



League of Women Voters of Washington

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2010 Final Reports

CHILDREN'S ISSUES

Legislative Bills Enacted

[2SHB 2731](#) and [SSB 6759](#) move Washington state along the path to a comprehensive pre-kindergarten system. [SHB 2713](#) creates a new voluntary program of early learning beginning with ECEAP. It was to establish an entitlement program for eligible 3 and 4 year old children and their families, but the Governor vetoed that section stating that this would be determined by the language in [SSB 6759](#). The bill [SSB 6759](#) establishes a workgroup of related state agencies and groups to determine if early learning programs for 3 and 4 year olds should be a part of basic education or an entitlement.

[HB 2867](#) states that DEL must establish a coordinated plan of current programs to meet the needs of children ages birth to three. [HB 2741](#) transfers administration of the Infant Toddler Intervention program serving children birth to three with disabilities from DSHS to DEL. [HB 2867](#) and [HB 2741](#) recognize the crucial importance of investing in infants and toddlers.

[HB 3141](#) directs the Department of Early Learning to establish and implement policies in Working Connections Child Care (WCCC) that promote stability and quality of care for children from low-income households. Beginning in 2011, families served through WCCC with a child enrolled in Head Start or ECEAP will be authorized for twelve months of child care subsidies (WCCC). The department is required to report to the legislature about the impact of twelve-month authorizations on stability of care, program costs, administrative savings, and recommendations for expanding authorization periods for other populations of children.

Early Learning programs funded in the Supplemental Budget 2010

Working Connections Child Care: Current funding level was maintained. \$88.5 M cut avoided.

Career and Wage Ladder: No cut. 66 child care centers will continue at current level.

Resource and Referral Network: 25% cut. \$212,000 from \$425,000.

ECEAP: \$193,000 cut. 29 low-income children will lose access to ECEAP.

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EDUCATION

The LWVWA Education Priority for the 2010 Legislative Session was “a new K-12 Basic Education Funding Structure.” We’re a step closer with passage of [HB 2776](#), which would begin to implement the new prototypical school funding model as outlined in last session’s basic education finance reform bill [HB 2261](#). The really hard part is yet to come - following the court’s ruling in McCleary v. State: the Legislature must proceed with “real and measurable progress to (1) establish the actual cost of amply funding K-12 education and (2) establish how the State will fully fund that actual cost with stable and dependable State sources.”

Budget

The Senate passed a supplemental budget that cut \$188M in K-12 education, the House passed budget cut \$113.5M, but the final budget “only” cut \$122M. Students in 4th through 12th grades will probably have larger class sizes and more teachers will lose their jobs because the last \$79M in I-728 funding was eliminated, but K-3 lower class size funding was continued. Funding for the last state Learning Improvement Day was eliminated, grant programs and bus depreciation were reduced, but levy equalization for property poor districts was increased. The Governor isn’t scheduled to sign (or veto sections of) the Budget until next Tuesday, but there is no reason to believe the items listed above will be vetoed.

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ENERGY, CLIMATE CHANGE

This was not a year for proactive legislation in either energy or climate change. Rather, it was a time to hold the line on environmental protections thus passed. For instance, despite efforts on behalf of the PUDs in the state, the Clean Energy Initiative or I-936, which voters passed in 2006 and sets minimum requirements for the state’s major utilities to invest in clean energy and energy efficiency, was maintained.

The Legislature did pass the Jobs Act that will send a referendum to the voters in November. If approved, it will provide \$505 million in state bonds to make energy efficient upgrades to public schools. It will create several thousand “green” jobs and ultimately save schools money.

In November 2009 the State Building Code Council adopted changes to the Code that, when implemented in July of this year, will make Washington’s new homes, businesses, schools and all other buildings 15% more energy efficient. Again, there were efforts to block the adoption of these standards, but those efforts were stymied. However, the Legislature did not pass a bill that would direct the State Building Code Council to adopt a definition of a “green building”. The nation has such a definition, but the state does not. Additional efforts to pass this bill will assuredly occur next year.

The Senate attempted to end the sales and use tax exemption for the TransAlta coal plant in Centralia. This would have saved \$10 million of the state’s resources. Unfortunately, the House did not concur. This is also legislation that will come up next year as well.

One of the problems with this legislative year was that it was the “short” session or the second year in a two-year biennium. Time being short and funding facing dire shortfalls, it was difficult for legislators to focus on anything other than balancing the budget. However, good work in the area of environmental safety and efficiency was done.

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GOVERNMENT, CAMPAIGN FINANCE

This year we focused mainly on supporting Public Campaign Financing of Supreme Court Justices ([SB 5912](#) and [HB 1738](#)) and we are very pleased with the progress we made. This year was ripe to move the issue forward. Many of our legislators already recognize that we must prevent corruption and undue influence in our Supreme Court by creating a public fund for qualified candidates. However, the recent U.S. Supreme Court opinion deregulating corporate spending in campaigns has outraged the public and created a climate that is ripe for change. In *Citizens United v. Federal Election Commission*, the federal Supreme Court removed existing limitations on corporate funding of independent political

broadcasts in candidate elections because doing so would violate Corporate First Amendment Rights. We were pleased to see [SB 5912](#) progress much further than we anticipated in the process, collecting support in the Senate and House. We hope that the 2010 session has laid the foundation for legislation creating the program next year.

We were also pleased to see a bill pass that established contribution limits for city council campaigns ([SB 6344](#)). Contribution limits prevent individuals and organizations with a great deal of money from controlling our elections purely because they can afford to do so. This law prevents undue influence of big money and special interest groups by reducing the large, lump sums used increasingly, to control our election process. This bill encourages better democracy by ensuring that a candidate has broad support of a community and we are happy to see this bill become law.

Finally, in preparation for next session we should make sure to watch the progress of [HB 2483](#) – Concerning Overseas and Service Voters. This bill allows Service and overseas voters to request that they receive all future ballots by fax, email, or other available electronic means and that they may return a voted ballot by fax or email if the voter's signature on the declaration accompanies the ballot. County auditors are required to establish policies to protect the secrecy of the ballots.

The League's position is that voting procedures should serve the voter with a maximum of convenience, simplicity and efficiency while insuring that the requirements of secrecy, accuracy, and impartiality are maintained. Voting procedures should also provide for voter verifiable ballots that can be recounted when a recount is needed.

We are concerned that this does not go far enough to protect the security of our voting procedures. While email is easy and convenient, it is not secure. Voting procedures should contemplate an effective way to counteract the risk of fraud and tampering *before* electronic formats are employed in our elections. This bill came very close to passing this year and the League should prepare to defend the security of our voting procedures if this bill is reintroduced.

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HEALTH CARE

Health care legislation during the 2010 legislative session consisted of preserving the health care safety net. In 2009 the Basic Health Plan was reduced by 42%, and General Assistance-Unemployable (GAU) was reduced by 18%. Without increased revenue there would be more reductions in 2010. Many legislators recognized how serious these reductions would be to the health care safety net and were willing to consider new revenue sources. Federal funding will also help individuals who are eligible for these programs.

Federal funding in the form of a Section 1115 Waiver from the Centers for Medicare and Medicaid Services (CMS) will allow Basic Health Plan enrollees under 133% of the federal poverty level (FPL) to be eligible for Federal Medicaid matching funds. The cost of covering an additional 4,000 Basic Health Plan enrollees above the 2009-11 enacted budget level of 65,000 will be shifted from state to federal funds.

The Federal Medical Assistance Percentage (FMAP) is the share of Medicaid costs that the federal government provides. The American Recovery and Reinvestment Act of 2009 increased FMAP by almost 13% for FY 2010 and the first six months of FY 2011. The legislature anticipates that the FMAP increase from 50.00% to 62.94% will be extended for six additional months through June 2011, resulting in a reduction in state expenditures for services that receive a Medicaid federal match.

During the 2010 legislative session GAU was renamed Disability Lifeline. Some legislators believe this title is a more accurate description of the program, which aids people in crisis and provides medical help while many participants apply for permanent Social Security disability benefits. This legislation includes reducing the amount of time DSHS has to document a disability and help individuals apply for federal funds. Currently many federal funds are lost because of the slow documenting and application process. State funding will enable this program to continue at near the current funding level, but there will be a 24 month time limit for individual funding during any five year period.

An important part of the budget is the creation of a joint select committee of Senate and House members to work together to determine how best to implement federal health reform legislation in Washington State. The federal health reform law contains many provisions for state health care funding. Some of this funding begins in 2010, like expanding the Medicaid population up to 133% FPL, while other funding, like the state-run insurance exchange, will need to show progress to implement by 2013. Both Senate and House health care committee chairs are eager to begin work on implementation of federal funding.

Three other important programs will use state funding. The Health Care Authority will provide grants to support two pilot projects to provide low-income residents with a full continuum of health care services that combines a primary care medical home (personal provider) with catastrophic insurance coverage. The pilot projects will be conducted in Spokane and Whatcom counties, which will enroll 500 and 1,000 individuals, respectively. The enrollees in these projects may not be enrolled in the Basic Health Plan, nor be eligible for either Medicaid or Medicare.

Another piece of legislation, which is bipartisan, directs the Health Care Authority to appoint a lead organization to support at least two Accountable Care Organization (ACO) pilot projects. The goal of ACO's is to pay providers in a way that encourages them to work together, to pay providers in a way that does not encourage supplier induced demand, and to create an organization that is rewarded for providing high quality care.

State funding will be provided to implement the establishment of Washington Vaccine Association to facilitate the purchase of childhood vaccines among health carriers and third party administrators. Members of the Association shall pay assessments for the purchase of childhood vaccines that shall allow Washington to maintain its status as a Universal Vaccine Purchase state.

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HOUSING

The Governor will take action on the capital budget bill, [ESHB 2836](#), on May 4th, so it is not possible to report the results with certainty as of this writing. The following appropriations are included:

- \$7million for facilities housing low-income migrant farm workers;
- \$3 million to promote safe and affordable housing units for persons with developmental disabilities;
- \$1 million for development or preservation of housing for migrant farm workers located on private farms;
- \$5 million to build low-income housing in underserved communities;
- \$5 million for clients who are homeless and have mental health disorders. Community agencies will offer supportive services; and

- \$25 million for the Department of Commerce to contract with the Washington State Housing Finance Commission to implement the Washington Works Housing Program. This will facilitate nonprofit entities' use of tax-exempt multifamily bonds issued by the Washington State Housing Finance Commission.

The operating budget also included \$1 million for the Washington Families Fund to help end family homelessness and \$2.6 million for operating support to ensure that homes are affordable to people at the lowest income levels.

Among non-budget related housing items that passed this session are:

- [ESHB 1956](#), authorizing religious organizations to host temporary encampments for homeless persons on property owned or controlled by a religious organization.
- [2ESSB 5742](#), concerning crime-free rental housing. This bill establishes a program to eliminate crime in rental housing and has been adopted in several cities in Washington. The program includes landlord training; crime prevention through environmental design; and a crime-free commitment by the landlord to maintain proper screening of tenants, having tenants sign a crime-free addendum to the rental agreement, and maintaining open communication with law enforcement.
- [SSB 6459](#), concerning the inspection of rental properties. This bill establishes the Residential Landlord-Tenant Act (RLTA). It establishes a procedure whereby a tenant will report in writing a defective condition of the rental property and a landlord will have a specified time limit within which the condition will be corrected. A tenant can request that the local government inspect the property for defective conditions.

Unfortunately many worthwhile bills failed to pass due to the various cutoffs and budgetary constraints.

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NATURAL RESOURCES

With one major exception, 2010 turned out to be a pretty good year for the state's environment and natural resources. First, here the priorities of the Environmental Priorities Coalition:

Safe Baby Bottle bill: PASSED. This bill bans the sale of any bottle, cup or other container, that contains bisphenol A (BPA) and is intended to be filled with any liquid, food or other beverage intended for children age 3 and under; the effective date is July 1, 2011. It also bans sports bottles that contain BPA effective 7.1.12.

Sustaining Environmental Protections in the Budget: SIGNIFICANT SUCCESS. Success in this priority was significantly achieved with almost all of the environmental and natural resources protections and programs that the coalition wanted to save were included in the final budget. Programs saved included areas of toxic contamination cleanup, air and water quality, water resources and habitat protection.

Clean Water Act 2010: DID NOT PASS. The major disappointment for 2010 is that the Clean Water Act 2010 priority (aka Working for Clean Water bill) did not pass. However, in its final budget deliberations, the legislature appropriated \$50 million for storm water projects to clean up pollution sources and prevent pollutants from entering Puget Sound. While this is only a one-year appropriation, it is about one-half of what the Clean Water Act would have provided. The other key difference is that the Clean Water Act would have provided a permanent source of funds for storm water projects and Puget Sound cleanup by raising the state hazardous substances tax. This bill will be back.

Initiative 937 - Renewable Sources of Energy: SAVED An additional goal of the coalition this year was to keep the strength and integrity of Initiative 937 that was threatened with weakening legislation. This initiative, passed in 2007, set minimum requirements for the state's major utilities to invest in clean energy and energy efficiency. I-937 emerged without weakening amendments again this year.

Second, other good environmental legislation was enacted:

Jobs Act of 2010: This bill brings a referendum to the voters in November to authorize the state to issue bonds for building upgrades and energy conservation retrofits in schools all across the state. This measure will create tens of thousands of jobs by putting people to work improving the schools and reducing energy waste. School districts will keep the money they realize in energy savings to further invest in children's education.

Reducing copper in brake pads: This bill addresses the problem that arises from the presence of copper in storm water run-off that flows into Puget Sound and other waters of the state. Copper is a highly toxic substance and is of particular concern for the health of salmon. NOAA research has shown that copper interferes with the salmon sense of smell, essential to knowing the presence of predators, finding a mate, and returning to home waters. Vehicle brake pads are a significant source of the copper and other toxic substances that are found in storm water run-off. The bill restricts some of these toxins beginning 1/1/2014; it prohibits the use of brake friction material (brake pads) that exceeds 5% copper by weight beginning 1/1/21.

Mercury Lights Recycling: This bill establishes a producer-financed product stewardship program for the collection, recycling, and disposal of mercury-containing lights. It requires that the producers of such lights participate in and fully implement a product stewardship program by 1/1/2013; and, it prohibits the sale of bulk mercury by 6/30/2012. Effective 1/1/2013, mercury-containing lights may not be disposed of in waste incinerators or landfills.

Washington Food Policy forum: The bill establishes the Washington Food Policy Forum, and builds upon the Local Farms-Healthy Kids Act, an environmental priority that was enacted in 2008. The intent is to better integrate food related policies and programs statewide. The goals of the forum are to increase production, sale, and consumption of Washington grown foods; promote healthy Washington grown foods to state residents; support nutrition programs and avoid burdens of obesity and other diet-related diseases; protect land and water resources needed to sustain local food production; encourage retention of farmers and economic viability of local foods; reduce food insecurity and hunger.

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REPRODUCTIVE RIGHTS

There were only two issues this session. First, \$3 million was requested to continue Family Planning services at their current level, which passed. Second, a Limited Service Pregnancy Centers was introduced and received a committee hearing. No further action was taken. We elected to only monitor the bill. It may appear next session.

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SHORELINES, WETLANDS, LAND USE

The legislature failed to address the number one water pollution problem in this state, pollution from storm water. The bill would have raised \$100 million per year for stormwater cleanup. The bill lost momentum during the special 30 day session. The Tesoro Oil Refinery explosion in Anacortes April 2nd caused some legislators to back away from the bill out of sympathy for the injured workers.

Throughout the session the legislature was subject to the constant powerful influence of lobbying from the oil industry.

The legislature made a small down payment of \$50 million this year only in the capital budget for stormwater cleanup. Over the next year, DOE will use this money to issue grants to local governments for retrofits and Low Impact Development (LID) projects.

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TAXES

This was a difficult year. A depression left us facing tremendous shortfalls in revenues. With a remaining \$2.8 billion dollar deficit, the Legislature struggled in a grueling special session to find revenue to prevent the most egregious cuts to critical services including education and basic health.

After much wrangling, lobbying, and horse-trading, the Legislature passed a \$780 million tax package, which the Governor signed. According to the Andy Nicholas with the Washington Budget and Policy Center, these revenue increases would make up only eight percent of the actions taken to balance the state budget for fiscal years 2009 to 2011, under the budget agreement. The largest share (36 percent) of budget actions would come from cuts in state services. Thirty-two percent would come from federal recovery funds and 24 percent from transfers and changes, including using the state rainy day fund.

John Burbank, Executive Director of the Economic Opportunity Institute, reports that the legislature is still cutting \$800 million out of public services.

New taxes? You can expect to see the following in the near future.

The cigarette tax: Raised by a \$1 a pack. This will bring in about \$100 million a year. These funds will help preserve 60,000 slots for basic health, the state's private-public health care program for low-income workers.

Candy, gum and bottled water: will be now be subject to the sales tax.

Soda pop and beer: A temporary tax (thru 2013) on soda pop, (2 cents for every 12oz) and beer (50 cents per gal.)

Service businesses: Another temporary tax on the businesses such as accountants, lawyers, hair dressers and janitors raises the business-and-occupation tax which firms pay on their gross receipts ranging from 1.5%-1.8% of gross receipts.

More help! Jim Brunner of the Seattle Times reported that Lawmakers voted to tax businesses that have an "economic nexus" with Washington but no headquarters here. That's expected to raise \$85 million a year, mainly from out-of-state banks and credit card companies. Legislators also gave the Department of Revenue more power to go after businesses that create shell corporations and use other methods to dodge taxes.

It wasn't easy. There were many attempts to reduce tax exemptions benefiting special business interests but the lobby interests fought long and hard. Brunner reports that a mix of lobbying pressure and persuasive arguments kept some of the tax breaks intact. "Banking lobbyists succeeded in killing a plan to raise \$67 million by taxing the interest banks earn on first mortgages, even after supporters offered to exempt small in-state banks. Lawmakers were told the tax would discourage home lending. The oil industry mounted perhaps the fiercest lobbying fight of the session to stave off a proposed doubling of the state's hazardous-substances tax. That could have raised \$80 million a year to deal with polluted stormwater regarded as a major threat to Puget Sound and other waterways. Oil refineries threatened layoffs or shutdowns if it passed. Lawmakers added to the tax-break list, extending some

breaks due to expire for aluminum smelters and a Pend Oreille County zinc mine and creating a new sales-tax exemption to encourage construction of data centers in Eastern Washington.”

Is it enough? Not really but in hard times it is always a struggle.

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WATER RESOURCES

The LWVWA Water Resource priority for the 2010 Legislative Session was “The Clean Water Act of 2010” which was primarily a stormwater bill but in the fluid nature of water resources would influence the water quality and quantity of both surface and ground water. This bill, covered in the Shoreline reports did not pass the legislature this year but will likely return next year.

The legislature did pass [ESSB 6267](#) an act relating to water rights processing discussed in the February 26th legislative newsletter. This bill will provide tools to expedite the processing of water rights by Department of Ecology. The governor vetoed certain sections of this bill that, she explained, would limit DOE’s flexibility and impair DOE’s discretion in determining when a water right change request warrants formal review due to circumstances of the impacts of the replacement well. This bill addressed the fiscal reality of water management by providing a tool to expedite water right processing but maintains DOE’s authority. Like all changes in water right processing it will need public oversight to assure it is meeting the intent of the change.

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