



36th Legislative District

Senator Jeanne Kohl-Welles

Spring 2010

Dear Neighbors,

The 2010 Regular and Special Sessions have adjourned. Our sessions alternate between 105-days in odd-numbered-years and 60-days in even-numbered years. During our “short sessions” we usually make small adjustments in our 2-year biennial budget approved the year before during the long 105-day session.

While this year’s “short session” did go into special session, I can assure you that we worked feverishly to get out on time. But let’s be frank: 60 days was just not enough time to balance the historic revenue shortfall our state faced. In no uncertain terms, we had to completely rewrite our biennial budget – something I have not experienced in my 19 years in the Legislature. Special sessions during times of economic crisis are not uncommon, but they typically occur in the odd-numbered years when we write the biennial budget. In 2001, when we were still reeling from the dot-com bust, we were called back into special session three times for a total of 58 days. We were called for 32 days in 2003 when we again faced a fiscal crisis, and today’s crisis is three-times larger than what we faced in 2003. This year’s special session lasted 30 days.

While the majority of our focus this session was placed on closing a historic revenue shortfall, we also made great strides in education, early learning and issues pertaining to social justice. Read on for some of our accomplishments.

And although the session is over, our work continues throughout the Interim, which is the time period between the 2010 legislative session adjournment and the convening of the 2011 legislative session on the second Monday in January. The committee I chair, the Senate Labor, Commerce & Consumer Protection Committee, will have joint meetings during the Interim with the House Commerce & Labor Committee to work on important issues, such as the effectiveness of our Workers Compensation and Unemployment Insurance programs. These programs are vital for employees who are out of work because of an injury or because of losing their job; yet, the current economic climate has resulted in drastic rate increases for employers, an especially brutal burden in these times.

It is my honor to serve you in Olympia, and I’d appreciate your letting me know your thoughts by e-mail, phone or letter. As always, I’ll be sure to keep in touch.

Warmly,

Sen. Jeanne Kohl-Welles

Stay in touch!

Please keep me informed of your ideas, concerns and community activities.

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Senate Committees:

- Labor, Commerce & Consumer Protection-Chair
- Judiciary
- Ways & Means
- Rules

Other involvements (selected):

- Joint Legislative Audit and Review Committee
- Joint Legislative Systems Committee, Chair
- K-20 Education Network
- Washington State Arts Commission
- Washington Institute on Public Policy
- Western Interstate Commission for Higher Education

District Office

Now that we have adjourned, I have returned to the district office space I share with Rep. Reuven Carlyle on the base of Queen Anne. The office is in the Northwest Work Lofts building located at 3131 Western Ave, Suite 421, where Queen Anne Avenue North, West Denny and Western Avenue all come together. My office number is 206-281-6854, and hours are Monday through Thursday 8:00am to 6:00pm. Please call to make an appointment.

A balanced approach to re-balancing the budget

After closing a revenue gap of more than \$9 billion in 2009, we had to fill another \$2.8 billion hole during the 2010 legislative session. This translates to \$5.1 billion in cuts EACH YEAR of the past two years in valued services and public employee compensation and the elimination of some 10,000 public sector jobs in the process. These cuts were made as the demand for government services grew. While businesses lose customers during tough economic times, government gains clients in a recession. Demand for public services in our colleges, health care, emergency assistance, job training and state financial aid all increase – just as our ability to pay for them decreases. And after approving an all-cuts budget last year, we believed that filling the current gap with cuts alone would be too devastating to our long-term economic health. Our families and businesses depend on high-quality schools, colleges and universities as well as strong work-force training, safe communities and efficient transportation and freight systems. Making another \$2.8 billion in cuts would have jeopardized all of these vital public infrastructures.

So this year the Legislature voted to raise \$794 million in taxes, a very small part of our solution to a \$12 billion revenue shortfall over the biennium. We still made vast cuts.

I will say this: It's been a tremendous challenge to find the right balance. Although no one likes to have taxes increased, I would have liked to have raised more revenue by closing more ineffective tax preferences and exemptions to have reduced the very onerous cuts that we've had to take. But, in the long run, I strongly believe we need to reform our regressive tax structure, particularly for working families and small businesses.

Our balanced budget solution:

- Makes no cuts to basic education and preserves positions for over 50,000 teachers
- Preserves critical preschool programs for children under three

Making strides in our public education system

In February, King County Superior Court ruled that Washington is not fulfilling its constitutional duty to fully pay for basic education. For those of us with grandchildren and children in the public schools, this ruling did not come as a surprise. While the trial court ruled against the state, the Legislature had not been waiting for a ruling to address the problem.

During the 2009 legislative session, we ushered through a bill, **HB 2261**, which fundamentally changes the way we fund our public schools for the first time since 1977. This session we continued that work by passing **HB 2776** to further refine the education funding distribution model adopted last year. The measure requires that in 2011-2012 our current funding formula be replaced by a new prototypical school funding allocation formula. This measure increases funding levels for materials, supplies and operating costs, implements all-day kindergarten and moves up the start date for implementation of the new student transportation funding formula adopted in 2009. It further makes a commitment to reduce class size to 17 students in grades K-3 by 2018.

We also passed legislation to help coordinate ongoing K-12 education reform efforts and make our state more competitive in

- Protects Working Connections Child Care for 37,000 working families
- Fully funds all-day kindergarten
- Maintains health care for almost 500,000 of Washington's children
- Secures state financial aid for 57,000 at-need college students
- Protects affordable health care for 69,000 people on the Basic Health Plan

There are many aspects of our revenue package, **SB 6143**, that I support. Primarily, I am pleased we did not raise the general sales tax, rather we worked to end tax preferences and exemptions. Ending ineffective tax loopholes shifts the tax burden back to those who can pay from those who cannot. We also increased the B&O rate for services such as lawyers and accountants. And to help our small businesses, we permanently increased the small business tax credit to businesses earning less than \$80,000.

I also support its incorporating my bill to extend the sales tax to candy and gum. This not only helps to relieve our budget woes by raising funds but also serves another important policy goal: reducing excessive consumption of products that result in costly diet-related diseases, including obesity for children and adults. **SB 6143** also temporarily increases taxes on beer (but not microbrews which are Washington businesses) and soda for three years. Finally, a separate bill increased the cigarette tax by \$1 a pack.

For every \$1 in new revenue, \$4.40 is cut from state spending in this biennial budget. And just to restate, I know none of us likes the idea of raising any taxes during a time of recession, but I believe we chose fair means of revenue and it was essential that we do so to help protect core services for Washingtonians and encourage our economic recovery.

applying to the federal "Race to the Top" grant program. Race to the Top could deliver \$150-to-\$250 million in federal funds and is structured to reward past accomplishments while encouraging incentives for future improvements. **SB 6696** positions all schools to benefit from increased accountability, flexibility and targeted reforms in educator preparation and evaluation systems.

This legislation was not without controversy, so let me be very clear: Our reform efforts are a commentary on how our current, out-of-date system has failed our teachers and our students – they do not reflect or suggest failure on the parts of our students and teachers.

Finally, our efforts would be incomplete if we failed to support early learning opportunities. Studies show that few strategies for reducing the achievement gap are as successful as giving children learning opportunities at the most critical point in their brain development. That's why we passed **HB 2731** which starts us down the path of ensuring preschool opportunities for the three- and four-year-old children who need them most. We've set a goal for guaranteeing early learning opportunities for all eligible children from low-income families by the 2018-2019 school year.

Addressing human trafficking

On Feb. 1, 1864, President Lincoln signed the 13th amendment outlawing slavery. Sadly, today people are still being enslaved in this country through human trafficking. Over 17,000 people a year are smuggled into the U.S. These victims are held against their will, abused and coerced into involuntary servitude. That is why over the decade I have worked with tireless human trafficking advocates to curb this despicable trade. Washington has remained the lead state in the country to tackle this horrendous scourge. For example, in 2002, following the murder of two mail-order brides and people being found dead in container ships coming into the Port of Seattle, former Rep. Velma Veloria led our state's efforts with her legislation, **HB 2381**, that created the Taskforce Against Human Trafficking, the first of its kind in the nation. That same year we passed my bill, **SB 6412**, known as the Mail-Order Bride Act – also the first of its kind in the nation – that provided protections to foreign nationals immigrating to marry Washington residents whom they had met through the services of international matchmaking organizations operating in our state. The following year we made trafficking a felony, **HB 1175**, and since then have passed other laws on human trafficking:

- **HB 1175** created two crime definitions related to human trafficking (2003).
- **SB 5217** created requirements to develop written protocols for services for trafficking victims (2005).

- **SB 6713** prohibited sex tourism (2006).
- **SB 5718** created a new crime for commercial sexual abuse of a minor and added an additional one-year penalty. (2007).
- **SB 6339** added victims of human trafficking to the list of victims eligible for the state's address confidentiality program (2008).
- Taskforce funding was renewed in 2006.
- **SB 5850** required international labor recruiters and domestic employers of foreign workers to disclose federal and state labor laws to nonimmigrant workers (2009).

This year we passed **SB 6330** to authorize the Department of Transportation to work with human trafficking advocates to place informational posters on trafficking at rest areas throughout our state. Advocates in other states who have implemented similar legislation have seen real results. We also built upon last year's bill, **SB 5850**, in passing **SB 6332** which creates penalties for failure to provide the disclosures. We also approved **SB 6476** which strengthens penalties on commercial sexual abuse of a minor. Despite our best efforts, the fight against human trafficking continues. We must remain vigilant and continue to enact strong laws until this practice is finally put to an end.

Helping patients access medical marijuana

Pain and suffering are not partisan issues, nor are they based on demographic factors. And I'm pleased that our state has a long history of supporting patients' rights to use medical marijuana when authorized by their doctors. This year we passed my legislation, **SB 5798**, to extend the ability to authorize the medical use of marijuana to other licensed health professionals (e.g., naturopaths, advanced nurse practitioners and physician assistants) authorized to prescribe controlled substances. Voters were clear when they approved I-692, the medical-marijuana initiative, by 59 percent in 1998 that they wanted qualified patients to have access. In 2007, the Legislature passed my **SB 6032** which resulted in the Department of Health's adopting rules on what constitutes a sixty-day supply for qualifying medical marijuana patients. Next session, I will build on this progress by working to provide full legal protection for medical marijuana patients and providers who work within the law. You can read more about this in an op-ed published March 25th in *The Seattle Times* at:

http://seattletimes.nwsourc.com/html/opinion/2011431181_guest25kohlwelles.html.

It is my goal to provide safe, secure and consistent access for qualifying patients.

Another bill of mine having to do with marijuana, **SB 5615**, did not make it through the Legislature, although did get voted out of the Senate Judiciary Committee with a bipartisan vote. The bill would have decriminalized possession of a small amount of marijuana (up to 40 ounces) by

making it a civil penalty with a fine of \$100 rather than a misdemeanor as it currently is. It would apply to adults, not juveniles. I plan to reintroduce the legislation in the 2011 legislative session. Its passage would result in millions of dollars in savings to cities and counties in law enforcement and criminal justice costs as well as \$11 million in new revenue to the state, half of its going to drug treatment programs.

Providing relief for the 36th Legislative District

The Legislature passed **SB 6855**, sponsored by Sen. Joe McDermott (34th Leg. District) and me, which instituted a small tax exemption for neighborhood community centers that are housed in buildings determined to no longer be needed by school districts and are now owned by nonprofit organizations delivering coordinated services for community members. This will help organizations such as Crown Hill Small Faces Child Development Center and the Phinney Neighborhood Association that provide vital services to an increasing number of individuals. The measure also applies the leasehold excise tax to rental units within these community centers, making the measure revenue positive.

I also secured \$395,000 for the Washington State Leadership and Assistance for Science Education Reform's activities throughout our region. This program operates out of the Pacific Science Center and assists school districts in implementing research-based science programs.

2010 bills I sponsored that became law

SENATE BILL 5046: Symphony musicians. Extends collective bargaining rights to symphony musicians who work for a symphony orchestra with profits of more than \$300,000.

SENATE BILL 5564: Security breach protection (House companion bill passed). Protects consumers from security breaches. Financial institutions may recover damages and recoup costs for replacing customer cards if account information is compromised by a lack of reasonable care by a business, processor or vendor who processes more than \$6 million in credit and debit transactions.

SENATE BILL 6732: Industrial Insurance (House companion bill passed). Addresses claims of insolvent self-insurers under our workers' compensation system by requiring L&I to transfer the balance of any defaulted self-insured employer's deposit into the insolvency trust fund after certain actions have occurred.

SENATE BILL 5798: Medical marijuana. Extends authority to recommend medical marijuana to qualified patients to osteopathic physicians, physician assistants and osteopathic physician assistants, naturopathic doctors and nurse practitioners and requires authorizations be written on tamper-proof paper. This measure will help patients who lack adequate access to traditional doctors get the aid the voters granted them.

SENATE BILL 6239: Gender-based terms. Makes gender-specific terms and references gender-neutral in several titles of the Revised Code of Washington. This is part of an ongoing effort on the part of our state Code Reviser's Office. The Code Reviser codifies, indexes and publishes the Revised Code of Washington – our state laws.

SENATE BILL 6329: Wine and Beer Tasting. Allows licensed grocery and large retail stores to offer samples of Washington wine and beer with certain restrictions.

SENATE BILL 6189: (Measure included in budget). Extends the state's sales tax to gum and candy.

SENATE BILL 6330: Human trafficking posters. Authorizes the Department of Transportation to work with human trafficking victims' advocates to place informational posters at rest areas throughout Washington.

SENATE BILL 6332: Human trafficking. Builds on my legislation enacted in 2009 requiring international labor recruiters and domestic employers of foreign workers to disclose federal and state labor laws to nonimmigrant workers. Adds a penalty provision.

SENATE BILL 6575: Underground economy. Implements recommendations of the joint task force on the underground economy. Reduces the penalty of an unregistered contractor who has been cited if he or she registers and takes a class offered by the state Department of Labor & Industries within 120 days. Unfortunately, the Governor vetoed the bill.

SENATE BILL 6804: Gambling treatment. Authorizes the Department of Social & Health Services to certify and contract with treatment facilities for the prevention and treatment of problem and pathological gambling.

SENATE BILL 6574: Investigation of underground economic activity (House companion bill passed). Creates a process for the Department of Labor & Industries, the Employment Security Department and the Department of Revenue to be granted a subpoena to investigate underground economy activity.

SENATE BILL 6664: Judicial review (Incorporated into SB 6673 and into HB 2625). Requires judicial review prior to release on bail for an individual being charged with a serious violent offense.

