.48 RCW

PRESERVATION OF HISTORICAL MATERIALS

Sections

27.48.010	Public purpose declared—Powers of counties and municipalities.
27.48.040	Capitol furnishings preservation committee—Capitol furnishings preservation committee account.
27.48.050	Fund-raising for preservation and restoration of the state legislative building.

Preservation and destruction of public records, state archivist: Chapter 40.14 RCW.

27.48.010 Public purpose declared—Powers of counties and municipalities. The storage, preservation and exhibit of historical materials, including, but not restricted to, books, maps, writings, newspapers, ancient articles, and tools of handicraft, antiques, artifacts, and relics is declared to be a public project carried on for public purpose and the legislative body of any county, city or town, may provide quarters therefor within the territorial limits thereof and may provide funds necessary for the proper operation of any such institution already in operation, or otherwise provide for the preservation of historical material covered by this chapter. [1957 c 47 § 1; 1949 c 160 § 1; Rem. Supp. 1949 § 8265-9.]

27.48.040 Capitol furnishings preservation committee—Capitol furnishings preservation committee account. (1) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "State capitol group" includes the legislative building, the insurance building, the Cherberg building, the John L. O'Brien building, the Newhouse building, the Pritchard building, and the temple of justice building. "State capitol group" also includes the general administration building if the building is repurposed to serve a different function or substantially remodeled.

(b) "Historic furnishings" means furniture, fixtures, and artwork fifty years of age or older.

(2) The capitol furnishings preservation committee is established to:

(a) Promote and encourage the recovery and preservation of the original and historic furnishings of the state capitol group;

(b) Prevent future loss of historic furnishings; and

(c) Review and advise future remodeling and restoration projects as they pertain to historic furnishings. The committee's authority does not extend to the placement of any historic furnishings within the state capitol group.

(3) The capitol furnishings preservation committee account is created in the custody of the state treasurer. All receipts designated for the account from appropriations and from other sources must be deposited into the account. Expenditures from the account may be used only to finance the activities of the capitol furnishings preservation committee. Only the director of the Washington state historical society or the director's designee may authorize expenditures from the account when authorized to do so by the committee. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) The committee may:

(a) Authorize the director of the Washington state historical society or the director's designee to expend funds from the capitol furnishings preservation committee account for limited purposes of purchasing and preserving historic furnishings of the state capitol group;

(b) Accept monetary donations, grants, and donations of historic furnishings from, but not limited to, (i) current and former legislators, state officials, and lobbyists; (ii) the families of former legislators, state officials, and lobbyists; and (iii) the general public. Moneys received under this section must be deposited in the capitol furnishings preservation committee account;

(c) Engage in or encourage fund-raising activities including soliciting charitable gifts, grants, or donations specifically for the limited purpose of the recovery of the original and historic furnishings; and

(d) Engage in interpretive and educational activities, including displaying historic furnishings.

(5) The membership of the committee shall include:

(a) Two members of the house of representatives, one from each major caucus, appointed by the speaker of the house of representatives;

(b) Two members of the senate, one from each major caucus, appointed by the president of the senate;

(c) The chief clerk of the house of representatives or the chief clerk's designee;

(d) The secretary of the senate or the secretary's designee;

(e) The governor or the governor's designee;

(f) The lieutenant governor or the lieutenant governor's designee;

(g) A representative from the office of the secretary of state, the office of the state treasurer, the office of the state auditor, and the office of the insurance commissioner;

(h) A representative from the supreme court;

(i) A representative from the Washington state historical society, the department of enterprise services, and the Thurston regional planning council, each appointed by the governor; and

(j) Six private citizens, appointed by the governor.

(6) Original or historic furnishings from the state capitol group are not surplus property under chapter 43.19 RCW or other authority unless designated as such by the committee. [2015 c 24 § 1; 1999 c 343 § 2.]

Findings—Purpose—1999 c 343: "The legislature finds that those historic furnishings that illustrate the history of the state of Washington should be maintained and preserved for the use and benefit of the people of the state. It is the purpose of this act to establish the capitol furnishings preservation

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committee to increase the awareness of the public and state employees about the significance of the furnishings within the state capitol campus buildings as envisioned by the original architects Wilder and White." [1999 c 343 § 1.]

27.48.050 Fund-raising for preservation and restoration of the state legislative building. State officers and state employees, as those terms are defined in RCW 42.52.010, may engage in or encourage fund-raising activities including the solicitation of charitable gifts, grants, or donations specifically for the limited purpose of preservation and restoration of the state legislative building and related educational exhibits and programs. [2002 c 167 § 2.]

Findings—2002 c 167: "The legislature finds that the Washington state legislative building is an architecturally significant and irreplaceable building worthy of rehabilitation and enhancement. Not only is it a magnificent building, but it also reflects the essence of self-government and democracy in the state of Washington.

The legislature further finds that the state legislative building is an important asset to the citizens of Washington state, allowing them to learn about state government, to research and track legislative activity, to meet with state officials, and to participate in government.

The legislature further finds that a combination of public funds and private donations can involve the citizens of Washington state in the building's rehabilitation and enhancement by engaging the public in the preservation of the state legislative building and raising private funds for restoration and educational efforts." [2002 c 167 § 1.]

Additional notes found at www.leg.wa.gov

Chapter 27.53 RCW

ARCHAEOLOGICAL SITES AND RESOURCES

Sections

27.53.010	Declaration.
27.53.020	Archaeological resource preservation—Designation of department of archaeology and historic preservation—Cooperation among agencies.
27.53.030	Definitions.
27.53.040	Archaeological resources—Declaration.
27.53.045	Abandoned archaeological resources—Declaration.
27.53.060	Disturbing archaeological resource or site—Permit required—Conditions—Exceptions—Penalty.
27.53.070	Field investigations—Communication of site or resource location to department.
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27.53.120	Recovery of property from historic archaeological sites—Mitigation of damage—Refusal to issue salvage permit to prevent destruction of resource.
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27.53.150	Proceeds from state's property—Deposit and use.

Department of archaeology and historic preservation: Chapter 43.334 RCW.

27.53.010 Declaration. The legislature hereby declares that the public has an interest in the conservation, preservation, and protection of the state's archaeological resources, and the knowledge to be derived and gained from the scientific study of these resources. [1975 1st ex.s. c 134 § 1.]

27.53.020 Archaeological resource preservation—Designation of department of archaeology and historic preservation—Cooperation among agencies. The discov-

ery, identification, excavation, and study of the state's archaeological resources, the providing of information on archaeological sites for their nomination to the state and national registers of historic places, the maintaining of a complete inventory of archaeological sites and collections, and the providing of information to state, federal, and private construction agencies regarding the possible impact of construction activities on the state's archaeological resources, are proper public functions; and the department of archaeology and historic preservation, created under the authority of chapter 43.334 RCW, is hereby designated as an appropriate agency to carry out these functions. The director shall provide guidelines for the selection of depositories designated by the state for archaeological resources. The legislature directs that there shall be full cooperation amongst the department and other agencies of the state. [2005 c 333 § 19; 2002 c 211 § 2; 1986 c 266 § 16; 1977 ex.s. c 195 § 12; 1975-'76 2nd ex.s. c 82 § 1; 1975 1st ex.s. c 134 § 2.]

Purpose—2002 c 211: "The purpose of this act is to give the *department of community, trade, and economic development the authority to issue civil penalties to enforce the provisions of permits issued under RCW 27.53.060 and to take into consideration prior penalties issued under chapter 27.53 RCW and under comparable federal laws when issuing permits. Additionally, this act provides guidance to state agencies and political subdivisions of the state when approving archaeological activities on public lands." [2002 c 211 § 1.]

***Reviser's note:** The "department of community, trade, and economic development" was renamed the "department of commerce" by 2009 c 565.

Additional notes found at www.leg.wa.gov

27.53.030 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Amateur society" means any organization composed primarily of persons who are not professional archaeologists, whose primary interest is in the archaeological resources of the state, and which has been certified in writing by two professional archaeologists.

(2) "Archaeological object" means an object that comprises the physical evidence of an indigenous and subsequent culture, including material remains of past human life, including monuments, symbols, tools, facilities, and technological by-products.

(3) "Archaeological site" means a geographic locality in Washington, including but not limited to, submerged and submersible lands and the bed of the sea within the state's jurisdiction, that contains archaeological objects.

(4) "Archaeology" means systematic, scientific study of humankind's past through material remains.

(5) "Department" means the department of archaeology and historic preservation, created in chapter 43.334 RCW.

(6) "Director" means the director of the department of archaeology and historic preservation, created in chapter 43.334 RCW.

(7) "Field investigation" means an on-site inspection by a professional archaeologist or by an individual under the direct supervision of a professional archaeologist employing archaeological inspection techniques for both the surface and subsurface identification of archaeological resources and artifacts resulting in a professional archaeological report detailing the results of such inspection.

(8) "Historic" means peoples and cultures who are known through written documents in their own or other languages. As applied to underwater archaeological resources, the term "historic" shall include only those properties which are listed in or eligible for listing in the Washington state register of historic places (RCW 27.34.220) or the national register of historic places as defined in the national historic preservation act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

(9) "Historic archaeological resources" means those properties which are listed in or eligible for listing in the Washington state register of historic places (RCW 27.34.220) or the national register of historic places as defined in the national historic preservation act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

(10) "Prehistoric" means peoples and cultures who are unknown through contemporaneous written documents in any language.

(11) "Professional archaeologist" means a person with qualifications meeting the federal secretary of the interior's standards for a professional archaeologist. Archaeologists not meeting this standard may be conditionally employed by working under the supervision of a professional archaeologist for a period of four years provided the employee is pursuing qualifications necessary to meet the federal secretary of the interior's standards for a professional archaeologist. During this four-year period, the professional archaeologist is responsible for all findings. The four-year period is not subject to renewal. [2013 c 23 § 45. Prior: 2011 c 219 § 1; 2008 c 275 § 5; 2005 c 333 § 20; 1995 c 399 § 16; 1989 c 44 § 6; 1988 c 124 § 2; 1986 c 266 § 17; 1983 c 91 § 20; 1977 ex.s. c 195 § 13; 1975 1st ex.s. c 134 § 3.]

Intent—1989 c 44: See RCW 27.44.030.

Intent—1988 c 124: "It is the intent of the legislature that those historic archaeological resources located on state-owned aquatic lands that are of importance to the history of our state, or its communities, be protected for the people of the state. At the same time, the legislature also recognizes that divers have long enjoyed the recreation of diving near shipwrecks and picking up artifacts from the state-owned aquatic lands, and it is not the intent of the legislature to regulate these occasional, recreational activities except in areas where necessary to protect underwater historic archaeological sites. The legislature also recognizes that salvors who invest in a project to salvage underwater archaeological resources on state-owned aquatic lands should be required to obtain a state permit for their operation in order to protect the interest of the people of the state, as well as to protect the interest of the salvors who have invested considerable time and money in the salvage expedition." [1988 c 124 § 1.]

Additional notes found at www.leg.wa.gov

27.53.040 Archaeological resources—Declaration. All sites, objects, structures, artifacts, implements, and locations of prehistorical or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and habitation sites, including rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material that are located in, on, or under the surface of any lands or waters owned by or under the possession, custody, or control

of the state of Washington or any county, city, or political subdivision of the state are hereby declared to be archaeological resources. [1975 1st ex.s. c 134 § 4.]

27.53.045 Abandoned archaeological resources—Declaration. All historic archaeological resources abandoned for thirty years or more in, on, or under the surface of any public lands or waters owned by or under the possession, custody, or control of the state of Washington, including, but not limited to all ships, or aircraft, and any part or the contents thereof, and all treasure trove is hereby declared to be the property of the state of Washington. [1988 c 124 § 3.]

Intent—Application—1988 c 124: See notes following RCW 27.53.030.

27.53.060 Disturbing archaeological resource or site—Permit required—Conditions—Exceptions—Penalty. (1) On the private and public lands of this state it shall be unlawful for any person, firm, corporation, or any agency or institution of the state or a political subdivision thereof to knowingly remove, alter, dig into, or excavate by use of any mechanical, hydraulic, or other means, or to damage, deface, or destroy any historic or prehistoric archaeological resource or site, or remove any archaeological object from such site, except for Indian graves or cairns, or any glyptic or painted record of any tribe or peoples, or historic graves as defined in chapter 68.05 RCW, disturbances of which shall be a class C felony punishable under chapter 9A.20 RCW, without having obtained a written permit from the director for such activities.

(2) The director must obtain the consent of the private or public property owner or agency responsible for the management thereof, prior to issuance of the permit. The property owner or agency responsible for the management of such land may condition its consent on the execution of a separate agreement, lease, or other real property conveyance with the applicant as may be necessary to carry out the legal rights or duties of the public property landowner or agency.

(3) The director, in consultation with the affected tribes, shall develop guidelines for the issuance and processing of permits.

(4) Such written permit and any agreement or lease or other conveyance required by any public property owner or agency responsible for management of such land shall be physically present while any such activity is being conducted.

(5) The provisions of this section shall not apply to the removal of artifacts found exposed on the surface of the ground which are not historic archaeological resources or sites.

(6) When determining whether to grant or condition a permit, the director may give great weight to the final record of previous civil or criminal penalties against either the applicant, the parties responsible for conducting the work, or the parties responsible for carrying out the terms and conditions of the permit, either under this chapter or under comparable federal laws. If the director denies a permit, the applicant may request a hearing as provided for in chapter 34.05 RCW. [2002 c 211 § 3; 1989 c 44 § 7; 1988 c 124 § 4; 1986 c 266 § 18; 1977 ex.s. c 195 § 14; 1975-'76 2nd ex.s. c 82 § 2; 1975 1st ex.s. c 134 § 6.]

Purpose—2002 c 211: See note following RCW 27.53.020.

Intent—1989 c 44: See RCW 27.44.030.

Intent—Application—1988 c 124: See notes following RCW 27.53.030.

Additional notes found at www.leg.wa.gov

27.53.070 Field investigations—Communication of site or resource location to department. (1) It is the declared intention of the legislature that field investigations on privately owned lands should be conducted by professional archaeologists in accordance with both the provisions and spirit of this chapter. Persons having knowledge of the location of archaeological sites or resources are encouraged to communicate such information to the department. Such information shall not constitute a public record which requires disclosure pursuant to the exception authorized in chapter 42.56 RCW to avoid site depredation.

(2) Nothing in this chapter shall be interpreted to allow trespassing on private property. [2011 c 219 § 2. Prior: 2005 c 333 § 21; 2005 c 274 § 243; 1975-'76 2nd ex.s. c 82 § 3; 1975 1st ex.s. c 134 § 7.]

27.53.080 Archaeological activities upon public lands—Entry—Agreement—Approval of activities—Information regarding results of studies and activities.

(1) *Qualified or professional archaeologists, in performance of their duties, may enter upon public lands of the state of Washington and its political subdivisions after first notifying the entity responsible for managing those public lands, at such times and in such manner as not to interfere with the normal management thereof, for the purposes of doing archaeological resource location and evaluation studies, including site sampling activities. The results of such studies shall be provided to the state agency or political subdivision responsible for such lands and the department and are confidential unless the director, in writing, declares otherwise. Scientific excavations are to be carried out only after appropriate agreement has been made between a professional archaeologist or an institution of higher education and the agency or political subdivision responsible for such lands. A copy of such agreement shall be filed with the department.

(2) Amateur societies may engage in such activities by submitting and having approved by the responsible agency or political subdivision a written proposal detailing the scope and duration of the activity. Before approval, a proposal from an amateur society shall be submitted to the department for review and recommendation. The approving agency or political subdivision shall impose conditions on the scope and duration of the proposed activity necessary to protect the archaeological resources and ensure compliance with applicable federal, state, and local laws. The findings and results of activities authorized under this section shall be made known to the approving agency or political subdivision approving the activities and to the department. [2005 c 333 § 22; 2002 c 211 § 5; 1986 c 266 § 19; 1977 ex.s. c 195 § 15; 1975 1st ex.s. c 134 § 8.]

***Reviser's note:** RCW 27.53.030 was amended by 2008 c 275 § 5, removing the definition of "qualified archaeologist."

Purpose—2002 c 211: See note following RCW 27.53.020.

Additional notes found at www.leg.wa.gov

27.53.090 Violations—Penalty. Any person, firm, or corporation violating any of the provisions of this chapter

shall be guilty of a misdemeanor. Each day of continued violation of any provision of this chapter shall constitute a distinct and separate offense. Offenses shall be reported to the appropriate law enforcement agency or to the director. [1986 c 266 § 20; 1977 ex.s. c 195 § 16; 1975-'76 2nd ex.s. c 82 § 4; 1975 1st ex.s. c 134 § 9.]

Additional notes found at www.leg.wa.gov

27.53.095 Knowing and willful failure to obtain or comply with permit—Penalties. (1) Persons found to have violated this chapter, either by a knowing and willful failure to obtain a permit where required under RCW 27.53.060 or by a knowing and willful failure to comply with the provisions of a permit issued by the director where required under RCW 27.53.060, in addition to other remedies as provided for by law, may be subject to one or more of the following:

(a) Reasonable investigative costs incurred by a mutually agreed upon independent professional archaeologist investigating the alleged violation;

(b) Reasonable site restoration costs; and

(c) Civil penalties, as determined by the director, in an amount of not more than five thousand dollars per violation.

(2) Any person incurring the penalty may file an application for an adjudicative proceeding and may pursue subsequent review as provided in chapter 34.05 RCW and applicable rules of the department.

(3) Any penalty imposed by final order following an adjudicative proceeding becomes due and payable upon service of the final order.

(4) The attorney general may bring an action in the name of the department in the superior court of Thurston county or of any county in which the violator may do business to collect any penalty imposed under this chapter and to enforce subsection (5) of this section.

(5) Any and all artifacts in possession of a violator shall become the property of the state until proper identification of artifact ownership may be determined by the director.

(6) Penalties overturned on appeal entitle the appealing party to fees and other expenses, including reasonable attorneys' fees, as provided in RCW 4.84.350. [2005 c 333 § 23; 2002 c 211 § 4.]

Purpose—2002 c 211: See note following RCW 27.53.020.

27.53.100 Historic archaeological resources on state-owned aquatic lands—Discovery and report—Right of first refusal. Persons, firms, corporations, institutions, or agencies which discover a previously unreported historic archaeological resource on state-owned aquatic lands and report the site or location of such resource to the department shall have a right of first refusal to future salvage permits granted for the recovery of that resource, subject to the provisions of RCW 27.53.110. Such right of first refusal shall exist for five years from the date of the report. Should another person, firm, corporation, institution, or agency apply for a permit to salvage that resource, the reporting entity shall have sixty days to submit its own permit application and exercise its first refusal right, or the right shall be extinguished. [1988 c 124 § 5.]

Intent—Application—1988 c 124: See notes following RCW 27.53.030.

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27.53.110 Contracts for discovery and salvage of state-owned historic archaeological resources. The director is hereby authorized to enter into contracts with other state agencies or institutions and with qualified private institutions, persons, firms, or corporations for the discovery and salvage of state-owned historic archaeological resources. Such contracts shall include but are not limited to the following terms and conditions:

(1) Historic shipwrecks:

(a) The contract shall provide for fair compensation to a salvor. "Fair compensation" means an amount not less than ninety percent of the appraised value of the objects recovered following successful completion of the contract.

(b) The salvor may retain objects with a value of up to ninety percent of the appraised value of the total objects recovered, or cash, or a combination of objects and cash. In no event may the total of objects and cash exceed ninety percent of the total appraised value of the objects recovered. A salvor shall not be entitled to further compensation from any state sources.

(c) The contract shall provide that the state will be given first choice of which objects it may wish to retain for display purposes for the people of the state from among all the objects recovered. The state may retain objects with a value of up to ten percent of the appraised value of the total objects recovered. If the state chooses not to retain recovered objects with a value of up to ten percent of the appraised value, the state shall be entitled to receive its share in cash or a combination of recovered objects and cash so long as the state's total share does not exceed ten percent of the appraised value of the objects recovered.

(d) The contract shall provide that both the state and the salvor shall have the right to select a single appraiser or joint appraisers.

(e) The contract shall also provide that title to the objects shall pass to the salvor when the permit is issued. However, should the salvor fail to fully perform under the terms of the contract, title to all objects recovered shall revert to the state.

(2) Historic aircraft:

(a) The contract shall provide that historic aircraft belonging to the state of Washington may only be recovered if the purpose of that salvage operation is to recover the aircraft for a museum, historical society, nonprofit organization, or governmental entity.

(b) Title to the aircraft may only be passed by the state to one of the entities listed in (a) of this subsection.

(c) Compensation to the salvor shall only be derived from the sale or exchange of the aircraft to one of the entities listed in (a) of this subsection or such other compensation as one of the entities listed in (a) of this subsection and the salvor may arrange. The salvor shall not have a claim to compensation from state funds.

(3) Other historic archaeological resources: The director, in his or her discretion, may negotiate the terms of such contracts. [1988 c 124 § 6.]

Intent—Application—1988 c 124: See notes following RCW 27.53.030.

27.53.120 Recovery of property from historic archaeological sites—Mitigation of damage—Refusal to issue salvage permit to prevent destruction of resource.

(2021 Ed.)

The salvor shall agree to mitigate any archaeological damage which occurs during the salvage operation. The department shall have access to all property recovered from historic archaeological sites for purposes of scholarly research and photographic documentation for a period to be agreed upon by the parties following completion of the salvage operation. The department shall also have the right to publish scientific papers concerning the results of all research conducted as project mitigation.

The director has the right to refuse to issue a permit for salvaging an historic archaeological resource if that resource would be destroyed beyond mitigation by the proposed salvage operation. Any agency, institution, person, firm, or corporation which has been denied a permit because the resource would be destroyed beyond mitigation by their method of salvage shall have a right of first refusal for that permit at a future date should technology be found which would make salvage possible without destroying the resource. Such right of first refusal shall be in effect for sixty days after the director has determined that salvage can be accomplished by a subsequent applicant without destroying the resource.

No person, firm, or corporation may conduct such salvage or recovery operation herein described without first obtaining such contract. [1988 c 124 § 7.]

Intent—Application—1988 c 124: See notes following RCW 27.53.030.

27.53.130 List of areas requiring permits. The department shall publish annually and update as necessary a list of those areas where permits are required to protect historic archaeological sites on aquatic lands. [1995 c 399 § 17; 1988 c 124 § 10.]

Intent—Application—1988 c 124: See notes following RCW 27.53.030.

27.53.140 Rule-making authority. The department shall have such rule-making authority as is necessary to carry out the provisions of this chapter. [1995 c 399 § 18; 1988 c 124 § 11.]

Intent—Application—1988 c 124: See notes following RCW 27.53.030.

27.53.150 Proceeds from state's property—Deposit and use. Any proceeds from the state's share of property under this chapter shall be transmitted to the state treasurer for deposit in the general fund to be used only for the purposes of historic preservation and underwater archaeology. [1988 c 124 § 12.]

Intent—Application—1988 c 124: See notes following RCW 27.53.030.

