

Senator Adam Kline

37TH LEGISLATIVE DISTRICT • SUMMER 2011



Senator Adam Kline

PO Box 40437
Olympia WA 98504-0437

e-mail: kline.adam@leg.wa.gov

District Office:
206.625.0800

Olympia Office:
360.786.7688

Legislative Hotline:
1.800.562.6000

Web page:
www.sdc.wa.gov/kline.htm

Committees:

- Judiciary (Chair)
- Labor & Commerce
- Ways & Means

To see previous editions of my newsletters or to subscribe to my electronic newsletter, go to my web page listed above.

Dear Neighbors,

Let me make this quick; I have only this tiny space. Senators' regular newsletters are gone, victims of the Senate's own internal budget-cuts. Bummer! I have always enjoyed speaking with my neighbors in the 37th District at the grocery store or a cafe, and my newsletter was an extension of those conversations. The budgeteers finally relented, allowing these few square inches, just this once. This is probably my last printed newsletter for a while, so if you've enjoyed reading these rants and raves as much as I've enjoyed writing them, please sign up for my weekly (or so) electronic newsletters at <http://www.sdc.wa.gov/senators/kline/>, or catch my bi-weekly columns at <http://www.rainiervalleypost.com/tag/senator-adam-kline>. I don't expect to write as frequently during the summer, but will resume in the fall. Yes, we're being cheap with the taxpayers' dime; I still love this job!


Adam Kline

This Killing Budget

I've said it before: this recession came like a tornado in the prairie, and did more damage to state government than any purveyor of tax-cut initiatives could have hoped to do. As a result, we made cuts under fiscal pressure that we know are unsustainable, and that will cost us more later on. For lack of space here, I'll make this quick and a bit general. (Questions on specifics? I'll answer at [adam.kline@leg.wa.gov](mailto:kline@leg.wa.gov).)

Generally: we cut \$4.6 billion in the final House-Senate agreement, about \$200 million less than the original Senate proposal. Look for more cuts if the Revenue Forecast dips again. We left \$727 million in reserves against that possibility. We got the House to agree not to assume some astronomical amount in savings from the privatization of the State Liquor Control Board's liquor-distribution function.

K-12: We cut teacher salaries only 1.9%, not the original 3%, though we used the latter level for classified staff. We provide only \$34 million, not \$64 million, for K-3 class size reduction in high-poverty schools.

Higher Ed: We made another \$600 million in cuts—made up in part with tuition increases of 14% to 16%, enough to put state college out of the reach of many young people from working families. At the same time, we made cuts in State Need Grant scholarships and in Work-Study funds.

Health Care: the Disability Lifeline program (formerly GAU), which formerly combined a \$339 monthly cash grant with medical coverage has been altered. The medical coverage remains; the cash grant is replaced by a smaller rent-assistance grant and an even smaller stipend for essential needs. We expect to see



Senator Adam Kline Speaking on the Senate Floor

purpose within DSHS and a separate \$386,000 for naturalization classes to be provided by OneAmerica, a South Seattle non-profit organization.

No closure of tax loopholes: I joined a group of steadfast progressives to sponsor several bills to close tax loopholes that benefit large corporations and prevent the state from collecting the revenue needed to fund essential programs. I-1053, Tim Eyman's latest tax initiative, mandated that we either pass such bills with a supermajority vote in the Legislature, or send them to the voters as a referendum. In the Senate, we weren't able to get even a majority to support the bills. The House was able to get a majority vote on a bill to increase funding for K-12 education by closing a tax exemption for big banks. While the bill failed for lack of a supermajority, the attempt at passage sets up the possibility for a lawsuit challenging the constitutionality of I-1053. Stay tuned!

The Other Civil Rights Issue

My hardest-fought and most important accomplishment of the year was the Legislature's passage of SB 5459, my bill to close at least one, and possibly two of the institutions for people with developmental disabilities, and to set our state's policy firmly in the direction of modernity.

Since the 1970s, federal courts have increasingly recognized that the ancient practice of placing people with mental illnesses and developmental disabilities in large institutions may violate their rights to live as normal lives as possible. People with mental illnesses and developmental disabilities have a right under our Due Process clause to live "in the least restrictive alternative which their abilities will allow." As a young lawyer with Legal Services in the 1970s, I provided legal representation to residents of the state's six DD institutions, and quickly came to realize that the consensus of enlightened opinion among the experts in the field favored "de-institutionalization," the gradual transfer of institutional residents to smaller, more home-like,

more recipients at the food-banks and hospital emergency rooms. The Children's Health Program avoided an admissions-freeze, but had its eligibility reduced to 200% of the poverty level. We cut grants to hospitals and community clinics. We preserved the Basic Health program, but continued the freeze on new enrollments.

Other: we reduce management-level jobs in the state agencies by 5-10%, in an effort to reduce pressure to lay off more line staff. We rejected the Governor's attempt to cut all funds for naturalization of new citizens, keeping \$3.3 million for that

settings nearer to their families, and the gradual normalization of their lives in greater contact with the larger community.

In the intervening decades, the institutions' population has dropped from 4,400 in 1973 to exactly 890 today, about 20% of the former number. The five institutions—two of them the size of small college campuses—now have many vacant and deteriorating buildings, and overhead and maintenance costs that burden taxpayers without benefitting the residents. Meanwhile, four decades of de-institutionalization have resulted in some 20,000 DD people living in smaller residences known collectively as Supported Living, a wide spectrum of settings, from staffed and structured group homes of eight residents to ordinary apartments for two or three with visiting professionals and support. Then there is the shameful part: since DD services are not a legal entitlement, there are those on the waiting list: 13,600 people who receive no services whatsoever.

Common sense, and recognition of the interests of the disabled, demand that we consolidate these institutions. My intent was to make sure, despite our desperate revenue situation, that the savings from streamlining the institutional system be used to provide community-based services to follow the residents who choose to leave the institutions.

Opposition to this bill came from a union representing state employees and from the parents and guardians of some of the 890 institutionalized residents, the former a major player in Olympia, the latter a small but coherent opposition. The parents' narrative was one of fear: a fear that at the hands of the bureaucracy of DSHS, their loved ones would be forced from the institutions which for decades had become their homes, and neglected in smaller settings where intense services could not be as easily provided. This fear is understandable in view of the Department's performance in other areas, notably foster care, and it was clearly understood by many legislators. The day was carried by the many parents and guardians of DD community residents, some of those residents formerly institutionalized, who contacted their legislators as the bill wound its way through the process, and told us of how their loved ones thrived in community placements.

This bill affords us that rare opportunity to do better for the most vulnerable among us, by spending less money. The total daily cost of a resident in the institutions varies from \$410 to \$670; the average Structured Living placement cost is \$303. A state policy of conversion to the latter is a win-win and a rare event in government-provided social services. As of this writing, the Governor is strongly expected to sign the bill—she has wanted to close at least one institution for years. And when she gives me the pen she signs it with, I'll put it in a crystal case.

Driving While Poor

Years ago, my friend the late Bob Markholt and other activists for the rights of working folks convinced me to take up a subject that at first blush seemed out of place on a progressive agenda: traffic infractions. When you continue to drive after your license was yanked for failure to pay fines, you're charge with Driving While Licensed Suspended, in the Third Degree. We don't



throw you in debtors' prison for failure to pay the increasingly high fine; we just take away the privilege to drive and leave you unable to earn a living. You may have noticed if like me—I learned to drive in New York—you have earned a first-person familiarity with the traffic code: those fines are now in the hundreds of dollars, since we now rely on those dollars to fund the courts. (No New Taxes!) So in this recession, with increasing unemployment, an increasing percentage of ordinary folks can't afford to pay. Then they are caught driving with a suspended license—and this time it's not an infraction, it's a misdemeanor, a crime. Driving While Poor.

These charges are filed routinely—and that's the problem. They make up some 30% of the docket in District and Municipal Courts, which are under-funded and over-burdened in this recession. My previous ham-fisted attempts to simply repeal the law were unsuccessful, partly for good reasons—there are, after all, folks who could pay up but just won't—and for reasons not so good—the cops could never admit it publicly, but they really, really like to be able to search your car, which they can do when they arrest you for a crime, but not an infraction.

So, duh! Don't file the charge routinely. Make the prosecutors decide which charges to file, make them choose which ones are the real scofflaws and which ones the poor Joes who just need a nudge to the payment window, and maybe a payment-plan. That's what my bill (SB 5195) did, and the Governor gave me the pen she signed it with.

One for the Bicyclists and Walkers Among Us

As we learn more about climate change, and adapt our transportation system to the needs for non-automobile alternatives,



it makes sense to accord more respect to them in the rules of the road. As a lawyer representing injured people, I have often known of situations in which a negligent driver had hit a pedestrian or bicyclist, causing serious bodily injury, but was punished only for Negligent Driving—a \$250 fine. This doesn't go down easy for bicyclists and pedestrians, myself included. So I filed a bill to allow city and county councils to

pass laws creating a new infraction, punishable by up to \$5,000, where negligent driving leads directly to the death or serious bodily injury of a pedestrian, bicyclist, wheelchair user, or other "vulnerable user of the public highways."

One might think this would be a slam-dunk. In fact, it took an extra year of lobbying by a bicycle advocacy organization. Automobile culture pervades the Legislature to an extent greater than in the state's population—that's my eyeball analysis, anyway. The stereotype of cyclists as effete liberals is still alive and well among some of my colleagues. Anyway, the bill (SB 5326) passed, and the Gov gave me another pen.

Foreclosure Prevention

This bill advanced in both houses of the Legislature, as SB 5275 in the Senate and HB 1362 in the House, and was a joint effort between Rep. Tina Orwall and myself. Rep. Orwall, a Democrat from the 33rd District, got the pen for this one, as the House passed her version before the Senate passed mine. Other players were Sen. Steve Hobbs, the chair of the Senate Committee on Financial Institutions, and Rep. Jamie Pedersen, Chair of House Judiciary, both of whom advanced the bill in their respective committees.

This was my second year, and Rep. Orwall's third, working on this bill. At first, the banks stonewalled our efforts. Their party line, eagerly picked up by their Republican friends, was that the homeowners involved had just made bad choices, over-extending their credit and buying further up-market than their jobs and assets would support. (No mention of the banks' far grander and more destructive role in the mortgage crisis that led to an economic meltdown.) This past year, the crisis made the front page just about every day because literally hundreds of thousands of people—many of them ordinary middle class people who were definitely NOT improvident in their choice of homes—were finding themselves evicted and at a profound loss. The banks apparently decided, to their credit, that stonewalling would no longer work, and that it was better to engage in the legislative process than to continue to lobby for a No vote.

The result was a series of meetings that started in October, chaired by Kim Herman, the director of the Housing Finance Commission and featuring such unusual bedfellows as the regional VPs of major lenders led by the chief lobbyist for the Washington Bankers Association, Legal Services lawyers, mortgage companies, Statewide Poverty Action Network, we two legislators and occasionally the committee chairs.

SB 5275 and HB 1362 require banks which have issued 250 or more Notices of Defaults to Washington borrowers in the preceding year to pay a fee of \$250 on each default. The proceeds go primarily to fund housing counselors (lawyers or others who are versed in real estate, the mortgage market, or real property law). A small portion of the proceeds fund the public education and enforcement efforts of the Attorney-General's Office. The bill gives any homeowner in default the right to seek the advice of a counselor, and the right to seek a personal meeting with a representative of the bank who is authorized to grant a mortgage-modification to a qualified borrower. If that does not resolve the matter, the homeowner can seek mediation before a neutral third-party mediator, at a low cost paid equally by the lender and the borrower.

This bill doesn't end the foreclosure crisis, and indeed there is little government can do to interfere in private contracts. I will continue to seek passage of legislation, SB 5309, that will require a lender, or the holder of a mortgage, to prove at the time of issuing the Notice of Default, that it is in fact the legal owner of the mortgage. That will be a tougher fight, but it's necessary. The news still carries stories of people ousted from their homes by Wall Street investment companies that were subsequent purchasers of a mortgage—somebody else's mortgage, on somebody else's home, but the papers that might reflect true ownership had not been required. Much is left to do on behalf of the homeowners, who are not responsible for the housing bubble or its burst.

Funding the Arts

Alright, alright, I get the message. Never have I received so many e-mails in such a short period of time as from those sponsored by 4Culture, the King County-sponsored arts funding organization. (Unfortunately, these were virtually identical e-mails, telling me that the support was wide, with 850 people willing to point-and-click for the cause, but not much beyond that.) In King County, the 2% hotel-motel tax is used for retiring the debt on the Kingdome, funding arts and heritage programs. After 2015 or whenever the Dome is paid off, whichever is earlier, the proceeds go to paying off debt on Qwest Field and the Exhibition Center, with any leftovers going to youth sports. The Dome will be paid off earlier than expected, and so arts funding will stop at the same time: likely by the end of this year.

Currently, about 40% of the total hotel-motel tax distribution goes to King County's Permanent Arts Fund, which acts like an endowment: only the fund's interest and investment earnings may be spent on programs. The cessation of this funding, at a time when public funds generally are lacking, would spell disaster for the arts community, and those artists and grassroots arts organizations which benefit our community.

The bill we passed switches the revenue stream (the 40% of the hotel-motel tax) from King County's Permanent Arts Fund to an account in the State Treasury dedicated to the arts and to art and cultural museums; the Permanent Fund is retired and its principal opened for spending on the arts. When the Kingdome bonds are paid off, the King County hotel-motel tax will be distributed into the account until the end of 2015.

That's the news that I can squeeze in here. There's plenty more on my e-newsletter (see above), and since this is my last paper newsletter I really think you ought to sign up for it. I'm happy to answer constituents' questions personally at 206.625.0800. And I'll tell you why I love this job.



Adam Kline

PRSRRT STD
U.S. POSTAGE PAID
Olympia, WA
Permit #133


Senator Adam Kline
PO Box 40437
Olympia, WA 98504-0437