



# League of Women Voters of Washington

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[www.lwvwa.org / advocacy](http://www.lwvwa.org/advocacy)

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## End of 2007 Session WRAP-UP (Part 1)

### EDUCATION

*Catherine Ahl and Nancy Jander*

We had two priorities for this legislative session -- simple majority passage of school levies, and a plan to amply fund basic education. One out of two isn't bad.

LWVWA has had a position supporting simple majority for levies since 1977, and finally saw it pass this year. We now have **EHJR 4204** on the November 2007 ballot -- let's make sure it passes. Our thanks to all who have worked on this issue for so many years. **Please remember to thank your legislators.**

Instead of a plan to amply fund basic education, the bill that passed, **E2SSB 5627**, is another two-year study. We supported this bill in its original form, which would have created a technical advisory committee to recommend a new basic education funding structure in time for the 2008 state legislature to take action. As passed, the bill requires formation of a joint task force to recommend a new funding formula by the beginning of the 2009 legislative session. The task force will have fourteen members: a chair, three members of the public familiar with K-12 finance issues, and a representative of the governor's office, all appointed by the governor; eight legislators selected by the house and senate leadership; and the Superintendent of Public Instruction or her representative.

When looking at education funding in the state budget, please keep in mind that the \$1.7 billion allocated to K-12 education won't be used to fund the basic education programs mandated by the legislature. Only the part of the budget for K-12 education that is titled "Addressing Current Funding Needs" (amount is \$295,588,000) addresses basic education. Part of that funding (\$139,876,000) is for I-728 (that is, class size reduction, not basic education), and \$435,000 is for the study to recommend a new basic education funding formula. The rest of the K-12 education budget goes to new programs, grants, pilot programs for a very limited number of students, a study of math and science standards, and other programs, and to compensating educators. Some of these are necessary for the future of education in our state and many are long overdue, but most won't help your local school district balance its budget.

Please give us feedback about the Legislative Newsletter by filling out this online survey ([click here](#))  
Thank you!

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## ENERGY & GLOBAL WARMING

Tony Potter

The following three energy bills passed the House and Senate and await the governor's signature.

### **Clean Air, Clean Fuels (SSH 1303)**

The bill provides for the establishment of policies and incentives including:

- Incentives for replacement of the most polluting diesel engines, especially in school buses
- Transitional incentives for development of the most promising in-state clean fuels and fuel feedstocks, including biodiesel crops, ethanol from plant waste, and liquid natural gas from landfill or wastewater treatment gases
- Reduced fossil fuel consumption by state fleets
- Development of promising new technologies for displacing petroleum with electricity, such as "plug-in hybrids"
- Impact analysis and emission accounting procedures that prepare Washington to respond and prosper as climate change impacts occur, and as policies and markets to reduce climate pollution are developed

### **Environmental Mitigation Efforts by Public Utilities (HB 1929)**

The bill authorizes cities and towns to use offsets (or other means) to mitigate the environmental impacts (for example, greenhouse gas emissions) of operating the following utilities: water, sewer, storm water, surface water, or solid waste handling. Also, the bill authorizes counties to mitigate the environmental impacts of operating their utilities too, and to mitigate environmental impacts of conducting other ratepayer-funded activities as well.

### **Mitigating the Impacts of Climate Change (ESB 6001)**

The bill sets climate pollution reduction and clean energy goals for the state as follows:

- By 2020, reduce state emissions of climate pollution to 1990 levels
- By 2035, reduce emissions to 25% below 1990 levels
- By 2050, cut emissions to 50% below 1990 levels
- By 2020, triple the number of 2004's clean energy jobs to 25,000

It also directs the governor to recommend policies to achieve emission reduction and clean energy goals. Policies are to include: market mechanisms such as a load-based cap and trade system, regulations and incentives for electric utilities, methods to increase use of landfill gas and geothermal resources, a process for replacing old power plants with cleaner technologies, and sequestration methods.

This bill also sets an emissions performance standard (EPS) to limit climate pollution from power supplies, effective July 2008. In 2013, the EPS will be tightened further to reflect efficiency improvements in new natural gas plants commercially available at that time. The EPS, which is the same as California's, limits the amount of climate pollution from power plants to 1100 lbs per megawatt hour, a standard that modern natural gas power plants can already meet. All new and renewed long term (five years or more) utility power contracts and all new power projects located in Washington that start operations after July 1, 2008, must meet the EPS. All facilities powered by renewable resources and co-generation facilities are deemed to be in compliance.

A facility proposing to meet the EPS by **sequestering carbon-dioxide emissions** must provide substantial technical documentation and financial assurances that the sequestration will be safe, reliable, and permanent. The plant is given five years to implement the sequestration plan or face financial penalties. In general, offsets cannot be used to meet the EPS. However, the legislation includes a special provision for any power plant already in the permitting process. That plant must comply with all the provisions for developing, submitting and implementing a technically and financially sound sequestration plan. If, however, the sequestration plan fails, the developer may meet the EPS by paying to reduce an equivalent amount of emissions from another power plant on the west coast grid.

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## HEALTH CARE

*Ann L. Brand*

In the 2007 session, remarkable accomplishments were achieved in improving access to health care, especially for children. The crafting of bills designed to significantly reform the health care system led to the introduction of some lengthy, complicated, and, in some cases, quite controversial legislation. Some bills got no further than a hearing in committee; other bills stimulated extensive discussion and negotiation, as well as valuable study sessions. And two major health reform bills got through the whole process. However, the bill to provide dedicated funding for public health services, **E2SHB 1825**, died in the Senate.

What follows are summaries of some significant legislation that passed and has either already been signed by the governor, or has been forwarded to her for signature. These are bills we followed and lobbied for.

### **Medicare Part D Co-payment Coverage for Individuals Eligible for Medicaid and Medicare**

**2SHB 1095** (which was signed by the governor February 2) puts into statute the approval that was given by the state legislature 1½ years ago to offer **Medicare Part D** co-payment coverage to individuals eligible for medical assistance or the medically-needy program and Medicare. This assures that people meeting these eligibility requirements will have assistance in purchasing the medicines they need.

### **Medicaid Coverage for Foster Youth Ages 18-21**

**2SHB 1201** continues **Medicaid** coverage for foster youth from their 18<sup>th</sup> birthday to their 21<sup>st</sup> birthday, thereby closing an unnecessary gap in coverage for people eligible for Medicaid but who lost that coverage by “aging out” of coverage by reaching the age of 18 while in foster care.

### **Reform of Health Care System in Washington State**

**E2SHB 1569** went through many changes as it was worked through both houses of the legislature. The final bill declares an intent, through the public/private partnership reflected in this act, to improve our current health system so that: (1) health insurance coverage is more affordable for employers, employees, self-employed people, and other individuals; (2) the process of choosing and purchasing health insurance coverage is well-informed, clearer, and simpler; (3) prevention, chronic care management, wellness, and improved quality of care are a fundamental part of our health care system; and (4) as a result of these changes, health outcomes in Washington state are improved, and more people in Washington state have access to affordable health insurance coverage.

To accomplish this intent, this bill

- Creates a Health Insurance Partnership (Partnership) to provide low-income employees of small businesses a premium subsidy.
- Requires the Partnership to submit reports to the governor and legislature on feasibility of including other insurance markets and groups in the Partnership.
- Requires the WA State Office of the Insurance Commissioner to contract for an independent study of health benefit mandates, rating requirements, and insurance statutes and rules.

It is expected that much will be learned as the implementation of this approach is undertaken and studied.

### **Implementing Recommendations of Blue Ribbon Commission on Health Care Costs and Access**

**E2SSB 5930** contains actions designed to implement the five-year plan for substantially improving access to affordable health care for all Washingtonians. The commission’s recommendations encompass sixteen topic areas, with multiple action steps for each area. This bill includes a wide variety of projects initiated around health care quality, cost, and access – reimbursement changes, patient decision aids, chronic care projects, creation of a quality forum, health technology and information projects, a study of the appropriateness/inappropriateness of emergency room use, an analysis by the WA State Office of the Insurance Commissioner on ways to reduce administrative costs, extending insurance coverage for unmarried dependents up to age 25, health care through public coverage and sustainability of coverage, high risk pool changes, wellness programs, prescription safety, strategic planning, and public health accountability. This bill went back and forth between the House and Senate and was not passed in its final form in the Senate until April 21. It will take us time to fully understand the ramifications of the bill and the funding for its various sections.

## **Health Care Insurance Coverage for Children**

Passage and funding for **2SSB 5093** (signed by the governor on March 13) follows legislation passed in 2005 that declared the intent that all children in the state of Washington obtain health coverage by 2010. This is to be accomplished by building upon and strengthening the success of private health insurance coverage and publicly sponsored children's health insurance programs. The 2006 **Blue Ribbon Commission on Health Care Costs and Access** reiterated interest in covering all children by 2010, and recommended linking insurance coverage with other policies that improve children's health, and specifically, improving children's nutrition and physical activity. Also, a select legislative task force on school health reform has been established.

Under this bill, the Department of Social and Health Services (DSHS) must create a seamless program to provide affordable health coverage for children under the age of 19 who have family incomes at or below 250 percent of the **Federal Poverty Level (FPL)**. Effective January 2009, eligibility will expand to 300 percent FPL, subject to appropriation. Premiums will be charged for coverage of children who have family incomes between 200 and 300 percent of FPL. Beginning January 1, 2009, children with family incomes above 300 percent of the FPL will have the opportunity to purchase coverage from DSHS (without state subsidy). Families with access to employer-sponsored insurance will be directed to enroll in the employer's coverage (with premium assistance) when it is cost effective for the state.

DSHS will continue to determine eligibility for **Medicaid**, the **State Children's Health Insurance Program**, and the **Children's Health Program** as necessary to ensure federal financial participation. DSHS is authorized to contract with community-based organizations and with government to support proactive and targeted outreach efforts. Beginning in 2009, targeted provider rate increases will be linked to quality improvement measures.

## **Mental Health Parity**

**EHB 1460** extends the mental health parity requirements that were enacted last year for people covered under large group plans to individual and small group plans. Beginning January 1, 2008, co-payment requirements and maximum out-of-pocket limits will go into effect. Beginning July 1, 2010, arbitrary day/visit limits will be removed and a single deductible for mental health services and other health services will be introduced.

## **Children's Mental Health Services**

**2SHB 1088** is intended to substantially improve the delivery of children's mental health services by developing and implementing a system that

- Values early identification, intervention, and prevention;
- Coordinates existing programs and eliminates duplicative planning and case management;
- Treats each child in the context of his or her family and integrates families into treatment through choice of treatment, participation in treatment, and provision of peer support;
- Focuses on resiliency and recovery;
- Relies to a greater extent on evidence-based and promising practices;
- Is sensitive to the unique cultural circumstances of children of color and children in families whose primary language is not English;
- To the greatest extent possible, blends categorical funding to offer more service and support options to each child.

In support of these goals, this legislation

- Requires DSHS to recommend revisions to access-to-care standards and the children's mental health benefits package.
- Expands the Medicaid children's mental health outpatient therapy benefit.
- Establishes a children's mental health evidence-based practice institute (EBP Institute) at the University of Washington.
- Establishes a pilot program to support primary care providers in the diagnosis and treatment of children with mental and behavioral health disorders.
- Directs the DSHS to expedite Medicaid re-enrollment for eligible youth transitioning out of confinement, and to explore the feasibility of providing Medicaid-funded services to juveniles detained temporarily.
- Establishes a "wraparound services" pilot program in up to four counties, and expands existing wraparound services in up to two counties.

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## NATURAL RESOURCES

*Elizabeth Davis*

**PRIORITIES FOR A HEALTHY WASHINGTON: FOUR FOR FOUR!** In its fifth year of existence, Priorities for a Healthy Washington had an extremely successful year with all four of its priorities passing.

### **Save Our Sound**

The Puget Sound governance bill, **ESSB 5372**, passed with strong bipartisan support, 41 to 5 in the Senate and 86 to 12 in the House. Please see article by Ann Agaard for more information.

### **Clean Air/Clean Fuels**

This bill, **HB 1303**, also passed the Senate and House with strong bipartisan support, 44 to 4 in the Senate and 79 to 18 in the House. Please see article by Toni Potter for more information.

### **Toxic Flame Retardants (PBDEs)**

The third year for the PBDE bill finally brought success and with good bipartisan support, **ESHB 1024** passed the Senate 41 to 8 and the House 71 to 24. **Washington becomes the first state in the nation to ban the use of these toxic chemicals** that have been found in mothers' breast milk, household dust, orcas, air, land and water.

### **Washington Wildlife & Recreation Program**

**For the first time since its inception in 1990, the WWRP program had its funding increased from \$50 million for the biennium to \$100 million for the biennium.** With the addition of riparian habitat and agricultural lands to the list of places eligible for such funds, the WWRP program will reach even more effectively into protecting habitat and providing recreation in every county in the state.

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## PUBLIC CAMPAIGN FINANCING

*Chris Chamberlin and Susan Sanders*

None of the public financing bills came to a floor vote in their house of origin by the March 14 cutoff, and so went nowhere despite a vigorous lobbying effort. They will probably be reintroduced in some form in the next session. The three bills put forth were as follows:

### **Public Funding of Judicial Campaigns**

**SHB 1186** would have established a six-year pilot program of public financing for offices of Supreme Court justice and Court of Appeals judge. Once this bill died, Governor Gregoire requested a study by Washington State Institute for Public Policy to compare public vs. traditional campaign financing and to quantify the money necessary to fund a public financing program for appellate judicial positions. Money for this study was not included in the final operating budget passed by the legislature.

### **Public Funding of Campaigns for Local Office**

**SSB 5278** and **SHB 1551** would have lifted the ban (imposed in 1992 by Initiative 134) on the use of public funds to finance political campaigns for local elective office. Under this bill, the ban on the use of public funds to finance statewide campaigns would have remained in effect.

### **Comprehensive Public Financing of Campaigns**

**HB 1360** and **SB 5510** would have created a system of full public funding of campaigns for all statewide and legislative offices similar to public financing systems currently operating in the states of Maine and Arizona.

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## REPRODUCTIVE RIGHTS

*Wayne Martin*

Our main priority in the area of reproductive rights for this session was passage of the Healthy Youth Act, **SB 5297**. We were successful in this. The bill passed the Senate on a vote of 30 to 19, passed in the House on a vote of 63 to 34, and is awaiting the governor's signature. To review, the Healthy Youth Act requires that all sex education programs in the state of Washington be comprehensive, and that any information provided in the public schools be medically and scientifically accurate. Abstinence-only programs may be taught so long as accurate information about pregnancy and sexually transmitted diseases and their prevention, i.e., condoms and other contraceptives, accompany that program. It should be noted that almost all comprehensive programs include a strong abstinence section, and this approach has been shown to be at least as effective as the stand-alone abstinence-only programs.

The action now moves to local school districts because the legislation includes an opt-out provision, both for schools and for individuals. **If any League members become involved with this issue at the local level and want assistance, contact me and help will be provided.**

There were only three or four bills we opposed. None of these received a hearing.

Although not a concern raised in the legislature, the pharmacy board issue was also resolved this spring. The WAC (Washington Administrative Code) now states that all pharmacies (that is, as businesses) have a duty to fill all legal prescriptions in a timely, professional, courteous manner, and forbids harassment of the patient. The individual pharmacist may refuse to handle certain drugs, but the business may not refuse. I can only assume that this avenue was chosen to minimize the probability of lawsuits.

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## SHORELINES AND WETLANDS

*Ann Aagaard*

### **Puget Sound Partnership (SSB 5372)**

Through action of the legislature, a new agency—the **Puget Sound Partnership**—has been created to ensure recovery of Puget Sound by 2020. Governor Gregoire requested the legislation and is expected to sign the bill, which was sponsored by Sen. Rockefeller and Rep. Upthegrove. The creation of the new agency was recommended in late 2006 by a blue ribbon commission (also named Puget Sound Partnership) that was empanelled by the governor in 2005 to help guide her Puget Sound Initiative.

A council composed of seven people appointed by the governor will lead the agency. The agency will have an executive director appointed by the governor and staff, and will be advised by an independent science panel appointed by the council and selected from nominations screened by the **Washington Academy of Sciences**.

In addition to establishing an independent science advisory committee, the legislation outlines strong recovery and protection goals, priorities for funding Puget Sound cleanup projects, and other important accountability measures to ensure that the state's funding yields the intended action and intended results for the Sound's recovery. The new agency will have the power to recommend withholding of state grant and loan money from local governments and agencies that are out of compliance with the Partnership's action agenda. This will be an important tool for holding governments and agencies accountable for results.

### **Maury Island State Aquatic Reserve (SSB 6011)**

The Maury Island bill did not make it out of the House despite late-hour attempts to get it to the Senate and attach it to the Puget Sound bill. The bill would have removed a loophole inserted into the Maury Island State Aquatic Reserve Management Plan which currently allows an industrial barge loading facility to be developed in

the reserve. The tidelands belong to all the people in the state of Washington. If the bill had passed, it would have accurately reflected the goals of an aquatic reserve, and would have recognized that we must do no additional harm to our most sensitive aquatic areas. Sen. Poulsen, sponsor of the bill and an outspoken and hard working advocate for Maury Island, has questioned how we can spend billions of dollars protecting Puget Sound and yet allow this loophole to be manipulated so blatantly to the detriment of the most pristine waters of the Sound.

This is not the end. The League has received thanks and many comments of appreciation for their grassroots lobbying efforts. The next step is to follow the US Corps of Engineers (COE) permitting process for building the dock. The very active **Preserve Our Islands** organization that formed years ago is requesting an Environmental Impact Statement on the COE permit. The LWV of King County South and the State League have been following the permitting processes over the last seven years (including a shoreline permit, hydraulics permit, and others) and will continue to do so. There is also a pending request submitted to the Washington Supreme Court by King County and Preserve Our Islands regarding the shoreline permit.

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## TRANSPORTATION

*Pat Matteson*

The transportation bills we followed focused on the governor's recommendations to the ad hoc **Regional Transportation Commission** co-chaired by former Western Wireless CEO John Stanton and former Seattle Mayor Norm Rice. League testimony to that commission was repeated via e-mail when **SB 5803** sponsored by Sen. Murray and Sen. Haugen was introduced. We neither supported nor opposed the idea of an overarching Regional Transportation Commission, but the bill was complex and had far reaching implications for the **Growth Management Act** as well as for such well-run authorities as **Sound Transit** and the Puget Sound Regional Council.

The governor's recommendations were directed primarily to the Central Puget Sound area because of a perceived lack of coordination among the region's 124 "transportation agencies" to move ahead on the mega (billion dollar) projects such as replacement of the earthquake-prone Alaskan Way Viaduct (SR-99) and the aging Evergreen Point Floating Bridge (SR-520). **The budget is still short on money to complete either of these projects.** League testimony supported strengthening the existing Puget Sound Regional Council and metropolitan planning organization (MPO) and perhaps further expedited study of the major issue of how best to fund these necessary replacements.

The House tried to address the problem with a bill similar to SB 5803 (but not a companion to it). **HB 2101** supported the recommendations of the commission. After several strikers and many amendments, neither bill made it to the floor before the last day of the session, April 22. They will undoubtedly be back again next year.

In the meantime a huge Sound Transit Phase II package that we do support will be on the November ballot, along with a mandated Regional Transportation Investment District (RTID) package for roads and bridges. **Both packages must get passed by the voters for either to pass.**

**SB 5412**, which we supported, especially after Rep. Jarrett amended it to improve the openness and accountability issues, was basically a non-controversial housekeeping transportation bill requesting the WSDOT to inventory the transportation needs in this state, to establish goals, and to report back to the legislature. This bill passed unanimously (three legislators were absent during the vote).

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## WATER ISSUES

*Denise D. Smith*

This was a busy and productive session for water issues.

Two bills discussed earlier in the session related to rainwater collection and have undergone an interesting evolution. The first one, **HB 1423**, related to collecting small amounts of water (fewer than 300 gallons). However, most testimony for the bill talked about exempting larger amounts than that. In effect, exempting collection of larger amounts became the new focus when this bill was combined with the second bill, **HB 1424**, which dealt with large amounts of water and exempted collecting up to 3,000 gallons of rainwater. There are very good parts and some safeguards in this proposal. Although this particular legislation did not pass in this session, rainwater collection is an issue that has been before the legislature for several years and will likely get passed soon.

The two **Water Resource Inventory Area (WRIA)** splitting bills fared differently. **HB 1295**, regarding a WRIA on Hood Canal, ran out of time in Senate Rules on the last day of session (so it could be reintroduced early next session); but **SB 5074**, regarding WRIA 29 in White Salmon, passed both houses by April 17 and was signed by the governor April 30. This WRIA, which comprised 900 miles and six sub-basins and several different governing units, got divided into two separate areas.

A bill to help protect aquifers in certain vulnerable areas by designating aquifer conservation zones, **HB 1135**, was signed by the governor April 21. Rep. Appleton was one of the sponsors of that bill. Another protective bill signed by the governor April 20 is **SSB 5475**, which modifies provisions affecting underground storage tanks (UST) by making the Washington State Department of Ecology (DOE) responsible for meeting the requirements of the **United States Environmental Protection Agency's (EPA)** UST Compliance Act of 2005 to ensure groundwater protection measures are followed, including secondary containment and monitoring.

**E2SSB 6117**, which establishes an advisory committee to develop rules for reclaimed water, had a whirlwind trip through the legislature. Introduced February 23, it passed both houses and was sent to the governor April 20. The League has positions supporting use of **reclaimed water** and we support programs for efficient use of water. The League testified in support of this reclaimed water bill, with certain reservations. The League asked that there be assurance of adequate funding for oversight of facilities that reclaim water, as this is such an important public health issue with long term consequences. The League also expressed concern that public accountability could be limited by granting exclusive rights to those reclaiming water. We will follow the activity of this advisory committee closely.

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### FOR REFERENCE

#### **K**ey Session Dates

The 60th Washington State Legislature opened its long session on Monday, January 8. The 2007 legislative session in Olympia runs from January 8 to April 22. Every day (including Saturday, Sunday, and holidays) is counted in the 105-day session. The Lobby Team will meet regularly during the session to talk with the League lobbyist, Lonnie Johns-Brown, and to decide on priority action for the upcoming week.

**Jan. 8** – First day of regular session

**Jan. 19** – LWVWA Lobby Day

**Feb. 28** – Last day for any bill to be considered in **policy** committee of its "house of origin" (House for HB, or Senate for SB)

**Mar. 5** – Last day for any bill to be considered in **fiscal** committee of its "house of origin"

**Mar. 14** – Last day for bills to be considered on the floor of their "house of origin" (5 p.m.)

**Mar. 30** – Last day for bills to be considered in a **policy** committee of the opposite house (Senate for HB, or House for SB)

**Apr. 2** – Last day for bills to be considered in a **fiscal** committee of the opposite house

**Apr. 13** – Last day for bills to be considered on the floor of the opposite house (5 p.m.) except initiatives and alternatives to initiatives, budgets and matters necessary to implementing budgets, differences between the houses, and matters incident to the interim and closing of the session.

**Apr. 22** – Last day of regular session

## **C**ONTACT LISTS

Portfolios / Lobby Team – [www.lwwa.org/about/officers.html](http://www.lwwa.org/about/officers.html)

Legislators – [www.lwwa.org/advocacy/newsletters/Legislators.pdf](http://www.lwwa.org/advocacy/newsletters/Legislators.pdf)

Legislative Committees – [www.leg.wa.gov/legislature/committeelisting.aspx](http://www.leg.wa.gov/legislature/committeelisting.aspx)

Representation by legislative district – [www.lwwa.org/advocacy/newsletters/DistrictReps.pdf](http://www.lwwa.org/advocacy/newsletters/DistrictReps.pdf)

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## **L**EAGUE POSITIONS

LWVWA positions – [www.lwwa.org/advocacy/prog\\_in\\_action05-07.html](http://www.lwwa.org/advocacy/prog_in_action05-07.html)

## **R**ESOURCES

League advocacy website – [lwwa.org/advocacy](http://lwwa.org/advocacy)

House Floor Activity as it happens – [flooractivityext.leg.wa.gov/default.aspx?chamber=3](http://flooractivityext.leg.wa.gov/default.aspx?chamber=3)

Senate Floor Activity as it happens – [flooractivityext.leg.wa.gov](http://flooractivityext.leg.wa.gov)

Public hearings as they happen – [tvw.org](http://tvw.org)

Bill information – text, analysis, status, committee action – [apps.leg.wa.gov/billinfo/](http://apps.leg.wa.gov/billinfo/)

Bill room (legislative information center) – **360-786-7573**

State budget information – [www.ofm.wa.gov](http://www.ofm.wa.gov)

Governor's website – [governor.wa.gov](http://governor.wa.gov)

Washington state's official website – [access.wa.gov](http://access.wa.gov)