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**King County Democrats LAC 2009  
Legislative Wrap-Up Newsletter  
May 3, 2009**

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This is the King County Democrats Legislative Action Committee Wrap-up Newsletter for the just completed 2009 Washington State Legislative session. If there are bills not covered that you want to know what happened to them, go to www.leg.wa.gov and search under bill information.

Many people helped make our Legislative efforts possible. If I leave your name out I am sorry, but here are some of the people who helped this session to cover bills of concern to King County Democrats. Specials thanks to Kathleen Reynolds, Brad Larssen, Noemie Maxwell, Andrew Villeneuve, Margaret Shield, Lisa Plymate, Craig Salins, Marcee Stone, David Spring, Bill Austin, Elizabeth Younger, Don Bennett, Bob

Loeliger, Chad Lupkes, and to King County Democratic Chair Suzie Sheary.

The next LAC meeting will be Sunday May 17, 2009 from 2 PM to 4 PM at the Shoreline Library, 345 NE 175th St in Shoreline. The LAC meets every third Sunday of the month.

Steve Zemke and Sarajane Siegfriedt are Co-chairs of the King County Democrats Legislative Action Committee.

Housing and Human Services - Sarajane Siegfriedt

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The State Housing Trust Fund was cut 50% from \$200 million in the current biennium to \$100 million, the same level the Governor recommended. The Capital Budget was drained by having to fill some one-time holes in the operating budget, so advocates felt lucky to retain \$100 million, especially since the Senate had proposed cutting it to \$30 million. At that level, awards for new low-income housing projects would have come to a halt this fall. The State Housing Trust Fund provides the seed money for most low-income housing projects and is considered essential to the Ten-Year Plan to End Homelessness.

General Assistance-Unemployable (GA-U) is the safety net for 21,000 mostly single adults, as well as their eligibility for Medicaid. While the Governor proposed to eliminate the program as "outdated," the House insisted that it be retained, at about 80% of the current level. Cuts are supposed to come from better monitoring and from moving more people onto Social Security or back into employment.

Many other endangered human services programs were retained, notably adult day health. Adult family homes, group homes and supported living for people with developmental disabilities are cut 3%. Substance abuse treatment is cut substantially. Drug courts will survive, and a new program to provide housing for newly released prisoners will help curb homelessness and help felons establish stable lives.

A payday lending bill passed both houses, but only after dramatic turns orchestrated by Rep. Sharon Nelson. The bill had been eviscerated by a Senate striker amendment, but the House "receded from the amendment" and sent it back to the Senate. The Senate insisted on its position and sent it back to the House. The House adhered to its position and the Senate receded from its amendments.

A bill to make it illegal for landlords to discriminate against Sec. 8 voucher holders and other on government subsidies (income source discrimination) passed the House but died before being voted on in the Senate.

## Education - Kathleen Reynolds

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In a year when state services were cut across the board, education fared better than most. The problem is, school districts across the state are already struggling to balance their books with inadequate funds. Washington has one of the highest average class sizes, and one of the lowest amounts of money spent per pupil in the country.

The biennial budget cuts around \$800 million from K-12 education, including suspending citizen initiative requested pay increases for two years, and cutting nearly two-thirds of I-728 money, the initiative to help lower class sizes. These cuts were possible because these programs are not included in the state's definition of basic education. The average school district will see a state funding cut of 2.6 percent.

But not all results were bad. Passage of a bill expanding the definition of basic education should mean greater funding of our schools by 2018. Two years ago, the legislature created the Basic Education Joint Task Force to redefine basic education (what the state is required to pay for) and to create a funding structure for it. Their work resulted in two bills this session, HB 1410 and SB 5444, which had much bipartisan legislative support.

Education stakeholders couldn't agree on some aspects of the bills, so a few legislators took it upon themselves to start over with two "empty bills," HB 2261 and SB 6048, which were then fleshed out to include much of the earlier bills' provisions, leaving out the controversial pieces.

That brought most stakeholders to the table except for the Washington Education Association, the state teachers union, who lobbied vigorously against them. Supporters of the two bills included the state school superintendent, Randy Dorn, the state school board chair, the WSPTA, the League of Education Voters, the League of Women Voters, organized labor and many others.

The WEA's public objections were a dislike of "merit pay" which was not included in the second set of bills, and a desire to focus on restoring school funding right now instead of planning for the future.

In the end, HB 2261 was delivered to the governor on April 23.

Its key provisions are:

- A more transparent funding model
- Universal all-day kindergarten
- Increased high school graduation course requirements
- A six period day in high school and middle school, up from the current five hours

- Work groups to study finance and teacher compensation

Work for next session:

Now that we know where our money will be going, we must find a stable, secure form of revenue for schools. Funding the new, expanded definition of basic education could

cost an extra \$2 billion per year. We must think boldly and work with other organizations to form the critical mass necessary to change our tax structure. The commitment of all stakeholders will be necessary to fund this promise to our children.

Education - a Second View - David Spring

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The 2009 legislative session saw considerable debate on the future of our public schools. We are currently about 45th in the nation in school funding despite having one of the top 20 economies in America. In the end, the 2009 legislature:

1. Cut over one billion dollars in school funding including eliminating funding for about 5,000 teachers, eliminating Cost of Living Adjustments for the remaining 50,000 teachers and robbing over a half billion dollars from the school construction fund (Senate Bill 5600.. Also called the "all cuts" budget).
  
2. Passed what the press called "a sweeping overhaul of Washington state's K-12 education system" (House Bill 2261) which when one reads the fine print was nothing more than another set of empty promises and unfunded mandates. The truth about HB 2261 is that it does not provide a single additional penny in funding for public schools and instead sets up yet another work group to continue to study how to provide adequate funding for public schools. This will be about the 10th School Funding Work Group in the past 15 years to be charged with the task of coming up with some money for public schools. None of the other work groups came up with a single penny in funding ideas. So it is unlikely that this work group will be any different. In recognition of this fact, the legislature gave itself the next 10 years to actually fund our schools. Even worse, the bill eliminates the current minimum level of funding which is why the Washington Education Association opposed the bill. HB 2261 is of course completely unconstitutional because our Constitution does not require school funding to be delayed for 10 years from now. Instead, our Constitution gives our legislature both the power and the "paramount duty" to fully fund public schools now.
  
3. The legislature had lots of options to actually fund public schools. For example, the Legislature could have passed House Bill 2350 (the Fair School Funding Act), which would have provided billions of dollars in additional funding for public schools by closing a 1997 tax loophole that exempted over one trillion dollars of intangible property from our State property taxes. So what really happened this session was that 5,000 public school teachers were fired to protect billions of dollars in tax breaks for millionaires.
  
4. But while the Legislature did not want to give up tax breaks for millionaires to fund public schools, they had no problem increasing property taxes on the middle class. Senate Bill 6138 amends House Bill 1776 to raise the school levy property tax cap from the current 24% to 35%. The last time school levy rates were this high was during the 1975 recession when over 40% of our school districts suffered catastrophic school levy failures. This in turn led to the Seattle One lawsuit in which Judge Doran

ruled that high levy rates were inherently unconstitutional because they were not a reliable source of funding. In 1978, the legislature lowered the State wide levy cap to 10% and raised school funding 11th in the nation.. The real problem with high levy rates is that it will worsen our two-tier system of public schools. This is a violation not just Article 9, Section One of our Constitution, but also Article 9, Section Two which calls for a "uniform system of public schools." Clearly our current legislature is not only willing to ignore our State Constitution, they are also willing to ignore our State court rulings

5. But it gets worse. Because the legislature is also attempting to repeal the Levy Equalization Act and reduce Levy equalization funding used to help poor school districts. This has not been done yet. But the main reason for the "extra session" is to permit our richest school districts to vote against funding for our poorest school districts. This is yet another violation of Article 9, Section 2 of our State Constitution as well as violating the Seattle One (also called Doran One) Court decision.

We already have some of the most over-crowded schools and highest drop out rates in the nation. We are dead last in the percent of 9th Graders who go on to complete college. Expect things to get worse. The time has come to put an Initiative on the ballot. If the legislature refuses to fund public schools, then let's do it ourselves. Attached is more information on the Fair School Funding Act. Regards, David Spring

**Criminal Justice - Noemie Maxwell**

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Restoration of Voting Rights

In a major victory that will change the electoral landscape of this state (assuming the Governor signs it - it's been delivered to her and is expected to be signed), people who complete their prison terms and community supervision will automatically have their voting rights restored. No longer will the ability to vote be based on the ability to pay for people with felonies. The bill was weakened by an amendment that makes it possible for a person to have this right revoked if shown they have not paid their legal financial obligations willfully. However, it is still a victory.

3-Strikes

Senate Bill 5292 passed in the committee of origin and made the first session cutoff. It was even included in the Senate Proposed budget as "necessary to implement budget". But it did not make it out of Rules.

Speaker Chopp indicated opposition to this bill as it is written and legislators were understandably unwilling to devote precious time to a bill he would oppose. SB 5292 can be moved forward as is or in an amended form next session. Additional groundwork needs to be done to support that potential. The prosecutors association has acknowledged that there are problems with the way the law was implemented in its early years. Compromise appears possible. In the meantime, grassroots pressure is critical.

Here's some of what has been accomplished:

Thousands of people have been reached about the need to reform 3-Strikes through blog stories, letters to the editor, and other community outreach.

A minimum estimated 500 contacts with legislators were made (we believe it's closer to double that), including face-to-face meetings, calls, letters, and emails.

Advocates took part in five lobby days.

Twenty-four organizations signed onto a statement supporting 3-Strikes reform. <http://fix3strikes.org>.

The hearing room for SB 5292 was filled.

We believe that the "buzz" created by the campaign contributed to positive mainstream media coverage in King, Snohomish, Yakima, and Kittitas counties.

Please sign onto the Rapid Response at www.justiceisnogame.org for 1-4 emails per month on key times to contact legislators.

Labor by Brad Larssen

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**Successes:**

SB 5319: UNEMPLOYMENT INSURANCE ECONOMIC STIMULUS BILL  
- This bill, passed early in the session at the Governor's request., temporarily increases weekly unemployment insurance payments by \$45, on claims filed before January 2010. This increase expires in 2010, at the end of those claims.

SHB 1555: UNDERGROUND ECONOMY IN THE CONSTRUCTION INDUSTRY  
- Passed both houses. Delivered to Governor April 25.

SB 5613: ISSUE STOP WORK ORDERS FOR VIOLATIONS OF CERTAIN WORKERS' COMPENSATION PROVISIONS  
- Passed both houses. Delivered to Governor April 17.

These 2 bills address and provide sanctions and penalties for employers who do not pay the required state taxes on their employees (workers' compensation taxes and unemployment insurance taxes). And they level the playing field for honest contractors who do pay their state taxes.

**Failures:**

SSB 5963: UNEMPLOYMENT INSURANCE: PERMANENT CHANGES  
- This bill originally passed the Senate with large tax breaks for business, but nothing requested by Labor for workers.  
- In the house, certain amendments requested by Labor were added:  
- 1. Restore the benefit multiplier to 4.0 (The traditional level, before it was cut in 2005.)  
- 2. Restore agency discretion in determining good-cause quits.  
- This added balance to the significant tax cuts for business included in this bill.  
- April 24 - The Senate refused to concur with these amendments added by the House. This was done by a standing vote head-count, called "Division of the house." It was done without a roll-call vote, with no official record of who voted how, and off-

camera to TVW viewers. Very undemocratic procedure for a major and controversial bill!

- April 26 - The House then receded from these amendments, 71-25, amendments that they had approved a few days before by a vote of 53-45. This too almost happened without a roll-call vote. In short, several Democrats switched and voted with the Republicans on this bill.

- The Senate then concurred. Delivered to the Governor (with tax breaks for business, but without these 2 amendments approved by the House last week.)

**HB 1528: WORKER PRIVACY ACT**

- This bill was killed by Democratic Leadership in the State Legislature and Executive, by not allowing it to come to a vote, in a highly unorthodox and unprecedented manner. It was kept from a vote on a pretext that was proven to be false. But the bill was still not allowed to be brought to a vote. A lot of promises were made that we would take this up again next year. We intend to hold those legislators to those promises, and see that this bill gets a roll-call floor vote next session.

**Summary:**

- In a wide variety of categories, the minority party and the business lobbyists who largely finance them had their way far too often this session. Too many Democrats vote with the Republicans far too often, killing a lot of necessary and progressive legislation supported by our party, our members, and our political allies. And this is occurring despite holding significant majorities in both houses and the Governor's office. We need to address this situation if we expect to have a more successful legislative session next year.

**AARP Analysis of session - from an e-mail from AARP**

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An "All Cuts" Budget

Lawmakers took an "all cuts" approach to solving the budget crisis and did not use federal Medicaid stimulus dollars for the intended purpose:

No new revenues - Proposals to generate new revenues -- including an increase in the sales tax to buy back health care cuts and a high incomes tax measure - quickly fell by the way side. Instead, lawmakers chopped their way out of the red.

Stimulus Funds Diverted - Washington received \$2 billion in enhanced Medicaid funds from the federal government to shore up our health and long term care safety net. But instead of using these funds to supplement state Medicaid spending, lawmakers diverted much of the windfall in state Medicaid savings to plug other holes in the budget. In addition, as they cut Medicaid services and reimbursement, they lost the opportunity to draw down more federal funds, effectively leaving federal money on the table.

2. Health and Long Term Care Cuts

Out of a total of more than \$4 billion in cuts across the board, health and long term care services sustained a nearly \$1 billion hit. The benefits and services that were cut will be revisited in the 2010 session as lawmakers begin to see the real life impact of weakening our health care safety net.

The Basic Health Plan - More than 40,000 people will be dropped from the Basic Health

Plan which now covers over 100,000 people, nearly one-third of whom are over the age of 50. This state subsidized plan for low-income people provides a rare opportunity for affordable coverage for older people who no longer have employer based health coverage but aren't yet eligible for Medicare. Now there's one less option on the table.

Adult Day Health & Home Care -These services are parts of the puzzle that people put together to keep loved ones at home or in their own communities when they need long term care. A 70% reduction in Adult Day Health and a 3-4% reduction in home care hours will make aging in place harder to achieve -- and drive people towards more expensive nursing home care.

Provider Reimbursement Rates- In addition to these direct service cuts, the entire health care infrastructure will be weakened as hospitals and other providers feel the double hit of reimbursement rate cuts and an increase in uncompensated care as the number of uninsured grows.

3. Health Benefits Preserved

Lawmakers backed away from additional health care cuts that would impact seniors:

The Medicare Part D Co-Pay Program - This program, which covers prescription co-pays for very low-income seniors and people with disabilities, is preserved. Without assistance, many of these individuals would skimp or skip needed medications.

Medicaid vision, hearing and dental benefits - Low-income residents of our state will continue to get the coverage they need to update glasses and purchase hearing aides and will continue to have access to dental care, although they will face a 4% reduction in dental coverage.

4. Building Blocks for State Health Care Reform

At the same time that lawmakers cut back on existing coverage, they also voted to put in place key building blocks for future reform, including:

The Washington Health Partnership Plan, 2SSB5945. This bill sets in place a process to leverage federal funds in order to expand health care coverage to up to 70% of the uninsured. In addition, it establishes an advisory group to work with the Governor to align state health reform efforts with national reform and achieve the goal of covering all Washingtonians by 2014.

Administrative Simplification, SSB5346. Thirty cents of every health care dollar is consumed by administrative expenses. This bill establishes streamlined and uniform administrative procedures so we can control these costs.

Secure Exchange of Health Information, SB5501. The inability to securely share critical health information inhibits the delivery of safe, efficient care. This bill establishes a public-private process to improve patient access to and control of their own health care information and implement methods for the secure exchange of clinical data.

5. Consumer Protections

Several measures passed that will protect consumers and build financial security. Two of these include:

Regulating Pay Day Lending, ESHB 1709. This bill requires installment plans to help

borrowers pay off their original small loan without having to resort to taking out subsequent loans and also limits the total number of loans per borrower. While this is short of the original goal of capping interest rates, it will help low-income people from falling into a downward spiral of debt.

Reverse Mortgage Lending Practices, EHB1311. Reverse mortgages are complicated products that consumers often don't understand. This bill includes protections protect consumers from misleading marketing practices.

Environment - Steve Zemke

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The session was hard for the environmental community and met with limited success.

#### **Success:**

##### **reducing climate solution in the built environment - "Efficiency First"**

HB 1747 - 2nd substitute passed House, Senate Ways and Means referred back to House without action

SB 5854 - Senate passed, House amended, Senate concurred, Delivered to Governor to sign

#### **Failures:**

##### **reducing greenhouse gases - "cap and trade"**

HB 1819 - died in House Rules

SB 5735 - substitute bill passed Senate, amended in House, died in Senate Rules

##### **reducing amount of petroleum in storm water - "invest in clean water"**

HB 1614 - passed by House, Senate referred back to House Rules

SB 5518 - stopped in Senate Ways and Means

##### **reducing greenhouse gases through land use and transportation - "transit oriented communities"**

HB 1490 - stopped in House Rules

SB 5687 - stopped in Senate Rules

##### **providing for safe collection and disposal of unwanted drugs from residential sources through a producer provided and funded product stewardship program - "secure medicine return"**

HB 1165 - died in House Rules  
SB 5279 - Died in Seante Committee

**establishing product stewardship recycling act for mercury containing lights**

HB1469 - died in House Rules  
SB 5843 - died in Senate Committee

**Election Reform Update - Steve Zemke**

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campaign financing for Washington State Supreme Court candidates

HB 1738 - died in House Committee

modifying voter registration

SB 5280 - passed by House and Senate and sent to Governor. This bill contains a couple of improving provisions, lke allowing voter reguistartion in person to occur up to 8 days before an election instead of 15 days and providing for automatic address update of your registration if you move within a county. It failed however to include same day registration and voting through election day or to require automatic voting registration that requires you to opt out if you don't want to be registered rather than having to opt in under current law.

approving the entry of Washington into the egreement among the states to elect the President by popular vote

SB 5279 - passed both House and senate and signed by the Governor

Homeowner's Bill of Rights - Steve Zemke

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SB 5895 by Senator Rodney Tom passed Senate 25 to 24, died in House Rules  
HB 1393 - Rep Spring's bill passed House, died in Senate.