

2011 Legislative Session: Recently Enacted Bills That May Affect Your Library, Employees, or Retirees

On June 15, Governor Chris Gregoire completed her action on the remainder of bills that passed out of the Legislature during the 2011 session, including the 2011-2013 biennial budget and legislation required for its implementation. This summary provides library directors, managers, staff, and boards of trustees with a snapshot of new or revised state laws tracked by WLA during the session and ultimately signed. 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 state agencies responsible for implementation (e.g. Department of Retirement Systems).

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

2ESHB 1087: Making 2009-2011 and 2011-2013 fiscal biennia operating appropriations.

Summary: Makes biennial operating appropriations for the 2011-2013 biennium and supplemental operating appropriations for the 2009-11 biennium. Its 491-pages address the substantial budget shortfalls of the current and coming biennium primarily through program and salary reductions.

Library-related impact: There's no direct impact on any type of publically-funded library but there are indirect impacts on all others except public libraries, which receive no state funding support. The Washington State Library, part of the Office of the Secretary of State, was not targeted for a disproportional share of state agency reductions and at the moment no staffing or program reductions are anticipated. However, there's no guarantee that will continue to be the case and it's likely that there'll be some impact on the Maintenance of Effort (MOE) requirements for federal LSTA funds. The impact on all other types of libraries—school, community and technical college, and university—depends upon the application of state funding reductions within each agency.

Effective date: The bill contains an emergency clause and takes effect immediately, except for a section relating to the public works assistance account.

SHB 1728: Requiring businesses where food for human consumption is sold or served to allow persons with disabilities to bring their service animals onto the business premises.

Summary: Food establishments are prohibited from discriminating on the basis of the use of a service animal by a person with a disability only with respect to animals covered under the current federal regulatory definition of the term (a dog or miniature horse) rather than the broader definition in state law.

Library-related impact: None, except to note that libraries continue to be held to the broader state law regarding the definition of a service animal rather than the more limited federal definition.

Effective date: July 22, 2011

SHB 1899: Changing penalty amounts for public records violations.

Summary: Changes the range of the monetary penalty that may be assessed against an agency under the Public Records Act from a minimum of \$0 up to a maximum of \$100 for each day the agency has unlawfully failed to provide requested records.

Library-related impact: Applies to all libraries subject to the Public Records Act.

Effective date: July 22, 2011

ESHB 1981: Addressing public employee postretirement employment and higher education employees' annuities and retirement income plans.

Summary: Eliminates Public Employees' Retirement System (PERS) and Teachers' Retirement System (TRS) Plan 1 provisions permitting retirees to receive benefits while employed in retirement system-covered positions for up to 1,500 hours per year; adds positions covered by the Higher Education Retirement Plan (HERP) to those included in the postretirement employment pension restrictions for PERS, TRS, the School Employees' Retirement System, and the Public Safety Employees' Retirement System; limits the employees to which state institutions of higher education may offer the HERP, instead of PERS Plans 2 or 3, to employees exempt from civil service; makes several other changes to HERP.

Library-related impact: Affects library employees in PERS and TERS Plan 1, and higher education employees in HERP. For more detailed information consult the Department of Retirement Systems website (www.drs.wa.gov).

Effective date: Contains an emergency clause and takes effect on July 1, 2011, except for sections relating to the repeal of the 1,500 hour per year provision in PERS and TRS Plans 1, which take effect on January 1, 2012.

HB 2021: Limiting the annual increase amounts in the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

Summary: Public Employees' and Teachers' Retirement Systems Plan 1 (PERS Plan 1 and TRS Plan 1) members benefits are no longer increased through the Uniform COLA above the amount in effect on July 1, 2010, unless a retiree qualifies for the basic minimum benefit. Members of PERS Plan 1 and TRS Plan 1 that qualify for the minimum benefit formulas in the plans will continue to receive the Uniform COLA.

Library-related impact: Applies to any library employee or retiree under PERS and TERS hired prior to October 1, 1977.

Effective date: June 30, 2011

HB 2070: Determining average salary for the pension purposes of state and local government employees as certified by their employer.

Summary: Provides that pensions from specified Washington retirement systems (including PERS and TERS) based on salaries earned during the 2011-13 biennium will not be reduced by compensation forgone by a member due to reduced work hours, mandatory leave without pay, temporary layoffs, or reductions to current pay if the measures are an integral part of a state or local government employer's expenditure reduction efforts.

Library-related impact: Future pensions for covered library employees whose compensation is lower due to a budget reduction effort will not be reduced.

Effective date: July 1, 2011

2SSB 5773: Making a health savings account option and high deductible health plan option and a direct patient-provider primary care practice option available to public employees.

Summary: The Health Care Authority (HCA) is directed to offer a high-deductible health plan with a health savings account as an option alongside its traditional comprehensive medical insurance offerings in the Public Employees' Benefits Board (PEBB) program, beginning with the 2012 plan year. The HCA must also develop a plan to offer direct patient-provider primary care practices to PEBB participants for the open enrollment period beginning with the 2013 plan year and submit the plan

Library-related impact: Libraries and library staff who participate in state's the PEBB program.

Effective date: August 24, 2011

Prepared by Mike Wirt, WLA Legislative Planning Committee
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