

WASHINGTON JANUARY 9, 2016 2:49 PM

5 things to watch in Washington Legislature this year



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OLYMPIA, WASH. —

Lawmakers return to the Capitol Monday with hopes of finishing this year's 60-day legislative session on time, not wanting a repeat of last year's triple overtime marathon session. But they arrive still under a contempt order, an ongoing \$100,000-a-day sanction by the state Supreme Court in place and uncertainty over whether the court will be satisfied with their efforts thus far to find a solution to the state's education funding problem.

Because of that, education is certain to be at the forefront although lawmakers have several other issues they will try to tackle in the coming months.

Some of the main issues before lawmakers this session are:

— **EDUCATION FUNDING:** The state has been in a long-running impasse with the state Supreme Court, which in 2012 ruled that the state is failing to meet its constitutional duty to pay for the cost of basic education for its 1 million schoolchildren. The lawsuit against the state was brought by a coalition of school districts, parents, teachers and education groups.

It's known as the McCleary case for the family named in the lawsuit. The court ultimately found the state in contempt for its lack of progress, and in August, ordered the state to pay \$100,000 a day in sanctions. The fines, now at nearly \$15 million, are to be allocated to a special education account. Gov. Jay Inslee convened a work group to address the issue, which has met several times since August, and on Friday unveiled their plan.

The bill establishes a new task force to continue the work of the bipartisan group of lawmakers, and also seeks data from school districts on how they use local levy money, so lawmakers can figure out how much is going toward basic education. The proposal doesn't say how the Legislature will fix overreliance on local school levies to pay for basic education, but commits to addressing it in 2017.

Whether or not the court will be satisfied or will take additional action against the state could determine whether lawmakers will be forced into an overtime session.

— **CHARTER SCHOOLS:** In September, the state Supreme Court ruled that the state's voter-approved charter school law was unconstitutional. The high court said charter schools do not qualify as "common" schools under Washington's Constitution and cannot receive public funding intended for those traditional public schools. Operating charter schools have

said they will continue through this school year and have been trying temporary fixes after losing state funding because of the court's decision. A few lawmakers have already filed two bills seeking to keep the schools open.

— REAL ID: After being denied a final extension last year, lawmakers may try to grapple with how to comply with tougher federal requirements that require proof of legal U.S. residency in order for state driver's licenses and IDs to be valid for federal purposes — including eventually, to board a commercial aircraft to fly domestically.

A three-month grace period granted by the Department of Homeland to the state in October expires this weekend. However, on Friday, the Department of Homeland Security announced that passengers in states not in compliance, including Washington, can continue using their current IDs to fly domestically until Jan. 22, 2018.

The Real ID Act, approved by Congress in 2005, set minimum standards for licenses in response to security concerns following the Sept. 11, 2001, terrorist attacks. Enforcement of those requirements has repeatedly been delayed. Washington state already offers, but does not mandate, enhanced driver's licenses and IDs that require proof of U.S. citizenship and are valid under the federal law.

— ERRONEOUS EARLY RELEASE OF PRISONERS: The state has been dealing with the fallout from a revelation that at least two deaths have been tied to the early release of as many as 3,200 prisoners since 2002 because of a software coding error that miscalculated sentences. One senator has already announced a hearing before his committee Monday on the matter.

The Department of Corrections was alerted to the error in December 2012, when a victim's family learned of a prisoner's imminent release. The family did its own calculations and found that the prisoner was being credited with too much time for good behavior.

The mistake followed a 2002 state Supreme Court ruling requiring the Department of Corrections to apply good-behavior credits earned in county jail to state prison sentences. But the programming fix ended up giving prisoners with sentencing enhancements too much "good time credit."

Sentencing enhancements include additional prison time given for certain crimes, such as those involving firearms. Under state law, prisoners who get extra time for sentencing enhancements cannot have it reduced for good behavior.

Corrections officials acknowledged that the software fix was delayed 16 times and ultimately never done. A fix is expected next week. Two retired federal prosecutors are leading an investigation into the early releases.

— **IMPEACHMENT OF STATE AUDITOR:** A group of lawmakers is seeking to impeach state Auditor Troy Kelley, who was indicted last year on charges that include tax evasion, money laundering and possession of stolen property.

Kelley, who had taken unpaid leave for seven months, abruptly returned to his office in December after the impeachment proposal was raised by the bipartisan group who had have drafted an impeachment resolution saying Kelley had "willfully abandoned his statewide elective office."

Kelley, a 51-year-old Democrat, was indicted in March on money laundering, possession of stolen money, tax and perjury charges related to his prior operation of a real-estate services which tracked certain transactions for mortgage title and escrow firms.

Investigators say Kelley kept fees the company was supposed to refund to homeowners in an amount totaling at least \$3 million from 2006 to 2008 and paid himself \$245,000 a year from the ill-gotten proceeds. Leadership in both chambers have said they are open to impeachment but want to be certain they don't interfere with the federal trial.



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