



2019



LEGISLATIVE REPORT

Washington State Labor Council, AFL-CIO

From the 2019 session of the Washington State Legislature

# Looking back, moving forward

By JOE KENDO

The 2019 legislative session will be remembered as a pivotal year for Washington state politics and public policy. In many ways, it was a session about transitions. It was a session that wrapped up many big public policies years in the making, and it launched work on bills that will define priorities in the future.

It was a session that closed out the longest serving House Speakership in Washington state's history, while

ushering in new leadership in the Senate. We made great gains in transitioning our economy away from fossil-intensive energy production, and toward a future of carbon-free power. Our public sector labor laws were transitioned from a pre-*Janus* understanding of union membership to a post-*Janus* world where workers thrive through organizing and building solidarity between workers, their unions, and their communities.

The WSLC itself has also undergone a transition during this period as President Larry Brown and Secre-

tary Treasurer April Sims took the council's reins mere days before the Speaker of the House and the Lieutenant Governor gavelled open the session.

So 2019 was a year for looking back, for completing work left undone, and looking forward to new campaigns, new wins, and new frontiers of public policy.

Remembering our past, and knowing what it took to build a strong, dynamic labor movement here in Wash-

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## Nurses stick together, win

### Frontline hospital workers get uninterrupted breaks

The safety of hospital patients and their caregivers drew national attention this session, culminating in hundreds of nurses, medical technicians, and their supporters rallying April 24 at the Capitol. Later that day, they celebrated the passage of long-sought legislation that ensures nurses and other frontline healthcare workers in Washington state will get uninterrupted meal and rest breaks and ends the abuse of mandatory overtime.

An unfortunate remark about nurses' workloads made by Sen. Maureen Walsh (R-Walla Walla) during floor debate—suggesting they “probably play cards for a considerable amount of the day”—led to Olympia being flooded with emails, calls, and decks of cards from supporters of hospital workers across the nation. Ultimately, Senate amendments that had weakened the bill were removed and a few hours after the rally on the State Capitol steps, the Senate voted 32-16 and

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## Lawmakers clarify, strengthen post-*Janus* bargaining laws

The Legislature approved landmark collective bargaining legislation in 2019 that brings state laws into compliance with last year's *Janus* decision by the U.S. Supreme Court and provides clarity and consistency for public employee union membership in Washington state.

HB 1575, sponsored by Rep. Monica Stonier (D-Vancouver), passed the House 57-41, the Senate 25-21, and was signed into law by Gov. Jay Inslee.

This legislation was a big priority for the Washington State Labor Council, AFL-CIO, and its affiliated unions that represent public employees. For

40-plus years, fair-share representation has been the law of the land where those who withdraw from the union still paid a representation fee to cover the costs of bargaining and enforcing their contract. With the imposition of *Janus* banning that practice, state laws required realignment to clarify the rules and responsibilities of public employers and employees, and protect the freedom to join together in unions.

Unanswered by the *Janus* decision—and left for states to decide—was how and when workers can withdraw, and

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## Budget funds contracts, takes small steps to address upside-down tax system

The 2019-21 operating budget approved this year had mostly good news, but fell short in a couple of areas.

It funded all Washington state employee contracts, which include 3 percent pay raises this year and next plus other key improvements, and funded school employee health care coverage. All three budget proposals—the House, Senate and Gov. Jay Inslee's—funded these contracts so all deserve credit for making this a priority, as it should be.

The state's strong economy helped

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## Labor-environment alliance still strong, getting major wins

On a beautiful, sunny afternoon in May, I stood behind Governor Jay Inslee as he signed some landmark climate and clean energy policies into law. I was proud to do so, alongside other representatives a labor and a diverse coalition of environmental and community organizations.

These new laws will not only kick-start a groundbreaking new phase in the campaign to address the climate crisis, decrease pollution and improve public health, they will promote family-wage jobs in Washington state.

The unions that comprise the Washington State Labor Council, AFL-CIO understand that we urgently need cleaner air, water and energy. But we also understand that just as we need a healthier environment to sustain our planet, we need good jobs to sustain our families. We don't have to choose one or the other, we can—and must—have both.

As we innovate and make progress toward achieving these shared goals with our environmental and community partners, we will continue to insist that this critical work also creates high-quality jobs.

And we will occasionally disagree. For example, the day after Gov. Inslee signed the package of climate bills, he announced that he was withdrawing his previous support for the Tacoma liquefied natural gas (LNG) and Kalama methanol projects. These two industrial

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PRESIDENT'S COLUMN  
**Larry Brown**

# 100% clean energy law prioritizing good jobs is a model for the nation

By VLAD GUTMAN-BRITTEN and MATTHEW HEPNER

The 2019 legislative session saw the most significant progress on climate action in Washington state history, and among the most productive sessions any state has had anywhere. Much of the progress was done through a tight partnership between labor unions and environmental groups, who agreed that a transition to clean energy was necessary and desirable, and importantly, must be done while supporting workers.

The most significant bill to pass this session in this arena was the Clean Energy Transformation Act (CETA), SB 5116, led by Sen. Reuven Carlyle (D-Seattle), Reps. Gael Tarleton (D-Seattle) and Joe Fitzgibbon (D-West Seattle). CETA will require full decarbonization of Washington's electricity supply by 2045, and includes a raft of provisions to support workers, low-income households, and others across the state.

While Washington is the fourth state to pass a clear 100% clean electricity mandate, our version is by far the strongest in the nation and offers a model as other states begin their transitions.

Labor, renewable energy developers, and climate advocates came together to design a tax incentive system that, for the first time in Washington, is built around a simple premise—that if the state is going to incentivize job creation, those jobs should be worth incentivizing.

The CETA makes state support contingent on renewable energy developers demonstrating that they have prioritized local hires and responsible contracting practices. Higher incentives are available if the project pays prevailing wages, or is performed under a community work-

force agreement.

The policy also includes a new requirement to reduce cost burdens on low-income households. Only some Washington utilities currently provide low-income energy assistance. All utilities will now offer programs to help those in need and will be directed to maximize participation and access for households across the state.

Finally, CETA includes provisions that transform how Washington regulates privately owned utilities to promote equity and environmental justice, encourage cost reduction, and make the companies' profits contingent on how they serve the public interest.

The Clean Energy Transformation Act will cut our more than 19 million tons of annual greenhouse gas pollution associated with electricity, paving the way for a cleaner transportation system and economy. And it will do this while promoting high-quality, Washington-based jobs and protecting our most vulnerable communities.

Our 100% clean electricity bill will serve not only as a model for action in future sessions, but for policy action across the country and in our nation's capital. It does this by proving the power of a simple idea—that when we craft legislation that benefits not only the environment, but also workers and vulnerable communities, we can break legislative logjams and transform our energy economy in ways that benefit everyone.

*Vlad Gutman-Britten is Washington Director of Climate Solutions.*

*Matthew Hepner is Executive Director of Certified Electrical Workers of Washington.*



Gov. Jay Inslee signed a set of landmark climate and clean energy policies into law on May 7 surrounded by a diverse coalition of supporters and community groups, including representatives of organized labor.

## ALLIANCE

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projects are intended to reduce global greenhouse gases by replacing two far more dangerous and polluting sources of marine fuel and methanol. But the governor and some in the environmental community oppose all fossil fuels, even when there are no alternative renewable options to those projects.

Currently, ships delivering cargo to and from Puget Sound ports use harmful diesel-like bunker fuel. The WSLC believes this must end. Last year, delegates representing unions from across the state approved Resolution #16 affirming the WSLC's "strong support for the utilization of LNG in the maritime industry as part of a just transition strategy." They understand that the use of LNG over bunker fuel will reduce greenhouse emissions by more than 30 percent and particulate matter by more than 90 percent.

Also last year, WSLC delegates voted not to endorse Initiative 1631, a ballot measure proposing to charge

some \$1.3 billion in carbon pollution fees and investing that money in clean-energy infrastructure and a just transition for workers in fossil-fuel industries. Our vote to make no recommendation on I-1631—which voters rejected last fall—was a disappointment to some, inside and outside the labor movement.

But this disagreement has not affected the WSLC's continued commitment to working with our environmental and community allies. Likewise, our support of the Tacoma and Kalama projects does not mean we have abandoned these partnerships.

For several years now, our state has debated solutions to the climate crisis. Legislators have written dozens of comprehensive climate bills and two statewide initiatives have gone to the ballot. Not all of these critically important efforts were the right answer or came at the right time. But each one has paved the path to the historic wins achieved in 2019.

Our work is not done.

The WSLC—and I, personally—remain committed to working with our partners to address the climate crisis and strengthen our economy.



PRESIDENT'S COLUMN  
**Larry Brown**

The WSLC Legislative Report is an annual publication of the **Washington State Labor Council, AFL-CIO**

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## NURSES

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the House voted 70-24 to approve HB 1155, sponsored by Rep. Marcus Riccelli (D-Spokane). It was then signed into law by Gov. Jay Inslee.

"After nearly a decade of work by thousands of hospital nurses, techs, patients and supporters, Washington is joining many other states, including Oregon and California, in better protecting hospital patients," read a joint statement from UFCW 21, SEIU Healthcare 1199NW, and the Washington State Nurses Association. "By guaranteeing rest breaks to nurses and other

frontline caregivers during their long shifts, and prohibiting mandatory overtime, Washington hospitals will reduce the chances for medical errors."

The three unions also thanked the WSLC and its affiliated unions, which joined together in strong support of the bill to help ensure its passage. Labor leaders and lobbyists representing multiple unions — from the building trades to the firefighters — backed the hospital workers' cause in the halls of the Capitol. The week the bill was finally passed, a remarkable collection of nearly 100 WSLC affiliates and community groups sent



HB 1155 sponsor Rep. Marcus Riccelli takes a selfie with Reps. Nicole Macri and My-Linh Thai, UFCW 21's Sarah Cherin, and lots of hospital workers at the April 24 rally on the Capitol steps.

legislators a letter urging passage of HB 1155 without the harmful amendments that would have limited work hours and exempted many hospitals.

"This was an inspiring victory for hospital nurses and frontline caregivers," said WSLC President Larry Brown. "The partnership of WSNA, SEIU 1199NW and UFCW 21 in the decade-long effort to win this legislation, and the solidarity from the rest of the state's unions and our community allies, demonstrate the power of standing together. This is what the Washington State Labor Council is all about. Together we are stronger."

# Free to work: New limits on non-competes

By JOE KENDO

Studies indicate that 25 percent of all workers in the U.S. have been shackled by non-competition contracts, which prevent them from leaving their jobs for better opportunities in their field. It's not just executives and workers with access to sensitive corporate information, it's also fast-food workers, grocery employees, musicians, and even "independent" contractors who write code for some of the nation's biggest tech companies.

Thanks to the hard work of WSLC affiliates, and allies in the legal community, workers in Washington will now enjoy some of the strongest protections against these predatory practices. HB 1450, championed by prime sponsor Rep. Derek Stanford (D-Bothell) and



Rep. Stanford

Sen. Marko Liias (D-Edmonds), limits the application of these contracts to workers who earn more than \$100,000 per year, \$250,000 for independent contractors, and limits the length of time they can be in effect. If employers lay off workers and enforce the non-compete, they must continue paying those workers. Musicians and other performers will



Sen. Liias

be protected from long blackout dates before and after shows, which prohibits them from earning a living.

UFCW 21, Musicians 76-493, Teamsters 38 and Joint Council 28, along with the Washington Employment Lawyers Association and the Washington State Association for Justice testified about the abuses work-

ers suffer under these contracts. In some cases, workers who functionally won before a judge were still on the hook for their employers' legal fees because of bad case law. Grocery workers were locked out of their trade after being laid off, and one was fired for taking another job after her employer refused to provide enough hours for her to live on. For the privilege of earning what one called "tens of dollars per show," musicians were blocked from performing for weeks, and even months, before and after a performance.

That will no longer be the case in Washington. With significant protections and strong enforcement provisions, low- and middle-income workers will be free from overly broad, abusive restrictions on working.

## No clarity on classification

Employees wrongly classified as independent contractors have a lot to lose: minimum wage protections, overtime pay, unemployment insurance if they get laid off, workers' compensation coverage if they are injured at work, and other rights most of us take for granted. And employers that misclassify workers—either intentionally or unintentionally—have a lot to gain: shifting labor costs onto other businesses, taxpayers, and the workers themselves.

That's why the WSLC strongly supported SB 5513 and HB 1515, sponsored by Sen. Karen Keiser (D-Kent) and Rep. Marcus Riccelli (D-Spokane), to simplify and clarify our state's employee classification system.

SB 5513/HB 1515 would create one clear test to determine who is truly an independent contractor so that the rules are the same for the minimum wage, prevailing wage, workers' compensation, and unemployment insurance, which currently use differing tests to answer the question. These bills also create enforcement provisions so workers who are misclassified as independent contractors can more easily correct their status.

Unfortunately, SB 5513 and HB 1515 got derailed early on in the 2019 session, caught up in opposition to a different bill affecting independent hair stylists.

At some point, Washington state lawmakers will have to address this growing problem. Workers who are wrongly classified as independent have the worst of both worlds. They lack the freedom to set their own rates and choose their own customers that is the hallmark of a truly independent business. But they also lack access to the rights and benefits traditionally associated with employment.



### CITIZEN LOBBYISTS

*Some of the delegates from the WSLC Legislative Lobbying Conference held on Jan. 31 pose together on the Capitol steps before meetings with their legislators.*

## Some pro-labor bills that failed to pass in 2019

Washington state pays hundreds of millions each year to for-profit corporations and private groups to perform public services.

HB 1521, the Taxpayer Protection Act sponsored by Rep. Laurie Dolan (D-Olympia), set out to ensure the best return on these dollars by adopting performance metrics and accountability measures for all contracts. It passed both policy and fiscal committees but never got a floor vote.

Some other labor-supported bills that failed to pass in 2019 included:

■ **SIMPLE MAJORITY SCHOOL BONDS**—The unreasonable super-majority hurdle for approving school bonds dooms many projects to failure, contributing to crowded classrooms and unsafe crumbling schools. The Senate voted 28-21 in favor of SJR 8201 (Sen. Lisa Wellman) to allow simple majorities of voters to approve school construction projects, but a two-thirds supermajority was required (sound familiar?) to

change the state constitution, so SJR 8201 failed.

■ **SECURE SCHEDULING**—Short-term schedule management, last-minute cuts to hours, and just-in-time additions to shifts make it impossible for people to plan their lives. SB 5717/HB 1491 (Sen. Rebecca Saldaña and Rep. Nicole Macri) would establish basic standards for scheduling changes and notification. Both passed policy committees but stalled in fiscal committees.

■ **RAILROAD STAFFING**—Rail disasters involving trains hauling hazardous materials may have been prevented had more than one worker been assigned to the train. HB 1841 (Rep. Marcus Riccelli) establishing minimum crew size on certain hazardous materials trains passed the House, 72-24, but got no Senate vote.

■ **AGRICULTURAL SUPPLY CHAIN TRANSPARENCY**—SB 5693 (Sen. Rebecca Saldaña) would provide transparency and corporate accountability for any labor abuses within the agricultural supply chain. It passed committee but got no Senate floor vote.

## Building Washington's workforce — and wages — at high-hazard facilities

By MARK RIKER

Among labor's successes achieved in the 2019 session was a landmark bill addressing refinery safety through apprenticeship and wage standards. HB 1817, sponsored by labor champion Rep. Mike Sells (D-Everett), is modeled after California's enormously successful SB 54 passed in 2013. It establishes a "skilled and trained workforce" standard that requires use of journey-level workers who are graduates of state-approved apprenticeship programs and establishes a new wage floor for this hazardous private-sector work.

HB 1817 is one of those rare opportunities where a policy hits the triple bottom line: benefiting workers, the economy, and the environment.

We have learned a great deal from California's experience. SB 54's policy mandating wage and apprenticeship standards was challenged in court four times and the California Building

Trades prevailed each time. The results there were indisputable: the contracted work performed at refineries during overhauls went from 90% out-of-state workers to 90% in-state workers. Union apprenticeship programs saw a massive influx of refinery workers who earned union benefits for the first time. The refineries were paying workers more, but the work under contract was being done more efficiently, safely and cheaper. The former director of the California Department of Industrial Relations testified in Olympia and told lawmakers that there were no implementation struggles and there have been no accidents since the adoption of the policy.

Apprenticeship has drawn a lot of attention from federal, state and local lawmakers recently. We are proud of the quality and performance of the programs that our affiliates in the Washington Building Trades have been managing for generations. But apprenticeship starts with a job, we need large projects

under way to train our apprentices and get them the direct work experience to graduate to the journey-level class.

HB 1817 will play a vital role in helping train Washington's next generation skilled workforce. By requiring that programs are state-registered apprenticeships, it will encourage the use of Washington workers and provide career opportunities for women and men that live in the community where these refineries operate. These refineries can train workers that will then be available to perform public and private construction locally and throughout the state.

But HB 1817 is about more than just apprenticeship opportunities, it is about the products of that system: skill and safety. By ensuring that workers employed in the dangerous refinery work have a skill baseline through recognized apprenticeship programs, the state guarantees a safer workforce. Research has shown that training reduces work injuries, but so does compensa-

tion. For this reason, HB 1817 sets a new base wage for this work.

This is truly a win-win-win. Workers and the surrounding communities will be safer, the local economy and workers will benefit financially, and the natural environment is preserved.

While this was priority legislation for the Building Trades, I do not believe it would have passed with only our efforts. While Neil Hartman led the Building Trades affiliates who worked incredibly hard on the issue, several other WSLC affiliates were instrumental in its passage. We thank UFCW 21, SEIU 1199NW, SEIU 775, Teamsters, the Washington Education Association, and the entire United Labor Lobby.

It's just more proof that when we work together, we win. Again, let's get back to work.

*Mark Riker is Executive Secretary of the Washington State Building Trades.*





# Freshmen legislators hit the ground running in Olympia

With the current federal administration, the rights we hold dear as Americans and as working people are under attack. We worked hard in 2018 to make sure that those elected to our State Legislature would reflect the needs of Washingtonians, and would reject the racist, classist, and anti-worker policies that have gained traction at the national level.

That hard work paid off, and we saw our values reflected clearly in the freshmen class of legislators who faced Washington's challenges head-on in the 2019 session.

In the House, Rep. Debra Entenman (D-Kent) was a fierce champion of the Working Families Tax Credit, fighting for needed changes to our upside-down tax code.

Rep. Melanie Morgan (D-Tacoma) joined with workers to protect our rights to provide for our families by supporting legislation to strengthen prevailing wage standards (SB 5035) and the Keep Washington Working Act, a bill strengthening immigrants' rights in the workplace (HB 5497).



Secretary Treasurer's Column  
**April Sims**

Rep. Dave Paul (D-Oak Harbor) lead on complicated education issues by sponsoring legislation signed by the governor to provide low-income high school students taking college classes resources for tuition and books (HB 1973), and to support the professional development of paraeducators in our public schools (HB 1658).

In the Senate, first-year legislators took on major challenges and tough fights on behalf of workers.

Although appointed midway through the session, Sen. Liz Lovelett (D-Anacortes) hit the ground running, working on a fair tax code for all by challenging our state's dependence on regressive taxes.

Sens. Emily Randall (D-Bremerton) and Claire Wilson (D-Auburn) were key supporters of HB 1155, which required uninterrupted meal and rest breaks for nurses and frontline hospital workers, refusing to accept an amendment that would have nonsensically exempted rural hospital workers from these health and safety standards.

Sen. Joe Nguyen (D-Seattle) took aim at our unfair tax code by sponsor-



**Entenman**



**Morgan**



**Paul**



**Lovelett**



**Randall**



**Wilson**



**Nguyen**



**Das**

ing SB 5998, which introduces a graduated real estate excise tax, and was an unwavering supporter of SB 5116, the 100% Clean Energy bill, and worked to ensure strong labor protections remained in the legislation.

Sen. Mona Das (D-Kent) was a tireless advocate for workers, from safety protections for high-risk work, to fixing major gaps in our wrongful injury and death laws and expanding the number of state employees who can

collectively bargain.

Each of these legislators voted with labor on each and every legislative priority we worked this year, championing the rights and needs of workers in the face of significant pressure from corporate interests. The energy and passion we've seen from these legislators this year fills me with hope for what we can accomplish in the years to come as we continue to build a state with equal access to opportunity for all.



Members at AFT Seattle Local 1789 were among those at several colleges who walked off the job on April 16 to call for better community and technical college funding as part of AFT's [Re]invest In Our Colleges campaign.

## Progress, but more needed for CTCs

By CAROLYN BROTHERTON

Higher education was a high priority for the WSLC in the 2019 session and at the top of the list of accomplishments was passage of the Workforce Education Act, HB 2158, sponsored by Rep. Drew Hansen (D-Bainbridge Is.) The biggest part of this legislation is the College Grant Program, a fully funded version of the State Need Grant that significantly expands the number of students who can receive scholarships for college, apprenticeships and other post-secondary education.

Now students with family incomes at or below 100 percent of the state Median Family Income (\$92,688/year for a family of four) can get tuition scholarships, with the amount of the award based on family income.

The Workforce Education Investment Account also addresses ongoing recruitment and retention issues for faculty in the Community and Technical College (CTC) system by investing \$60 million to increase pay for educators in high-demand fields of study, including health-related subjects, information technology, computer science, trades, and welding. In these fields, CTC faculty are often lost to more lucrative jobs in the private sector. Increasing salaries means that CTCs can recruit and retain qualified educators, which translates into more students completing the high-demand courses, and eventually going on to good-paying jobs.

These investments in higher education come from a new and dedicated funding source, an

increase in the Business and Occupation tax for businesses that employ professionals that will directly benefit from this investment in a highly trained workforce. The B&O surcharge is structured into tiers so the largest corporations pay more and smaller businesses pay less.

While the Legislature made bold strides to support higher education, they fell short of investing in CTC faculty and counselors at the level needed to ensure that educators can deliver the high quality education and support to all students.

At the beginning of session, CTC advocates focused on passage of HB 1300, sponsored by Rep. Gael Tarleton (D-Seattle). It would invest \$500 million over the next two years into our CTC system. That funding would increase compensation for faculty, establish an office for diversity and equity, and provide better wages for faculty and staff that work with incarcerated populations. At a work session, AFT Washington presented a strong case that the over-reliance on part-time faculty, low pay and job insecurity has made it increasingly difficult to recruit and retain qualified instructors.

While HB 1300 did not pass, another priority bill of CTC advocates did get signed into law. HB 1355, sponsored by Rep. Lillian Ortiz-Self (D-Mukilteo), creates a joint legislative task force to examine staffing standards for counselors at CTCs to better serve students.

*Carolyn Brotherton served as the 2019 Legislative Intern for the Washington State Labor Council, AFL-CIO.*

## Lawmakers take important steps on health care, housing

Anyone paying attention—or paying a medical bill—knows that the health care system in the United States is broken. Important steps have been taken at both the federal level with the Affordable Care Act and the state level by expanding Medicaid to improve access to affordable health insurance coverage. But too many don't get coverage through work and still don't qualify for subsidies on the private market. For them, their right to health care remains out of reach.

In 2019, legislators considered proposals to expand coverage within the existing system and also to start planning the system that many believe will ultimately be necessary to replace it.

Sen. David Frockt's (D-Seattle) SB 5526 creates a "public option" health plan called Cascade Care, a hybrid public-private system where the state contracts with private health insurers to administer the plans, but will control the terms to manage costs. The aim is to reduce what Washingtonians pay for health insurance and deductibles while assuring access to quality care in the individual market. It passed both houses and was signed into law by the governor.

SB 5822, another labor-supported bill sponsored by Sen. Emily Randall (D-Bremerton), sets up a work group to make recommendations for publicly funded, privately delivered health care for all Washington state residents. The group, which includes representatives from various stakeholders in the state's healthcare system including unions with knowledge of Taft-Hartley trusts, will report its findings and make recommendations to legislators. Although SB 5822 passed the Senate, 28-21, it never got a House vote. It was later incorporated into the biennial budget, where the work group and its assignment were funded.

■ **HOUSING** — Many communities face a crisis in housing affordability, but the state has failed to equip cities and counties with the tools to solve the problem.

The 2019-21 budget approved this year significantly boosts the state's Housing Trust Fund, which is used to build subsidized housing. State lawmakers also passed two bills to address housing affordability:

HB 1923 requires local government to increase density, but gives them several options for how to do so. SB 5600 (Rep. Patty Kuderer), provides more protections to tenants facing eviction.

# Keep Washington Working — and some other victories

With the Trump administration's escalation of reprehensible federal policies on the arrest and detention of immigrants, every week there's a new heartbreaking story about the targeting of immigrant families. Federal agents have targeted children in schools, families at healthcare facilities and courthouses, and in other public spaces, spreading fear throughout Washington communities and effectively taking away immigrant families' access to important family services.

Nearly one million Washingtonians — one in every seven people in this state — are immigrants, and they are an integral part of our communities and workforce. When they are targeted and don't feel safe in their community, this not only takes away basic human rights and dignity, it destabilizes the workforce of many of Washington state's most critical industries, particularly our multi-billion dollar agriculture sector.

SB 5497, the Keep Washington Working Act sponsored by Sen. Lisa Wellman (D-Mercer Is.), establishes a statewide policy supporting the state's economy and immigrants' role in it, and ensures their access to state services. It develops strategies to protect our immigrant workforce, and secure their rights as workers and members of our communities. SB 5497 passed the Senate, was amended and passed in the House, 57-38, and the Senate concurred, 27-21. The governor signed it into law.

Some other labor-backed bills that passed and became law in 2019 include:

■ **INTEREST ARBITRATION** — State laws recognize the policy against strikes by most fire fighters and police officers as a means of settling labor disputes, and explicitly authorizes binding interest arbitration to resolve impasses. SB 5021 (Rep. Kevin Van De Wege), provides interest arbitration for Department of Corrections employees. Similarly, SB

## New state oversight of H-2A program

SB 5438, sponsored by Sen. John McCoy (D), create some needed state oversight of the federal H-2A program, which allows the agricultural industry to bring foreign "guest" farmworkers into the country on temporary work visas. In some cases, H-2A workers here have reported working conditions likened to "indentured servitude" and alleged multiple violations of state and federal labor laws. In the absence of sufficient federal oversight of such abuses, SB 5438 would empower the state Employment Security Department to process and investigate complaints of violations. It passed and was signed into law.

5022 (Sen. Karen Keiser) provides interest arbitration for police officers at four-year colleges and universities.

■ **WORKPLACE VIOLENCE / SEXUAL HARASSMENT** — SB 5258 (Sen. Karen Keiser) requires companies that employ custodians, security guards, hotel/motel housekeepers, or others who spend a majority of their working hours alone to adopt a sexual harassment policy and provide sexual harassment training.

■ **PLAN 2 DEFAULT** — SB 5360 (Sen. Steve Conway) was approved to change the default retirement plan for public workers from Plan 3 to Plan 2 to ensure more retirees are protected by defined-benefit pensions.

■ **FIRE SERVICE OCCUPATIONAL DISEASE** — HB 1913 (Rep. Beth Doglio) applies existing occupational disease presumptions for firefighters to EMTs and fire investigators.

## INITIATIVE 1000

# Shared opportunity necessary to share in our state's success

By CHERIKA CARTER

This session, state lawmakers approved I-1000, an Initiative to the Legislature concerning diversity, equity, and inclusion that will provide equal opportunity and fairness in education, employment and contracting. By passing Initiative 1000, lawmakers gave all Washingtonians the opportunity to share in our state's success and they made it clear that we will not discriminate. Fairness and opportunity will be shared by all.

Washingtonians are working for a better life and I-1000 assures everyone has access to better wages and jobs, regardless of color or background. Recognizing that we can't have shared success without shared opportunities for all, I-1000 promotes access to quality public higher education for all students, and all small businesses have the opportunity to compete for government contracts.

Wage discrimination hurts our families, and us all. Under I-1000, half of our state's population—its women—will be treated more fairly and have more opportunities to succeed, opportunities that are protected by law. Our veterans have risked it all for us, and I-1000 will improve their access to business, employment, or educational opportunities. I-1000 will make sure that all government contracting is awarded in a fair and equal manner, ensuring that businesses owned by women and minorities aren't left out of being awarded government contracts, helping small businesses grow and succeed providing both entrepreneurial and working opportunities for working families.

All of us want to live in a better Washington, but when certain people in our community are denied chances to succeed in business, at school, or at work because of who they are, those lost opportunities and wages hold us all back.

Unfortunately, there are some who would hold us all back, and don't want to see I-1000 become law. They are challenging I-1000 and want you to sign their petition, Referendum 88, to reject I-1000. If they get enough signatures in their campaign to deny fairness and opportunity for all Washingtonians, Ref. 88 will appear on the November ballot asking if I-1000 should become law.

Reject the rhetoric and the attempts to divide working people by not signing the Ref. 88 petition. Should it appear on the ballot, in November lift up all Washingtonians by voting YES to uphold I-1000 as law. That's how we'll make sure that Washington is fair and provides opportunities for us all.

The Washington State Labor Council, AFL-CIO is proud to be a supporter of I-1000. In upholding our values and commitment to equity, in May 2019 the WSLC's Committee on Political Education affirmed our support of I-1000 by endorsing a vote of Yes on Ref. 88, because an injury to one is an injury to all. Washington's working families are committed to fighting for us all, regardless of color or background, until we all win.

*Cherika Carter is Field Mobilization Director of the Washington State Labor Council, AFL-CIO.*

# Groundbreaking long-term care benefit created

By MADELEINE FOUTCH

With this year's passage of HB 1087, a new first-in-the-nation long-term care public benefit will provide Washingtonians with some peace of mind and economic security. Employees in Washington state can receive up to \$36,500 (indexed to inflation) when we are faced with the crisis of suddenly needing long-term care supports. An enormous step forward, the creation of the Long-Term Services and Supports Trust is the biggest step any state has taken to ensure we, and the people we love, aren't left alone to face the financial and emotional stress that comes with the declines in health.

National experts tell us that most people eventually need long-term care. Usually, this care need happens as we age, or sometimes it's due to a traumatic event. This is when we need help eating, bathing, dressing or other activities of daily living. Despite the broad need for this care and support, only about 5 percent of people have long-term care insurance coverage.

Most families are unable to afford care without enormous sacrifices, like depleting their retirement savings or selling their home. Fully 95 percent of adults in Washington state have no long-term care insurance coverage. HB 1087, the Long-Term Care Trust Act, sets up a new benefit that allows people to contribute a little bit over the course of decades to gain relief from expensive bills when they need care. The benefit's lifetime maximum is \$36,500, indexed to inflation, which will make a significant difference in helping people preserve their savings while paying for essential long-term care services. Families would get to decide how to spend their benefit, which could pay for in-home care, nursing



Gov. Jay Inslee signs HB 1087, the Long-Term Care Trust Act, into law.

home care, and other approved long-term care services and supports like respite, a wheelchair ramp, meals on wheels or rides to the doctor.

The benefit will be funded through a monthly payroll premium of 58 cents for every \$100 in income. Someone earning \$50,000 a year would pay about \$24 per month. All W-2 workers will contribute to the trust. Those who are self-employed, 1099 contractors, business owners and other worker classifications can choose to opt-in. Those covered by other long-term care insurance could opt out.

To qualify for the benefit, workers must vest with contributions in three of the previous six years or a

minimum of 10 years. People become eligible to use the benefit at the time they need help with multiple activities of daily living like bathing, dressing, using the toilet and getting in and out of bed.

Prime sponsors Rep. Laurie Jinkins (D-Tacoma) and Sen. Guy Palumbo (D-Maltby) should be extremely proud of HB 1087. Thanks to their leadership—and that of the House and Senate Democratic caucus—working people in Washington now have the security of knowing we will get the care we need when it is need it most, without the added stress of how to pay for it.

*Madeleine Foutch is Campaigns Manager for SEIU 775.*

## Sen. Manka Dhingra (D)

### 45th Legislative District (includes Duvall, Kirkland, Sammamish)

*First Elected to the Senate:* 2017, special election; 2018 for full term

*Committees:* Deputy Majority Leader, Chair of the Behavioral Health Sub-Committee, and Vice Chair of the Senate Law and Justice Committee. Also on the Health and Long Term Care Committee.



**What experiences lead you to putting your life on hold every year to go to Olympia to make laws?**

I first ran because it's essential that people who have been historically left out of the political process know that someone is fighting for them. I wanted to be that person. Before I joined the Senate, I was a Senior Deputy Prosecuting Attorney with the King County Prosecuting Attorney's Office. I created and chaired the Therapeutic Alternative Unit. I helped develop and oversee the Regional Mental Health, Veterans Court, a diversion program and provided training for law enforcement for crisis intervention.

As a Sikh American, after 9/11, I got involved in addressing hate crimes in our state. I started Chaya, an organization that helps survivors of domestic violence, sexual assault and trafficking 20 years ago and am passionate about ensuring everyone has a voice. I work extensively in the field of mental illness through my work as a board member of the National Alliance on Mental Illness, Eastside. After our last national election and the rise in hate speech and hate crimes across our country and our state, the attack on women's rights and anyone with a disability, my family and I decided that I would run for office to ensure that our democracy represents

each and every one of us.

**What has been your proudest achievement this session?**

We had a lot to be proud of this session. Great strides were made in so many different areas and I was fortunate to play a part in many crucial legislative efforts. However, chairing the new Behavioral Health Sub-Committee was definitely a highlight. The committee was very busy and focused on meeting Washingtonians'

behavioral health needs and transforming our system from one that is based on responding to emergencies to one that is focused on early intervention. We are now investing in programs like children's mental health, forensic care, out-patient treatment, supportive housing and wrap-around care. The policy bills passed and the budget investments made have laid the groundwork for the state to reshape how we treat people with behavioral health issues.

**You were critical in bringing the parties together to find a path forward for HB 1155, Healthcare Worker Meal and Rest Breaks. What motivated you to step in and lead the effort to ultimately pass that bill?**

Healthcare workers are the backbone of the healthcare system. We needed to come together and find a solution to ensure we are treating people with respect and care. I like to solve problems and have a long history of bringing diverse groups together to resolve differences, so I got involved. During the process, I spent over 15 hours working with all stakeholders to make sure everyone was truly hearing each other and that the meetings were focused on solving actual problems. I am

very proud of the end product. I would have liked this to be a consensus bill, which it wasn't, but it is good policy that protects workers and emphasizes patient care with policies that work for hospitals as well.

**What do you wish working people across our state knew about you and your work in Olympia?**

I believe the best legislation is the one that is developed by the people doing the actual work. Their voices matter! I try to meet with the public as much as I can during the year and some of the discussions I have had with the community turns into legislation. Accountability is vital. We as elected officials need to stay grounded and remember what matters most is staying in touch with people. I am also very tenacious and ran for office to get things done. Thank you for all your support.



## Rep. Drew Hansen (D)

### 23rd Legislative District (Kitsap County)

*First Elected to the House:* 2012

*Committees:* Chair of the College and Workforce Development Committee and member of the Civil Rights and Judiciary Committee and the Appropriations Committee.



**Between sessions, you spend your days practicing law, reading books, spending time with your family, and cooking delicious food. Why do you leave all that to go to Olympia and make laws?**

I honestly love the opportunity to go write laws that make peoples' lives better. For example, this year we passed the New Hope Act, a big criminal justice reform bill that I sponsored, which helps people clear their criminal convictions when they've turned their lives around. This bill makes a huge difference in peoples' lives; there were well over 100,000 people who could never get that criminal conviction off their record no matter how hard they tried, and we've now given them some hope.

We had a lot of labor support for this bill, too. At a few very key moments, union members with criminal convictions in their past took the time to tell their stories to key legislators, and it worked.

So, thank you for joining us in advocacy!

**What has been your proudest achievement this legislative session?**

On the very last day of session we passed my big bill to make public college and apprenticeships tuition-free for families earning \$50,000 a year or less—with partial scholarships for families making up to the state's median income. This will change the lives of thousands of families in this state who never thought they had a shot at college.

I'm particularly proud that we included apprenticeships in my bill—so many people don't understand that an apprenticeship is one of the best pathways to a great job, and I'm thrilled that my bill expanded apprenticeship opportunities across the state.

**Tell us more about qui tam and why it matters to working people.**

We have wage-and-hour and workplace standards laws in this state, but they don't do any good unless they're enforced. The U.S. Supreme Court has made it very difficult for workers to enforce the laws in the last few years. My *qui tam* bill—the Worker Protection Act—changes this: we give workers the ability to enforce workplace laws on their own. We didn't get this bill through last year but we're bringing it back next year and we would appreciate everyone's help!

**What do you wish working people around the state better understood about you?**

Before I was in politics, I served for many years on the foundation board of my local community college: Olympic College in Bremerton. That's where my heart is. I'm in politics basically because I want to help people get decent jobs and support their families, and of course, community colleges are one of the best places for that to happen. That's why I did this free tuition bill. That's why I did the New Hope Act. That's generally why I do everything.

And that's also why I'm such a strong labor supporter. The decline in union membership in this country has directly led to increases in income inequality and people just having a sense of hopelessness—a sense that no matter how hard they try, they can never get ahead.

We need to reverse this, and I'm honored to stand with the labor movement to open up more opportunities for people all across Washington state.



## Sen. Jeff Holy (R)

### 6th Legislative District (Spokane County)

*First Elected to the House:* 2012

*First Elected to the Senate:* 2018

**Committees:** Currently ranking member on Higher Education and Workforce Development Committee, and also serve on the Law and Justice Committee and the Early Learning and K-12 Education Committee.

**What about your life experience compelled you to put your life on hold each year to come to Olympia to make laws?**

That's the trick — I DIDN'T put my life on hold. Yes, my wife is a saint for letting me come over to Olympia and work for months on end, but we prepared for this.

I've wanted to be in the Legislature since high school, when I met first-time House candidate Kent Pullen. However, military, undergrad, law school, family, kids, a career, and the usual things that life provides took up all of my bandwidth. Once I retired from the Spokane Police Department in 2006 and with my youngest in his last semester of high school, I had the ability to come to Olympia without putting my family at a disadvantage.

In the fall of 1972, Kent Pullen, a 1967 University of Washington PhD in Chemistry, took the time to talk to me while doorbelling. In this conversation, Kent mentioned that he worked for Boeing, was a trustee for the aerospace engineers union (SPEEA) and also was on the contract negotiation team for collective bargaining. Kent advised he was running as Republican. Because media consistently portrayed a labor vs. business dynamic, I was confused. Kent explained that capital without labor is unapplied and labor without capital is unemployed. Both are two sides of the same coin and neither one will admit it. He also mentioned that you can't represent one without representing the other. This short lesson so long ago provided me with balance in looking for purpose and value in issues, no matter who brings them.

This simple 10-minute conversation with Kent caught my attention enough to create an interest in the Legislature that took 40 years for me to make happen.

**What has been your proudest achievement this session?**

Getting out on time in a budget cycle with no immediate special session. I'm serious!



Beyond that, continuing support of economic development in the Spokane region. Budgeting for additional students at Washington State University College of Medicine in Spokane. The accelerated construction of a freight portal at I-90 exit #272 on Spokane's west plains, where Amazon, Exotic Metals, Kenworth and Mullen Technologies are to be sited. I'm focused on creating solid real world livable wage jobs in Spokane, where such are a bit more rare than in the Puget Sound area.

**You voted in favor of ensuring healthcare workers get uninterrupted meal and rest breaks (HB 1155), and to limit abusive mandatory overtime practices, contrary to many of your colleagues. What drove your thinking on this bill?**

This presented as a public safety issue. For example, if an auto worker is fatigued and makes mistakes, a line of affected vehicles may be recalled. If a healthcare worker is fatigued and makes mistakes, consequences to patients can be dramatic. It doesn't appear to be a best practice to run healthcare workers in the type of unstructured environment that may make them more prone to fatigue or making mistakes.

**What do you wish working people across our state knew about you and your work in Olympia?**

There are no wizards in Olympia. We are all just a bunch of regular people who have been allowed the honor to help, fix and innovate. In our own way, each of us is trying to make a difference on those issues we may know something about. And if you know more about a topic than I do—and the odds are pretty good on this—contact me and educate me.



### 14th Legislative District (Klickitat and Skamania counties, plus most of western Yakima County)

*First Elected to the House:* December 2014

**Committees:** Labor and Workplace Standards (Ranking Minority Member), Appropriations, and State Government and Tribal Relations.

**You are a successful business owner and community leader in Goldendale — why do you put your life on hold to work in Olympia every year?**

I believe that all citizens in the State of Washington have a responsibility to serve their communities and each other. Serving in the Washington State Legislature is my way of changing the state, our nation, and world to make it a better place.

**What has been your proudest achievement this legislative session?**

With the exceptional help of bipartisan colleagues and staff, the following seven bills I sponsored all passed:

- HB 1070 — Concerning the tax treatment of renewable natural gas.
- HB 1436 — Concerning the licensing of snow bikes.
- HB 1486 — Concerning delegation of inspection duties for factory-built housing and commercial structures.
- HB 1532 — Concerning traumatic brain injuries in domestic violence cases.
- HB 1533 — Making information about domestic violence resources available in the workplace.
- HB 1713 — Improving law enforcement response to missing and murdered Native American women.
- HB 1919 — Preventing and responding to animal abuse.

In addition, I co-sponsored two important bills that passed and were signed into law:

- HB 1166 — Supporting sexual assault survivors, establishing guidelines for the storage of sexual assault kits, and establishing deadlines for the testing of SAKs. As the Co-Chair of the Sexual Assault Forensic Examination (SAFE) Best Practices Task Force, I co-sponsored this legislation with Rep. Tina Orwall (D-Des Moines).



■ SB 5380 - Concerning opioid use disorder treatment, prevention, and related services. This is the governor's opioid legislation. I co-sponsored its House companion bill (HB 1331). In 2018, I sponsored similar legislation, and much of its language was included in SB 5380.

**You were part of the team that negotiated paid family and medical leave insurance in 2017, and ultimately voted for final passage. What about that policy, or the process by which it was developed, compelled you to do that work?**

Supporting Washington families is a priority. I appreciated that the negotiation process was bipartisan and respectful. I am grateful for the opportunity.

**What do you wish working people around the state knew about you or your work?**

It is an honor and privilege to do the people's work at the Washington State Capital. I believe that businesses are only successful if employees are respected, listened to, and appreciated. Working in the business arena for over 26 years, I strive to treat employees as part of my extended family.

# BARGAINING

Continued from Page 1

whether unions complying with existing laws prior to *Janus* had any liability for charging fair-share fees in the past.

HB 1575 will:

- Strike fair-share representation fee and automatic dues-deduction provisions from state law as required by *Janus*. It would also clarify that unions that relied upon and abided by state law and previous Supreme Court precedent prior to *Janus* are not liable to refund previous fair-share fees paid by non-members.

- Clarifies public employee unions' responsibilities for processing and maintaining membership applications and resignation requests, and establishes the public employers' responsibilities in terms of dues deduction. It also modernizes member organizing by recognizing electronic signatures and voice authorizations for joining a union.

- Makes cross-check certification consistent. Under current law, there are multiple thresholds for the percentage of public employees that must authorize union representation for the union to be certified as exclusive bargaining representative. HB 1575 makes these "cross-check" certification processes uniform. If a majority of employees — more than 50 percent — want union representa-



tion, they would get it. (That's already the case for most public employees.)

The WSLC thanks Gov. Jay Inslee and Democratic state legislators for standing in solidarity with Washington's working people at a time when their

freedom to join unions is under attack, and for standing in solidarity with each other as they rejected a barrage of Republican-sponsored amendments to HB 1575 that were intended to weaken the bill and discourage unionization.

# Assistant AGs gain the right to unionize

At a time when the freedom to join unions is under attack in the courts and from the Trump administration, the Democratic-controlled Legislature in this Washington remains committed to expanding opportunities for more workers to join together and bargain a fair return for their work.

SB 5297, sponsored by Sen. Sam Hunt (D-Olympia), was approved to extend collective bargaining rights to assistant attorneys general. AAGs had been excluded from the state's Personnel System Reform Act, which grants state employees the ability to form unions.

At the bill's public hearing, legislators learned that there is a high turnover rate in the Office of the Attorney General, largely because AAGs' salaries are about 20 percent behind those of similar government attorneys. SB 5297 gives the AAGs the ability to advocate for themselves by granting them the same bargaining rights other public sector employees have.

SB 5297 passed the Senate 27-18, the House 61-35, and was signed into law by Gov. Jay Inslee.

# 2019 SUMMARY

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ington state, our unions came together to strengthen the bonds of solidarity. We worked together in ways we have failed to do in recent years to ensure the realization of long-fought campaigns for workers' rights and on-the-job protections.

Teachers, Sheet Metal Workers, Operating Engineers, Teamsters, City and County Employees, and many others joined Nurses, Surgical Technicians, and other healthcare workers to secure functional access to basic meal and rest breaks, and to secure protections from abusive overtime practices.

Looking forward, Electricians, Nurses, Grocery and Retail Workers, Laborers, Pipefitters, and Public Employees worked together to help deliver a 100% Clean Energy mandate. It will usher Washington state into an era of climate justice, while promoting renewable energy development that will be built by workers earning area-appropriate wages, with apprenticeship hours, with opportunities for women and minority owned businesses, and with project labor agreements.

In an effort to right past wrongs, and to secure justice for workers today and tomorrow, our unions and community allies secured laws to make our economy more just:

- The WSLC-endorsed Initiative 1000 was approved, which will end the state's I-200 ban on affirmative action programs that provide equal opportunity in education, employment and contracting.
- Wrongful death statutes were fixed to ensure that the families of people killed could find justice, no matter their national origin, or the age of their lost loved ones.
- The regulation of outrageous non-competition contracts will ensure that workers are actually allowed to seek better job opportunities in their fields.
- The passage of the Keep Washington Working law will provide more protections to the immigrant workforce that all too often goes unacknowledged in our rural communities.

These kinds of laws will help members of our communities better balance the scales of justice which have, for too long, tilted in favor of more powerful interests.

But there is still much to do. Our

tax code remains upside-down and backward, relying too much on lower-income and middle-class families spending more of their paycheck to support our communities' public investments than the wealthiest in our state. However, small progress was made by increasing taxes on out-of-state banks and shifting certain real estate taxes from affordable homes to more luxurious houses. We should celebrate these achievements, but not forget that unearned profits from the sale of stocks and bonds are untaxed in Washington state, home of the two wealthiest people on the planet, and the two wealthiest corporations that fuel their extraordinary riches.

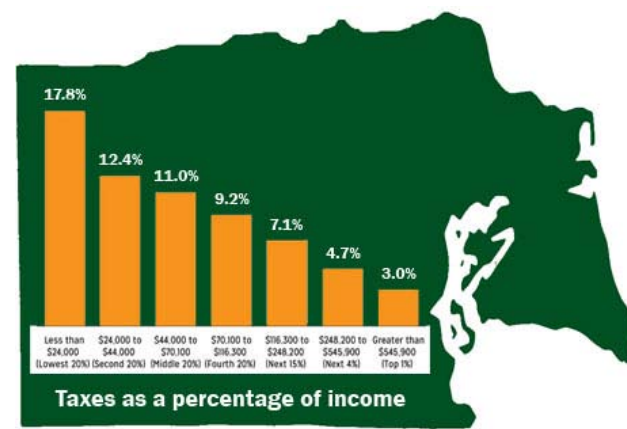
And thousands of workers in our state remain unorganized despite desperately wanting a union on the job. In both the public and private sector, our labor laws fail to recognize the inherent rights of these workers either by not explicitly granting them for certain state employees, or by allowing private corporations to misclassify workers as independent contractors without consequence. We must do more to ensure that all workers have the ability to come together to secure dignity, a voice, and a living wage while on the job.

Washington should also look to the laws that protect workers' wages, health benefits, safety, and social insurance which have underpinned the middle-class for generations, and look forward to new ways to enforce those laws in light of new business profit-models predicated on avoiding those protections. Our state must also continue to focus on the existential threat posed by climate change, and pursue actions to defeat it that strengthen our economy, our families, and our unions. Fighting climate change and income inequality should be the same fight, and the solutions to one problem should lend themselves to solving the other.

I am extremely proud to have the opportunity to do the work that I do on behalf of the hundreds of thousands of union members across Washington state. Our work is exhausting and it never seems to end, but when we do it together it nourishes our fighting spirit, and the victories we secure refresh our hearts.

As members of Washington's vibrant labor community, you have much to be proud of. These victories are your victories, won by your fights, lead by your leaders, and secured by your unions.

*Joe Kendo is Government Affairs Director of the Washington State Labor Council, AFL-CIO.*



# REVENUE

Continued from Page 1

lawmakers maintain and improve critical state services by making new investments in our behavioral health system and affordable housing, among other things.

But fiscal times will not always be good. The best way to ensure our state can maintain public services in a downturn would be to reform our state's broken tax code. Washington's tax system is infamously unfair and regressive, with the poorest among us paying the most in taxes while the wealthiest don't pay their fair share.

In 2019, lawmakers approved some small but important steps to begin addressing this:

- SB 5998, sponsored by Sen. Joe Nguyen (D-Seattle), made the Real Estate Excise Tax a graduated tax. It lowers the tax rate for homes that cost \$500,000 or less, raises the tax rate for \$1.5 million-plus homes, and keeps taxes the same for all houses in between.
- HB 2158, sponsored by Rep. Drew Hansen (D-Bainbridge Is.), increased taxes on large tech companies to dramatically increase funding for the State Need Grant—now the Washington College Grant—and raised the pay of high-demand faculty. (More on Page 6.)
- Lawmakers also approved SB 6004 closing tax loopholes for travel agents and tour operators, SB 5993 that gets profitable oil companies to pay for construction jobs on toxic clean-up projects, and HB 2167 that doubles the B&O tax on large profitable banks.

But the biggest proposal to start fixing our upside-down tax code—closing the capital gains tax break on sales of stocks/bonds—failed to pass. So the next time Jeff Bezos sells off \$1 billion in Amazon stock to fund his space enterprise, once again he won't pay a penny to support schools, health care, and roads in our state.

This extraordinary tax break for the state's richest people should end.