

2009 Legislative Session: Recently Enacted Bills That May Affect Your Library, Employees, or Retirees

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After every legislative session I compile a summary of enacted bills WLA has worked on and/or tracked that I think may apply to one or more types of Washington's libraries. This year's session ended April 26, and the Governor had until May 19 to act on the legislation delivered to her.

My intent with this summary is to provide library boards of trustees, directors, managers, and staff with a snapshot of new or revised state laws and their effective dates. More detailed information, including the text of each bill as enacted and a summary, is available on the Legislature's Bill Information web page (<http://apps.leg.wa.gov/billinfo/>) as well as from any state agencies responsible for implementation (e.g. Department of Revenue and Department of Retirement Systems).

For advice on interpretation or specific application to your library, consult your legal counsel.

SHB 1011: Regulating the use of identification devices by governmental and business entities

Summary: A government or business entity is prohibited from remotely reading an identification device using radio frequency identification (RFID) technology, unless the government or business entity, or one of its affiliates, is the same entity that issued the identification device. The unlawful reading of an identification device is a violation of the Consumer Protection Act.

Library-related impact: For libraries using or considering using RFID devices, provides legal protection against unauthorized non-library use.

Effective date: July 26, 2009

ESHB 1018: Modifying when a special election may be held

Summary: The special election that may be held on the second Tuesday in March is eliminated. The date of the February special election is changed to the second Tuesday. The special election date in May is restricted to tax levies that failed previously in that calendar year and new bond issues only. After 2011, the May special election date is eliminated. The requirement that a special election be held on the same date as the presidential preference primary is removed.

Library-related impact: Reduces election date options for bond issue and levy lid lift proposals.

Effective date: July 26, 2009

HB 1196: Increasing the dollar limit for small works roster projects

Summary: The maximum dollar amount allowed for use of a small works roster process is raised from \$200,000 to \$300,000, and the dollar amount requiring notification of all contractors on the roster is changed from between \$100,000 and \$200,000 to between \$150,000 and \$300,000.

Library-related impact: For cities and library districts that use small works rosters for public works projects, limits are increased.

Effective date: July 26, 2009

SHB 1291: Changing library district annexation provisions

Summary: Increases the population limit for city annexations to library districts from 100,000 to 3,000.

Library-related impact: Cities up to 300,000 population will be able to request annexation to a library district

Effective date: July 26, 2009

ESHB 1553: Addressing claims for damages against the state and local governmental entities.

Summary: Modifies technical requirements for citizen damage claim filing and makes the local government process more consistent with the state's.

Library-related impact: Requirements apply to cities operating libraries as well as to library districts, both of which should be aware of these changes.

Effective date: July 26, 2009

ESHB 2075: Concerning the excise taxation of certain products and services provided or furnished electronically

Summary: Extends state sales and use tax to digital goods, codes, and automated services that are downloaded, streamed or accessed remotely; provides specific exemptions, one of which is for "making the digital good or digital automated service, including a digital good or digital automated service acquired through the use of a digital code, or service defined as a retail sale available free of charge for the use or enjoyment of others" (Sections 503 and 603)

Library-related impact: The Section 503 and 603 exemption is to apply to digital goods and automated services such as online databases and e-books that are licensed or purchased by libraries for their users. However, the buyer must provide the seller with an exemption certificate available through the Department of Revenue's website.

Effective date: July 26, 2009

ESHB 2261: Concerning the state's education system

Summary: This 67-page bill makes substantial changes to the state's basic education statutes; however, due to lack of funding full implementation is delayed until September 1, 2013.

Library-related impact: Staffing standards include requirements for teacher-librarians in every prototypical school. (Section 106)

Effective date: Depends upon section; Section 106 is effective September 1, 2011.

SB 5315: Extending the survivor annuity option for preretirement death in plan 1 of the public employees' retirement system to members who die after leaving active service.

Summary: The survivors of members of PERS Plan 1 that left active service prior to death and were eligible to begin collecting retirement benefits but had not yet done so are eligible for a optional actuarially reduced joint and 100 percent survivor option.

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

Effective date: July 26, 2009

SB 5355: Regarding initial levy rates for rural county library districts

Summary: The maximum initial levy rate for the creation of a rural county library district may be included as part of the petition. If included in the petition, the proposed initial maximum levy rate must also be included in the ballot proposition. The initial levy rate may not exceed the rate limit set in statute or, if applicable, the initial maximum levy rate specified in the ballot proposition approved by the voters.

Library-related impact: Legislation applies to counties that don't yet have a countywide rural library district.

Effective date: July 26, 2009

2SSB 5433: Modifying provisions of local option taxes

Summary: Non-supplant language for multi-year property tax lid lifts is eliminated. However, elimination of non-supplant language only applies to levies approved in 2009, 2010, and 2011 for King County.

Library-related impact: The removal of non-supplant language gives cities increased flexibility in using levy lid lifts to increase tax revenue, potentially benefiting libraries that they fund. Although the same applies to library districts, fund supplanting usually isn't an issue for them.

Effective date: July 26, 2009

SB 6157: Calculating compensation for public retirement purposes during the 2009-2011 fiscal biennium

Summary: Provides that average final salary calculations for Public Employees' Retirement System members not be affected by salary reductions due to reduced hours, leave without pay, or furloughs taken as part of an employer's expenditure reduction effort during the 2009-11 biennium.

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

Effective date: July 26, 2009

SB 6161: Addressing the actuarial funding of pension systems.

Summary: Restructures method for dealing with unfunded liability and changes demographic assumptions for PERS and TERS, resulting in revised pension contribution rates consistent with the the revisions to the methods.

Library-related impact: Reduction in expenses for PERS employer contributions to 5.13% and PERS Plan 2 employee contributions to 3.89% from July 1, 2009 through June 30, 2010. Library HR personnel should become familiar with the change to accurately advise affected employees; lower employer rates will reduce personnel budgets for PERS libraries.

Effective date: July 1, 2009