

# 2007 Legislative Session:

## Recently Enacted Bills That May Affect Your Library, Employees, or Retirees

By Mike Wirt, Co-Chair, WLA Legislative Planning Committee

The following bills enacted by the State Legislature and signed by the Governor apply to one or more types of Washington's libraries.

This summary was prepared to inform library boards of trustees, directors, managers, and staff of the revised or new state laws and their effective dates. Additional information, including the text of each bill as enacted, is available on the Legislature's Bill Information web page (<http://apps.leg.wa.gov/billinfo/>). For advice on specific application to your library, consult your legal counsel.

### **SHB 1262: Addressing the public employment of retirees from the teachers' retirement system plan 1 and the public employees' retirement system plan 1**

**Summary:** States that mere inquiries about postretirement employment do not constitute an agreement and that PERS Plan 1 retirees only be rehired pursuant to a written employer policy on hiring retirees.

**Library-related impact:** Library HR personnel should become familiar with the change to be able to accurately advise affected employees.

**Effective date:** July 22, 2007

### **SHB 1264: Addressing the portability of public retirement benefits**

**Summary:** Dual retirement system members are allowed to include in their base salary previously excluded forms of payment, such as overtime, as long as the type of payment in question is reportable under both of the retirement systems to which the member belongs. The maximum benefit rule is not applied to dual members who have both (1) fewer than 15 years of service in a plan with a benefit cap (such as PERS 1 or TRS 1); and (2) service in a plan with no benefit cap (such as PERS 2 or LEOFF 2).

**Library-related impact:** Library HR personnel should become familiar with the change to be able to accurately advise affected employees.

**Effective date:** July 22, 2007

### **SHB 1266: Addressing death benefits for public employees**

**Summary:** The \$150,000 death benefit for members of the Washington retirement systems, as well as state agency, school district, and higher education employees, is broadened to be payable upon death due to an occupational disease or infection that arises in the course of employment, as well as from injuries sustained in the course of employment.

**Library-related impact:** Library HR personnel should become familiar with the change to be able to accurately advise employees.

**Effective date:** July 22, 2007

### **SHB 1328: Concerning small works roster contracting procedures.**

**Summary:** An authorized local government may use the limited public works process to solicit and award small works roster contracts to small businesses that are registered contractors with gross revenues under \$1 million annually as reported on their federal tax return; may adopt additional procedures to

encourage small businesses that are registered contractors with gross revenues under \$250,000 annually to submit quotations or bids on small works roster contracts; the alternative administration of the prevailing wage contract requirement that applies to public works projects of \$2,500 or less applies to public works projects under \$35,000 that use the limited public works process found in RCW 39.04.155 (3).

**Library-related impact:** Library districts using small works rosters have these additional options available.

**Effective date:** July 22, 2007

**SHB 1445: Making adjustments to the recodification of the public records act.**

**Summary:** Agency, public record, and writing are defined and technical changes are made in two exemptions.

**Library-related impact:** All libraries are subject to the Open Public Records Act. Library public records officers should review the changes to assure continued compliance.

**Effective date:** July 22, 2007

**SHB 2010: Providing responsible bidder criteria and related requirements for public works contracts**

**Summary:** Responsible bidder is defined for purposes of public works contracts. A state or municipality may adopt relevant supplemental criteria for determining bidder responsibility that is applicable to a particular project. If the state or municipality determines that a bidder is not responsible, it must provide the bidder the reasons, in writing, for that determination, and must provide the bidder an opportunity to provide additional information.

**Library-related impact:** Libraries doing public works projects may use this statute to help ensure bidder minimum qualifications.

**Effective date:** July 22 2007

**EHB 2391: Eliminating retirement system gain-sharing and providing alternate pension benefits.**

**Summary:** Closes gain-sharing to members of PERS, TRS, and SERS Plans 3 who are hired after July 1, 2007 and after January 1, 2008 gain-sharing distribution, gain-sharing is eliminated for all members of Plan 1 and Plan 3. On July 1, 2009, the Annual Increase Amount (Uniform COLA) in PERS and TRS Plan 1 is increased by approximately 14 cents. Effective July 1, 2008 (September 1, 2008 in TRS and SERS), the early retirement reduction factors are improved for both members of Plans 2 and 3 of PERS, SERS, and TRS that have completed 30 or more years of service..

**Library-related impact:** Library HR personnel should become familiar with the change to be able to accurately advise affected employees.

**Effective date:** July 1, 2007

**SB 5175: Providing annual increases in certain retirement allowances**

**Summary:** The age requirements for COLA eligibility in PERS 1 and TRS 1 are changed so that a member must have been retired for at least one year by July 1 and reach age 66 by December 31 in order to be eligible for the adjustment given during that year.

**Library-related impact:** Library HR personnel should become familiar with the change to be able to accurately advise affected employees.

**Effective date:** July 1, 2007

**ESB 5251: Establishing the term of existence of a collective bargaining agreement.**

**Summary:** Under the Public Employees' Collective Bargaining Act (PECBA), the maximum allowable term for collective bargaining agreements between cities, counties, municipal corporations, and school districts and their respective employees is increased from three to six years.

**Library-related impact:** For libraries with collective bargaining agreements, those agreements may be negotiated for a period of up to six years.

**Effective date:** July 22, 2007

**SSB 5435: Creating the public records exemptions accountability committee**

**Summary:** The Public Records Exemption Accountability Committee is created for the purpose of reviewing public disclosure exemptions and providing recommendations. The Committee must develop and publish criteria for review of public exemptions and a schedule to accomplish a review of each public disclosure. For each public disclosure exemption, the Committee must provide a recommendation as to whether the exemption should be continued without modification, modified, scheduled for sunset review at a future date, or terminated. By November 15 of each year, the Committee must transmit its recommendations to the Governor, the Attorney General, and the appropriate committees of the Legislature.

**Library-related impact:** There's currently a disclosure exemption for library records, "...the primary purpose of which is to maintain control of library materials, or to gain access to information, that discloses or could be used to disclose the identity of a library user..." (RCW 42.56.310). This exemption will be one of those reviewed by the committee.

**Effective date:** July 22, 2007

**ESB 5498: Revising voter-approved funding sources for local taxing districts**

**Summary:** Authority for a levy lid lift that lasts up to six years is available to any taxing district. For levy lid lifts and the county sales and use tax, the definition of "existing funds" is modified to exclude losses due to lost grants or loans, extraordinary events, certain changes in contract terms, or major nonrecurring capital expenditures.

**Library-related impact:** Library districts now the ability to propose multi-year levy lid lifts. Cities have increased flexibility in using levy lid lifts to increase tax revenue, potentially benefiting libraries that they fund.

**Effective date:** July 22, 2007

**ESSB 5836: Regarding the determination of boundaries for taxing districts**

**Summary:** When territory that is part of a fire or library district is annexed to a city or town, any taxes on annexed property that were levied, but not collected, must be paid to the annexing city or town when collected at times required by the county, but no less frequently than July 10 and January 10 following the annexation. If the taxes on annexed property were delinquent at the time of annexation, the taxes must be paid to the fire or library district when collected.

**Library-related impact:** For library districts, when cities annex district territory the property taxes from that area become payable to the city upon the effective annexation date and district service responsibilities to that area end rather than at the end of the tax year. For city libraries, service responsibilities begin on the effective annexation date.

**Effective date:** July 22, 2007

**SSB 5882: Funding the Washington state heritage center**

**Summary:** Secretary of State's Office and local county auditor offices filing fees are authorized for the repayment of a certificate of participation (financing agreement) for the construction and maintenance of the Heritage Center and for various operating expenses.

**Library-related impact:** Provides funding source for the planning and construction of the proposed State Heritage Center, which will combine the Washington State Library and State Archives in one building on the capital campus.

**Effective date:** Section 1 takes effect January 1, 2009; section 2 takes effect January 1, 2008.