

State Representative

Sharon Tomiko Santos



Contact me

As always, I'd love to hear from you. Please call, write, or schedule a visit with me. My office staff can help make the arrangements.

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2018 LEGISLATIVE REPORT 37th LEGISLATIVE DISTRICT

Dear Neighbor:

I am pleased to share with you this newsletter that describes some of the accomplishments and the challenges of the recently concluded 2018 legislative session. Within a short period of 60 days, we passed the overdue 2017-2019 biennial capital budget, adopted a supplemental operating budget intended to meet the McCleary obligation, and passed several key bills that reinforce our state's commitment to education, to a strong local economy, and to the health and well-being of our families and communities. Perhaps one of the most notable of legislative achievements was our on-time adjournment, which was a challenge in the divided government of recent years.

While this short session produced many successes of which to be proud, we came up lacking in several other policy arenas. This newsletter highlights some of "the good, the bad, and the ugly" features of the 2018 legislative session from my perspective as your state representative.

Thank you for taking the time to read this newsletter and for the opportunity to serve the diverse communities of the 37th Legislative District in Olympia. Please stay in touch by calling or writing to me about the issues that concern you. I welcome hearing from you and appreciate your continued participation in our democratic process.

Sincerely,

A handwritten signature in blue ink that reads "Sharon Tomiko Santos". The signature is fluid and cursive.

Sharon Tomiko Santos
State Representative
37th Legislative District

The Good

School Funding – the McCleary case

Last year, lawmakers adopted House Bill 2242 as the final installment on solving the education funding ("McCleary") challenge.

The bill implemented several major school funding reforms, including:

- Increasing base pay for beginning teachers;
- Establishing minimum salaries for teachers, school staff, and administrators;
- Adopting a regionalization model to boost pay in high cost-of-living areas;
- Creating clarity between state education funding obligations and local "enrichment" educational services; and
- Implementing stronger accounting and auditing measures.

While far from perfect, this legislation was a step in the right direction.

The state Supreme Court accepted the policies embedded in HB 2242 in fulfillment of the McCleary obligation, but took issue with the 2-year timeline that lawmakers established to phase in teacher compensation reforms. The Court ordered the Legislature to incorporate these reforms by September 2018.

The Legislature complied with this order and included nearly \$1 billion more for basic education in the 2018 supplemental operating budget, and budget leaders are confident that this investment puts the McCleary case behind us. As the Chair of the House Education committee, however, I believe that the hard work to provide excellent educational opportunities for every student is still ahead.

Breakfast After the Bell

Students have one job when they enter the classroom: to learn. Yet, hunger distracts too many Washington students from doing well in school.

Rep. Sharon Tomiko Santos

Studies confirm our common-sense understanding that hungry students are unable to focus on their lessons. Innovative breakfast programs give students the fuel to be ready to learn without interrupting instructional time.

For the past several years, the House of Representatives approved legislation to expand morning nutrition programs like Breakfast After the Bell to more schools across the state but, sadly, the Senate would not advance this excellent policy. This year, I am pleased to report that House Bill 1508 was one of the first bills passed by the House and signed by the governor.

Gender Pay and Workplace Equity

Women comprise nearly half of the workforce but continue to earn less than men who perform similar work. In Washington, the average woman will make \$497,280 less than her male counterpart will during a 40-year work life.

This dramatic pay gap is more egregious for women of color. According to the Economic Opportunity Institute, an African American woman must work 18.6 months to earn what her white male equivalent earns in 12 months, while a Latina must work almost two full years for the same amount of pay.

These disparities affect the quality of life for women and their families today as well as into the future. Unequal earnings mean that a woman cannot save as much as a man toward her individual retirement and is more likely to live in poverty in her senior years.

House Bill 1506 aims to strengthen gender pay and workplace equity by:

- Prohibiting employers from imposing pay secrecy policies and practices;
- Preventing gender discrimination in opportunities for advancement;
- Banning retaliation against workers who file complaints, discuss wages, or seek advancement opportunities; and
- Ensuring workers are entitled to administrative and civil remedies in the event of violations.

Both chambers approved this legislation on March 8, 2018 in recognition of International Women's Day. When signed into law, the act represented the first modification to the Washington State Equal Pay Act since 1943.

Health Care for COFA Communities in Washington

One of my greatest privileges as a state representative is to help right the wrongs of our past.

In the 1940s and 1950s, the United States detonated more than 100 nuclear weapons on a group of islands designated as the Pacific Proving Grounds. These tests included detonation of the largest thermonuclear device ever tested by the U.S., *Castle Bravo*, which produced 15 megatons of radioactive contamination, devastating the environment, the economy, and the health of the local inhabitants to this day.

For many years, the federal government recognized our moral obligation to provide health care to those harmed by U.S. nuclear testing in the South Pacific. However, the welfare reforms of the mid-1990s eliminated Medicaid eligibility for Pacific Islanders who, under the Compact of Free Association (COFA), may live and work in the United States and serve in the U.S. military. As a result, many COFA residents now cannot obtain treatment for debilitating health conditions, including thyroid disorders, birth defects, and cancers that may be linked to military testing.

Throughout Washington state, our Marshallese, Micronesian, and Palauan neighbors have created vibrant COFA communities. These community members pay state and federal taxes, serve our state and country in the armed forces, and contribute the rich culture of our state. Because I believe that these factors should entitle COFA community members to

have access to the same social and economic benefits that are accorded to every Washingtonian, I introduced legislation (House Bill 1291/Senate Bill 5683) to provide medical insurance premium assistance for COFA community members who are living in poverty.

I am pleased that the governor signed the Senate bill and the Legislature allocated \$4.8 million through the next four years to help our COFA neighbors who continue to suffer the effects of a devastating and discriminatory U.S. nuclear testing program.

Reproductive Parity

The U.S. Supreme Court upheld reproductive freedom as a fundamental right of privacy guaranteed by the Constitution. Yet, ever since the Court handed down this landmark 1973 decision in *Roe v. Wade*, many individuals and interest groups have attempted to erode our right to control our own healthcare decisions, including our reproductive health decisions.

I unequivocally believe that all healthcare decisions should be left to the individual in consultation with her or his physician, not to an employer, an insurer, or a government. This is why I co-sponsored House Bill 2409 to improve equity and access to reproductive health benefits and services for women as well as for men. While we have been working on this legislation for several years, a new majority in the Senate helped achieve passage this year of this momentous policy.

The Washington State Reproductive Parity Act (Senate Bill 6219) requires health insurance plans to provide full coverage for reproductive health, including all FDA-approved contraceptive drugs, devices, products, or procedures. The new law also prohibits health insurance plans from limiting, delaying, or otherwise impeding access to the full range of these contraceptive options.

De-Escalate Washington

John T. Williams. Antonio Zambrano-Montes. Che Taylor. Charleena Lyles.

These Washingtonians died during encounters with police officers, intensifying policy questions about excessive use of deadly force, especially against people of color. But charges of excessive force are difficult to prove based on the testimony of one person against another. Today, common technology generates abundant cell phone and dashboard videos of the interactions between police and community members, broadening the public exposure of situations in which the behavior of law enforcement officers contributed to the escalation of tensions and to unnecessary deaths.

Initiative 940, known as "De-Escalate Washington," aimed to reconcile the resulting distrust and division between the police and the communities they serve. The provisions include mandatory violence de-escalation and mental health training for all law enforcement officers; requiring police to render first aid to save lives; and, requiring independent investigations when an injury or death occurs. In addition, the measure replaces "malice" as the standard for prosecution of an officer, a standard that proponents argued gave the police *de facto* immunity in use of deadly force.

In considering I-940, lawmakers had three options: 1) enact the initiative as submitted to the Legislature; 2) take no legislative action, allowing the initiative to be enacted directly by a vote of the people; or 3) develop an alternative proposal that is submitted to the voters along with the original initiative. Throughout the session, the Legislature worked with representatives from law enforcement, prosecutors' offices, families of those killed in deadly force incidents, and community organizations to clarify some operational provisions in order to ensure an immediate and smooth process of implementation upon legislative approval of the initiative and a trailer measure, House Bill 3003. However, a recent court decision invalidated the amendatory bill and directed the Secretary of State to place I-940 on the November ballot.

The Bad

Repealing I-200

In 1998, the year in which I was initially elected to represent the 37th Legislative District, media conservative John Carlson led an initiative effort to eliminate affirmative action in Washington state. Initiative 200 purported to eliminate discrimination in employment, higher education, and public contracting opportunities by prohibiting the use of race or gender for preferential treatment. The measure passed overwhelmingly with 58.2% of the statewide vote. In the twenty years since then, the impact has been devastating particularly on communities of color. Consider this:

From 1998 to 2016, state investments on goods and services grew from \$1.7 billion to \$5.4 billion, a **218% increase**. During the same period, state investments in Minority- and Women-Owned Business Enterprises (MWBEs) fell from \$227 million to \$155 million, a **46% decrease**. Is it any wonder that the number of certified MWBEs **decreased 51%**, from 4917 businesses to a mere 2400 certified businesses statewide? Clearly, I-200 did not achieve its stated goal – to eliminate the disparate effects of discrimination – but, in fact, has enhanced and entrenched these disparities in Washington.

This is why I introduced House Bill 1158 to repeal I-200. Regrettably, neither this bill nor its companion in the Senate advanced from the policy committees for the full consideration of the Legislature. Nevertheless, I am committed to upholding the rights of every individual to equitable opportunity in Washington state and to pursuing this legislation until I-200 is repealed. As the President's Committee on Civil Rights noted in 1947, "(l)eadership by the federal government in safeguarding civil rights does not mean exclusive action by that government. . . . In certain areas the states must do far more than parallel federal action. Either for constitutional or administrative reasons, they must remain the primary protector of civil rights."

Wrongful death

The 2015 "Ride the Ducks" collision that claimed the lives of five international students and injured nearly 70 others exposed major flaws in our state statutes dealing with wrongful death. Under current Washington law, non-residents are barred from seeking justice in situations involving negligent or reckless conduct. This prohibition was adopted more than a century ago to prevent families of Chinese laborers from obtaining compensation for the deaths of their husbands and fathers in Washington coal mines. These statutes also prohibit parents from filing wrongful death claims for a child who is older than 18 years of age.

This antiquated policy fails to recognize that age and geography do not limit our love or loss when a family member dies from the negligent or reckless actions of another person. I sponsored legislation, House Bill 2262, to correct this shameful vestige of history and to ensure that all families who are bereaved by the wrongful death of a loved one may find peace through justice. Although the House did not vote on the bill, I will continue to raise this issue as a matter of conscience.

Teacher shortage crisis

America is encountering a widespread teacher shortage and Washington is not immune from this crisis. In a recent survey of school district human resources directors, 97% said they were having a hard time hiring qualified teachers; more than one-quarter described the situation as a "crisis." While the root causes of the teacher shortage are many and complex, our state fails to deliver a quality system of education when we fail to recruit and retain great teachers for our students.

During the past two sessions, lawmakers took important steps to improve teacher salaries but this, alone, will not solve the "crisis." The problems are systemic, so the solutions must also address the shortfalls and challenges systematically. Ultimately, we must embrace creative approaches and find additional investments to give school districts the resources necessary to recruit, hire, and retain highly effective teachers.

House Bill 1827 represents a three-year bipartisan, bicameral effort to review and reform structural impediments to teacher recruitment and retention. Highlights of this major policy proposal included:

- Coordinated recruitment strategies involving school districts, higher education institutions, and other partners - such as the military - to engage in intentional efforts to reach potential teachers;
- Differentiated system of supports for educators at every stage of the profession, from student teacher to veteran, and from paraprofessionals to administrators;
- Robust retention practices that remove barriers to advancement and professional growth; and
- Collaborative re-design of comprehensive, coordinated, and streamlined professional pathways for instructional and non-instructional educators.

Although the Education committee unanimously voted for this bill and the House passed it by vote of 97-1, the measure failed to get out of the Senate before the end of the legislative session. If Washington state aims to provide excellent education for each and every student, then addressing the teacher shortage crisis will be a top of the priority of each and every legislator in 2019.

Climate Change

Climate change is a global problem, but climate action begins at home. Nearly every climate scientist, state or federal climate agency, and the vast majority of Americans recognize human activity as the primary cause for global warming.

As a member of the House Technology and Economic Development committee, I have the opportunity to hear testimony and to support many bills that would set us on a path toward a clean energy economy. These included:

- House Bill 2402, requiring qualifying utilities to pursue all effective, reliable, and feasible methods of conservation; and
- House Bill 2839, transitioning investment and rate-making decisions for utilities away from volumetric sales to a performance model that aligns the interests of consumers, investors, and the public.

Other critical climate change legislation went to the House Environment committee, including:

- House Bill 1144 conforming Washington climate goals with current emissions targets established by the Paris Climate Accord; and
- House Bill 2338, creating a "Clean Fuels Program" to lower greenhouse gas emissions from motor vehicles.

Introduced at the request of Governor Inslee, Senate Bill 6203 was arguably one of the most hotly debated and highly visible of the climate action proposals. This measure imposes a carbon emissions tax, dedicating most of the revenue toward the mitigation of climate change.

Unfortunately, none of these important climate measures passed the Legislature so Washington state will, once again, fail to take serious steps to combat climate change through public policy.

Revenue and tax reform

According to the non-partisan Institute on Taxation and Economic Policy, Washington state has THE MOST unfair tax system in the country. The tax burden for the lowest 20% of non-elderly residents is nearly 7 times the burden for the top 1%. This is simply unethical and unsustainable.

For several years, House Democrats introduced many ideas to make the state tax structure more progressive, including:

- **Capital gains tax** on the sale of corporate stocks, bonds and investment property, which would apply to roughly 48,000 tax filers in Washington;

- **Closing tax loopholes** that primarily benefit corporations and shift the burden of tax liability to working families;
- **Assessing progressive real estate excise taxes** (REET) based on the valuation of the real estate transaction rather than on a flat rate tax.

Lawmakers did not adopt any of these proposals this year, but we must all engage in a thoughtful conversation about identifying new revenue and reforming our broken tax system to support our collective interest in a healthy, vibrant future for every person in Washington state. It is a conversation we can no longer delay.

The Ugly

Deportation and the Washington state Department of Licensing

Let me be clear: I am furious. For more than a year, our Department of Licensing (DOL) assisted U.S. immigration officials target Washington state residents for deportation. These actions blatantly defied Executive Order 17-01, prohibiting all state agencies from using public resources

to assist in federal immigration dragnets except as authorized by the Governor or required by law.

Although I serve as an elected state official representing the 37th district where more than 1 in every 4 persons is foreign-born, I learned like everyone else that DOL compromised the personal safety and freedoms of our friends and neighbors through a *Seattle Times* investigative report published in January 2018. Once these reports were public, DOL stopped cooperating with Immigration and Customs Enforcement (ICE) but the damage already devastated our immigrant and refugee communities.

The toll on the children and families of immigrants and refugees is incalculable. Students carry information profiles in case ICE detains their parents which detail names, ages, nearest relatives, dietary and health concerns, and favorite books, toys, or rituals. People in need of public services – food, housing, healthcare, or police – are afraid to seek assistance. This breach of trust will take years to repair. I continue to hold DOL accountable for this disaster and to work with the Governor, the Legislature, and our communities to restore this public trust and to protect the privacy of every Washington resident.

Representative

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Public Records Act

During the past 20 years, I have voted on thousands of bills, but I regret only a handful. One such vote occurred this session when I supported Senate Bill 6617 concerning public records disclosures by the Legislature. Many people were disappointed in my vote. I understand and I am sorry.

I cannot defend the Legislature, including myself, against well-deserved criticism about the process by which we introduced and passed SB 6617 in the span of 2 days. I should have been more forceful about expressing my misgivings about the lack of public deliberation of this policy. I made a mistake, and so did the Legislature.

Still, I appreciate this opportunity to explain what happened and why I voted as I did.

Contrary to media accusations of the Legislature shrouding legislative records in secrecy, I understood SB 6617 to establish *greater transparency* of legislative records. The bill opened up lawmakers' legislative calendars, correspondence with lobbyists, and final reports on misconduct investigations. The bill also made available internal accounting and financial records, including personnel leave, travel, and payroll records of legislators and staff.

At the same time, SB 6617 aimed to protect the privacy of constituent communication, both prospectively and retrospectively. My office frequently collects information such as addresses, phone numbers, social security numbers, and other potentially sensitive and personal data from constituents who need legislative assistance in resolving concerns or complaints. In seeking to prevent the disclosure of the location of a domestic violence victim, or the address of an undocumented individual, or the employment records of an injured worker, the bill established common-sense parameters for the disclosure of legislative public records beginning on July 1, 2018.

The intent of SB 6617 was to increase legislative transparency, balancing the desire for more accountability from elected officials while also protecting sensitive constituent information in our possession. However, the lack of a transparent public process in enacting the bill completely overshadowed this intent and was completely unacceptable. I acknowledge this and sincerely regret our rush to pass the measure.

Since the Governor vetoed SB 6617, we all now have an opportunity to share our opinions on the right way to balance public disclosure with the right to individual privacy. It is a dialogue that must include you – the public – from the beginning through the end.