

## CHAPTER 119.

[H. B. 259.]

## PUBLIC LIBRARIES.

AN ACT relating to free public libraries, creating a board for the certification of librarians and defining its powers, prescribing penalties, and repealing sections 8226 to 8246 and sections 9211 and 9212 of Remington's Revised Statutes and other acts and parts of acts inconsistent herewith.

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

SECTION 1. 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.

Policy of state.

SEC. 2. As used in this act, unless the context requires a different meaning, (1) "governmental unit" means any county, city, town, or school district, except a union high school district; (2) "legislative body" means the body authorized to determine the amount of taxes to be levied in a governmental unit; (3) "library" means a free public library supported in whole or in part with money derived from taxation; and (4) "regional library" means a library maintained by two or more counties.

Defining "governmental unit."

"Legislative body."

"Library."

"Regional library."

SEC. 3. Any governmental unit has power to establish and maintain a library, either by itself or in cooperation with one or more other governmental units: *Provided*, That the territory to be served shall not include territory within the limits of any other governmental unit that maintains a library unless the latter decides to participate in the county or regional library.

Power to maintain library.

Territory covered.

SEC. 4. A library may be established either (1) by the legislative body of a governmental unit of its own initiative; or (2) upon the petition of one

How established.

hundred (100) tax payers of a governmental unit. The legislative body shall submit to a vote of the qualified electors thereof, at the next municipal election held therein (in the case of a city, town, or school district) or the next general 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. Only taxpayers residing in territory not served by a library of its own shall be eligible to join in a petition, and only electors residing in such territory shall be qualified to vote upon the question of establishing a library.

Two or more counties may establish regional library.

SEC. 5. Two (2) or more counties, by action of their boards of county commissioners, may join in establishing and maintaining a regional library under the terms of a contract to which all will agree.

Expenses of.

The expenses of the regional library shall be apportioned between or among the counties concerned on such basis as shall be agreed upon in the contract. The treasurer of one of the counties, as shall be provided in the contract, shall have the custody of the funds of the regional library; and the treasurers of the other counties concerned shall transfer quarterly to him all moneys collected for the "Free Public Library Fund" in their respective counties. If the board of county commissioners of any county decides to withdraw from a regional library contract, the county shall be entitled to a division of property in the same proportion as expenses were shared.

"Free public library fund."

Governmental unit may share in regional library.

SEC. 6. When a county or regional library shall have been established, the legislative body of any governmental unit therein that is maintaining a library, may decide, with the concurrence of the board of trustees of its library, to participate in the county

or regional library; after which, beginning with the next fiscal year of the county, the governmental unit shall participate in the county or regional library and its residents shall be entitled to the benefits of the county or regional library, and property within its boundaries shall be subject to taxation for county or regional library purposes. A governmental unit participating in the county or regional library may retain title to its own property, may continue its own board of library trustees, and may levy its own taxes for library purposes; or, by a vote similar to that authorized by section 4 of this act, a governmental unit may transfer, conditionally or otherwise, the ownership and control of its library, with all or any part of its property, to another governmental unit which is providing or will provide free library service in the territory of the former, and the trustees or body making the transfer shall thereafter be relieved of responsibility pertaining to the property transferred.

May retain title of own property.

SEC. 7. Instead of establishing an independent library, the legislative body of a 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 governing 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 as maintaining a proper standard. Any school district may contract for school library service from

May contract to receive or render service.

Contract shall require.

Subject to inspection.

any existing library, such service to be paid for from funds available to the school district for library purposes.

Board of trustees.

SEC. 8. The management and control of a library shall be vested in a board of five (5) trustees. In cities and towns the trustees shall be appointed by the mayor with the consent of the legislative body. In counties they shall be appointed by the board of county commissioners. In a regional library district they shall be appointed by the joint action of all the county commissioners in the district. In school districts they shall be elected by the voters in the manner in which school directors are elected. The first appointments or elections shall be for terms of one (1), two (2), three (3), four (4), and five (5) years respectively, and thereafter a trustee shall be appointed or elected annually to serve for five (5) years. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen. A trustee shall not receive a salary or other compensation for services as trustee, but necessary expenses actually incurred shall be paid from the library fund. A library trustee may be removed only by vote of the legislative body.

Terms of.

Vacancies.

Compensation.

Removal of.

Organization, duties and powers of board.

SEC. 9. 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 by-laws, 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 recommendation employ such other assistants as may be necessary, all in accordance with the provisions of section 11 of this act, 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; (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.

SEC. 10. 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 and so far as possible, the taxes levied and collected for this purpose shall be levied and collected within the territory to be served. 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 constitute a separate fund called the "Free Public Library Fund," and shall not be used for any but library purposes. The board of trustees shall have the exclusive control of expenditures from the fund subject to any examination of accounts required by the state and money shall be paid from the fund 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 available for library purposes.

Financial support of library.

"Free public library fund."

Control of expenditures

SEC. 11. (1) There is hereby created a state board for the certification of librarians, which shall

State board; consists of.

consist of the state librarian, the executive officer of the department of librarianship of the University of Washington, and one other member to be appointed by the governor for a term of three (3) years from a list of three (3) persons nominated by the executive committee of the Washington library association. The members of the board shall serve without salary, shall have authority to establish rules and regulations for their own government and procedure, and shall prescribe and hold examinations to test the qualifications of those seeking certificates as librarians.

Terms of.

Powers.

Granting of certificates; qualifications.

(2) The board shall grant librarians' certificates without examination to applicants who are graduates of library schools accredited by the American Library Association for general library training, and shall grant certificates to other applicants when it has satisfied itself by examination that the applicant has attainments and abilities equivalent to those of a library school graduate and is qualified to carry on library work ably and efficiently.

One year of service; entitled to certificate.

(3) Any person not a graduate of a library school accredited by the American Library Association, but who has served as a librarian or a full-time professional assistant in any library in this state for at least one (1) year or the equivalent thereof prior to the taking effect of this act, shall be granted a librarian's certificate without examination, but such certificate shall be good only for the position specified therein, unless specifically extended by the board.

Fees.

(4) The board shall require a fee of not less than one dollar (\$1) nor more than five dollars (\$5) to be paid by each applicant for a librarian's certificate. Money paid as fees shall be deposited with the state treasurer. All necessary expenses of the board shall be paid from funds appropriated by the legislature upon warrants drawn by the state aud-

itor upon the presentation of proper vouchers approved by the board.

(5) After January 1, 1937, a library serving a community having over four thousand (4,000) population shall not 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 board.

Employment of person without certificate.

(6) A full-time professional library position, as intended by this section, is one that requires, in the opinion of the state board for the certification of librarians, a knowledge of books and of library technique equivalent to that required for graduation from an accredited library school.

Professional library position requires.

(7) The provisions in this section shall apply to every library serving a community having over four thousand (4,000) population and to every library operated by the state or under its authority, including libraries of institutions of higher learning: *Provided*, That nothing in this section shall apply to the state law library or to county law libraries.

Section shall apply to.

Law libraries excepted.

SEC. 12. 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.

Annual report by board.

SEC. 13. 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,

Use of library.

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.

May allow non-residents to use.

SEC. 14. 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 non-residents 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.

May exclude persons.

SEC. 15. 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.

Misdemeanor to injure property.

SEC. 16. 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.

Failure to return property, misdemeanor.

SEC. 17. Whoever wilfully retains any book, newspaper, magazine, pamphlet, manuscript, or other property belonging in or to any public library, reading room, or other educational institution, for thirty (30) 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, shall be guilty of a misdemeanor.

Title to property given library shall vest in.

SEC. 18. 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.

SEC. 19. 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.

Existing libraries and contracts may remain.

Act supersedes any municipal charter.

SEC. 20. A library established or maintained under this act (except a regional 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 section 4 for a vote upon the establishment of a library. If a library of a city, town, or school district 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.

Abolishment of a library.

SEC. 21. Chapter 116 of the Laws of 1909, as amended (being sections 8226 to 8246 of Remington's Revised Statutes), and chapter 171 of the Laws of 1919 (being sections 9211 and 9212 of Remington's Revised Statutes), and all other acts and

Conflicting statutes repealed.

parts of acts inconsistent with this act are hereby repealed.

Passed the House February 22, 1935.

Passed the Senate March 12, 1935.

Approved by the Governor March 20, 1935.

CHAPTER 120.

[H. B. 271.]

AUTO TRANSPORTATION COMPANIES.

AN ACT defining the term "auto transportation company" and amending section 6387, subdivision (d), of Remington's Revised Statutes of Washington.

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

SECTION 1. That section 6387, subdivision (d) of Remington's Revised Statutes of Washington be and the same is hereby amended to read as follows:

Amends § 6387, sub-div. (d), Rem. Rev. Stat.

(a) The term "corporation" when used in this act means a corporation, company, association or joint stock association.

Defining "Corporation."

(b) The term "person" when used in this act means an individual, a firm [firm] or a copartnership.

"Person."

(c) The term "commission" when used in this act means the public service commission of the State of Washington, or the director of public works or such other board or body as may succeed to the powers and duties now held by the public service commission.

"Commission."

(d) The term "auto transportation company" when used in this act means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any motor propelled vehicle not usually operated on or over rails used in

"Auto transportation company."