

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SUSAN SOTO PALMER, et al.,

Plaintiffs,

v.

STEVEN HOBBS, et al.,

Defendants.

And

JOSE TREVINO, ISMAEL CAMPOS, and
ALEX YBARRA,

Intervenor-Defendants

CASE NO. 3:22-cv-05035 RSL

DECLARATION OF JAMES TROYER
IN OPPOSITION TO PLAINTIFF'S
MOTION TO ENFORCE SUBPOENA
OF JIM TROYER OR
ALTERNATIVELY TO EXTEND
DISCOVERY DEADLINE FOR
COMPLIANCE AND PERMIT
DEPOSITION

Noted: January 27, 2023

I, James Troyer, hereby declare as follows:

1. I am over the age of 18 and am competent to testify as to the following based upon personal knowledge.
2. I am the Chief of Staff for the Senate Republican Caucus.
3. I was on a long-planned vacation from December 12, 2022 through January 2, 2023. I returned to work on January 3, 2023 to immediately begin work on the 2023 legislative session.

TROYER DECL. ISO TROYER'S OPP. TO PLF'S MOTION
TO ENFORCE SUBPOENA OR EXTEND DISCOVERY
DEADLINE - 1
CASE NO. 3:22-cv-05035 RSL

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1 4. During the legislative session, I supervise 21 staff. Eight are lawyers and one is the
2 Policy Director. I supervise nine communications staff, two administrative staff and one
3 legislative session assistant.

4 5. The legislative session runs on strict deadlines. The first cutoff for policy bills to
5 get out of the committee process is February 17, 2023. Bills must get out of fiscal committees by
6 February 24, 2023. The next cutoff is March 8, 2023 by when bills must pass off the Senate or
7 House floors. House bills which pass off the House floor then come to the Senate and they must
8 be passed out of Senate policy committees by March 29, 2023. Fiscal bills from the House must
9 be passed out of the Senate fiscal committees by April 4, 2023. All House bills, except those not
10 subject to the legislative cutoff, must be passed off the Senate floor by April 12, 2023. Final
11 passage of budgets and bills not subject to the cutoff must be completed by Sine Die on April 23,
12 2023. Each cutoff involves a sprint for legislative staff and all aspects of the session must be
13 managed with these deadlines in mind.

14
15 6. My days during the legislative session are long and burdensome. For example, on
16 opening day, January 9, 2023, I awoke at 4:30am to read materials necessary for the day's work
17 with my caucus. I left my home at 7:10am to drive from Pierce County to Olympia. Upon my
18 arrival in Olympia, I attended to moving my staff into temporary offices in another building as we
19 had moved out of our offices in an 80-year old building in late November and early December
20 2022. At 9:30am, I attended the leadership meeting with Senators and staff to outline the day's
21 agenda. At 10am, I met with 19 Senators for a caucus meeting. I administered the leadership
22 elections for the caucus. I worked with the Senators in their discussion of proposed Senate rules
23 and legislative session strategies. The caucus meeting broke at approximately 11:30am to prepare
24 for the 12pm opening day ceremony. During that half hour before noon, I met with Senators about
25
26

1 specific duties for the opening ceremony. During the ceremony, I reviewed press releases for the
2 Senators as they were sworn in and as their leadership positions were announced.

3 7. Following attending the opening day session, I met with my staff to focus efforts on
4 drafting bills and communications strategies for the session. I addressed one complicated medical
5 leave issue to make sure that the needed work was accomplished under the looming legislative
6 deadlines. Then, without pause, I met with a Senator and key lobbyists to discuss issues for the
7 legislative session.
8

9 8. I finally left the Capitol after 8pm, arriving home around 9pm. As I have a
10 physical condition which requires regular exercise, I exercised until 10pm. And with that, day one
11 of the legislative session ended for me.

12 9. Day one was typical of my days during the legislative session. I have myriad other
13 responsibilities. I monitor the Senate committee meetings, I strategize with my Senators regarding
14 responses to press inquiries, I attend press availabilities with my Senators, I work with policy staff
15 to discuss issues raised with the press, I meet with lobbyists. I work with my Senators' personal
16 staff to provide needed support from the caucus staff. Policy reading and news review takes up
17 several hours every day for me. I eat most of my meals over my desk while I work. My days
18 begin very early and end very late. A 105-day legislative session presents more work that I must
19 do than there are hours available in the day to do so.
20

21 10. Attached hereto as **Exhibit 1** is a true and correct copy of a January 9, 2023 article
22 in Crosscut which describes some of the vast agenda that the Legislature will be addressing during
23 the 2023 session and which I will work on with my caucus.
24
25
26

1 11. Attached hereto as **Exhibit 2** is a true and correct copy of a January 11, 2023
2 editorial in the *Yakima Herald-Republic* that outlines some of the key legislation my caucus will
3 be addressing during the 2023 session.

4 I declare under penalty of perjury under all applicable law that, to the best of my
5 knowledge, information and belief, the foregoing is true and correct.

6 EXECUTED this 20th day of January, 2023, at Olympia, Washington.

7
8
9 
10 JAMES TROYER

EXHIBIT 1

POLITICS**Why you should pay attention to the 2023 Washington Legislature**

The legislative session kicks off today in Olympia, and state lawmakers have a full agenda: gun regulations, education, big budget questions and more.

by [Joseph O'Sullivan](#) / January 9, 2023



The Washington State Capitol in Olympia on Thursday, Jan. 5, 2023. (Amanda Snyder/Crosscut)

Gone is the tall wire fence that encased the Washington State Capitol two years ago to ward off potential incursions by political protesters. The ground floor conference room used last year to administer COVID tests is reserved again for public school tours. And legislators, lobbyists and the public are all back inside the white stone building, ready to scrum and squabble beneath the dome.

The unprecedented pandemic may be receding into the rearview mirror, but Washington's elected officials still face a host of serious issues as the Legislature resumes its work on Monday.

As 147 lawmakers stream in from near and far, they are expected to focus on Washington's long-simmering crises: homelessness, housing affordability, the mental health system, education funding and keeping state workers happy, among others.

And here too, the pandemic has left its mark. Students who lost time in classrooms are dealing with learning loss. The virus that caused deaths and long illnesses, job losses, societal upheaval and the Great Resignation has spawned a worker shortage that lawmakers are calling a serious problem.

Mental facilities and substance-abuse treatment centers lack nurses and other staff. Police departments and county sheriffs can't find officers. The state ferry system has cut its schedule because it has been shorthanded.

Next: [What happened after the Jan. 6 confrontation in Olympia?](#)

"If you look at law enforcement, we have a workforce issue; if you look at health care, we have a workforce issue; if you look at early learning, we have a workforce issue," Senate Majority Leader Andy Billig, D-Spokane, said Thursday in an annual legislative preview sponsored by the Allied Daily Newspapers of Washington and the Washington State Association of Broadcasters. It's one issue expected to be taken up in both the new budget and in other proposals.

Gov. Jay Inslee and Democratic lawmakers are feeling good after the midterm elections, which some feared would result in diminished majorities for Democrats in the House and Senate. Instead, the party managed to increase its margins in each chamber by one lawmaker. Democrats now control the House 58-40 and the Senate 29-20.

Lawmakers will consider some novel ideas this session. Inslee has introduced a budget that includes a \$4 billion bond package to go toward the construction of affordable housing. If approved by legislators, that idea would go before voters in November.

This legislative session also comes amid reports that state lawmakers are using a new concept to shield the disclosure of some of their documents. The fresh tactic arrives just a few years after the state Supreme Court ruled that lawmakers had violated Washington's 1972 voter-approved disclosure laws by claiming to be exempt from them.

Next: [What WA voters want to see from the 2023 legislative session](#)

At the same time, the House and Senate are seeing generational turnover. An influx of brand-new lawmakers – many younger and more diverse than their predecessors – will take up the work of the institution that for generations was overwhelmingly white and often older. Those dynamics were highlighted last year when two relatively new Democratic House lawmakers of color opted not to run for reelection, and spoke of some of the difficulties in trying to change the institution.

Now, new members like Rep. Sharlett Mena, D-Tacoma, are set to enter the stage and make their own mark. Mena, the daughter of Mexican immigrants and a staffer at the state Department of Ecology, has already filed bills that would update [Washington's Voting Rights Act](#) and [reduce pollution from plastics](#).

"We are coming in eyes wide open that this institution was not necessarily built with us in mind," she said, referencing the incoming lawmakers.



Washington Gov. Jay Inslee prepares to speak at a legislative preview on Thursday, Jan. 5, 2023 in the John A. Cherberg Building. (Amanda Snyder/Crosscut)

Budget and housing

Inslee last month proposed a new \$70 billion two-year state operating budget. That spending document channels dollars to everything from schools and prisons to the foster-care and mental health systems, public lands and more. To fund his proposed increase, the governor uses \$6 billion in projected new revenue from existing taxes. The proposal doesn't include any new tax increases.

As part of his budget proposal, Inslee wants to put a package before voters to spur affordable-housing construction.

Next: [Top environmental bills on the 2023 WA Legislative agenda](#)

If Democratic leaders in the House and Senate advance that referendum, it would go on the November ballot. If voters pass it, Washington state could raise \$4 billion above its official debt limit during the next six years by issuing bonds to boost affordable housing construction and address homelessness.

"It is not throwing money over the transom, it is making an investment that actually produces an asset," Inslee said at the legislative preview, adding later: "This proposal will get something long-term for Washingtonians, which is increasing housing."

But the governor doesn't get the last word. Democratic budget writers in the House and Senate will release their own spending plans in the coming months. Republicans, consigned to the minority, will try to get some of their ideas included as well.

The housing debate will be in the mix all the way. Republicans have favored loosening permitting to spur construction in the private sector, and have remained skeptical about the hundreds of millions of dollars that the Legislature has already poured into affordable-housing programs in recent years.

"We've had enormous investments over the last several [budget] cycles of affordable housing, that's not necessarily bad," said Senate Minority Leader John Braun, R-Centralia. "But if you do the math, they can't solve the problem. You can't build enough houses that way to get after the 250,000- or 300,000-home deficit that we have. "We have to empower the private sector."

Democratic leaders expressed support for more government-funded housing. Washington is also expected to need over 1 million new housing units across the state in the next two decades for future growth, said House Speaker Laurie Jinkins, D-Tacoma.

Next: [In 2023, WA lawmakers will decide the legal future of drug possession](#)

"Over 50% are for low-income or for very-low income people," Jinkins said. "That is building construction that the private sector has never been able to make pencil out, any way at all."

Democrats have resisted using increased revenues over the years for broad-based tax relief. Republicans are again calling for cutting taxes, amid rising costs for food, gasoline and shelter.

"The cost of food, of gas, of housing, of child care, are frankly unaffordable for many Washingtonians today," Braun said. "And even if they could afford it six months ago just barely, today they probably can't, because of inflation. They probably got a raise in there, they still can't afford it, they're living on credit. This is a real problem."



From left: Rep. Timm Ormsby, Sen. Lynda Wilson, Sen. Christine Rolfes and Rep. Drew Stokesbary at a Ways & Means Committee preview panel on Thursday, Jan. 5, 2023 in the John A. Cherberg Building. (Amanda Snyder/Crosscut)

Education

For many years of the previous decade, the task of fully paying the cost of running the state's K-12 schools dominated legislative sessions and budget talks in Olympia. That came after a 2012 state Supreme Court ruling – [the McCleary decision](#) – found the Washington Legislature in violation of the state constitution for underfunding schools.

After a few years of focusing on other topics, legislative leaders and the governor are again raising concerns about education funding.

The reemergence of the issue comes amid a handful of funding issues that have lingered – such as providing for special education.

But the pandemic kicked the issue into overdrive, [as Inslee ordered schools to be closed to in-person learning](#) as part of the state's response to the virus. The isolation of remote learning has also hurt students' mental health, officials have said.

Next: [Washington remains a hub for reproductive health care post-Roe](#)

A district-by-district analysis by researchers found the average pupil in the United States lost over half a school year in math and nearly a quarter of a school year in reading, [according to a report by The Associated Press](#). That included students in a host of school districts across Washington state, according to the report.

This year, Inslee's proposed budget contains roughly \$2 billion in new K-12 spending. That includes nearly \$1 billion for increases in school worker salaries, intended to keep salaries competitive and to recruit and retain staff, [according to the proposal](#). Another \$314 million in the proposal would boost the numbers of K-12 school nurses, psychologists, social workers and counselors.

The two Senate leaders – both of whom [worked years ago on the Legislature's McCleary school-funding fix](#) – raised the need for a focus on education. Senate Majority Leader Billig said a big focus will be early learning programs and special education and an increase in nurses, counselors and other staff.

Many conservatives opposed the closure of schools during the pandemic, and Braun on Thursday called for lawmakers to focus on helping students make up lost ground.

“There's both an immediate problem with learning loss, and there's a long-term structural funding problem that we're falling behind on yet again,” said the Senate minority leader.



Senate Majority Leader Andy Billig speaks at a legislative preview panel on Thursday, Jan. 5, 2023 in the John A. Cherberg Building. (Amanda Snyder/Crosscut)

Illegal drugs and treatment

Perhaps the most difficult task for lawmakers this year is coming to an agreement on how society and the legal system treats possession of illegal drugs.

The question comes in the wake of a February 2021 state Supreme Court order known as the *Blake* decision. That ruling struck down Washington's felony drug possession statute, invalidating decades' worth of criminal convictions and accompanying legal financial obligations like restitution.

In the wake of the *Blake* decision, legislators and Inslee approved a law that year making unlawful possession of a drug a misdemeanor crime upon a third violation. As part of that, officers are supposed to give voluntary treatment options for the first two violations.

Next: [The past \(and possible future\) of Washington state gun bills](#)

With conservative Republicans in the minority seeking a return to harsher punishment and progressive Democrats seeking a broader decriminalization of drugs, the 2021 law was a stopgap measure. And it sunsets in July 2023, pushing lawmakers to act this legislative session.

At the heart of this year's debate is how to give substance-abuse treatment to people who won't voluntarily accept it, without employing the penalties of a legal criminal system. That same system in prior years has also made life harder for people living on the economic edge, as a felony conviction can make it harder to get jobs and housing, among other things.

A push remains to decriminalize drugs, [as Oregon voters did](#) for possession of small amounts in 2020, but even wide Democratic majorities may not have the votes needed to pass such a law.

"I'm just telling you, I don't believe there's votes on that," Braun, the Republican Senate leader, said Friday after the legislative preview. "And that's not what the public wants."

"They don't want a war on drugs, but they also don't want a free-for-all," he added.

Lawmakers in both parties want to find ways to get individuals the drug treatment they need. But here too, the lack of trained workers is slowing things down, said Sen. Christine Rolfes, D-Bainbridge Island.

"We knew if we threw \$200 million at the problem, it wouldn't get solved, because there's not a workforce," Rolfes said, adding later: "The workforce is the bottleneck in the opioid treatment, the drug treatment world."

This year, lawmakers will be looking at ideas like tuition assistance or student loan forgiveness for treatment staff, said Rolfes.



The Washington state seal is protected by ropes in the rotunda of the Legislative Building on the capitol campus in Olympia, in an April 22, 2019 photograph. (AP Photo/Ted S. Warren)

Public safety

The divide on public safety is more pronounced. Many Republicans – along with some law enforcement groups – have criticized some of the changes to policing made after the deaths in 2020 of citizens at the hands of law enforcement. That movement gained mass appeal after the death of George Floyd that year in Minneapolis, Manuel Ellis in Tacoma, and others.

Conservative lawmakers are still pushing to lift some restrictions that were put in place in 2021 concerning law enforcement vehicle pursuits.

Democratic lawmakers meanwhile have laid out an ambitious new package of firearms regulations, which they're seeking in an effort to reduce gun violence.

That includes legislation to create a permit-to-purchase system for firearms and to [ban the purchase of most semiautomatic rifles](#).

In an interview Thursday, Inslee called the prohibition on rifles “the most visible of the gun safety proposals.”

“But the proposal to require safety training and a license to make sure you have some modest degree of safety training, I actually believe ... is the most important of the bills we're going to consider,” he said.

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About the Authors & Contributors



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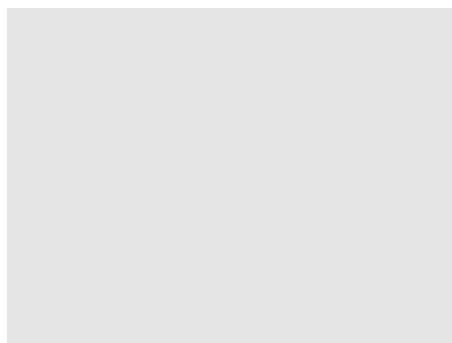
EXHIBIT 2

https://www.yakimaherald.com/opinion/opinion-2023-washington-legislature-local-delegation-sets-off-with-ambitious-agenda/article_53f0b4c4-905e-11ed-9849-e3ec4d25ddc2.html

Opinion: 2023 Washington Legislature: Local delegation sets off with ambitious agenda

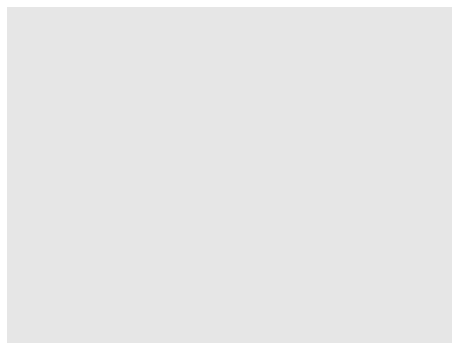
Yakima Herald-Republic Editorial Board

Jan 11, 2023



Gina Mosbrucker

Courtesy photo



Sen. Curtis King, R-14



The sun appears through cloudy skies Thursday, March 10, 2022, above the Legislative Building at the Capitol in Olympia, Wash. Washington lawmakers were wrapping up their work Thursday with final votes on a supplemental state budget and a transportation revenue package before planning to adjourn the legislative session. (AP Photo/Ted S. Warren)

Ted S. Warren

They probably won't match the scale of drama we've been seeing in Congress lately, but some key discussions are coming as Washington legislators begin the 2023 session — and Yakima-area lawmakers will be right in the middle of the action.

The local delegation, entirely Republican, has an ambitious to-do list.

The YH-R's Editorial Board spoke last week with Senate Republican Leader John Braun and Yakima's Sen. Curtis King, as well as House Republican Leader J.T. Wilcox and Rep. Gina Mosbrucker of Goldendale.

Here are some of their top priorities this session:

Public safety

Among other things, local Republicans want to give law enforcement agencies more flexibility to pursue criminals and prosecute drug offenders. With Mosbrucker on the House's Public Safety Committee, they might have a little more leverage.

"If you're not safe, nothing else matters," Mosbrucker said.

Affordability

Housing prices are making it more and more expensive to live here. Gas prices are easing, but they're still too high. Unsurprisingly, Republicans think rolling back a few Democratic policies, regulations and taxes will offer some relief. They're still in the minority in both houses in Olympia, though, so we're not holding our breath on that one.

Schools

Since the beginning of the COVID era, grades have been slipping for kids who've endured remote learning and countless closures and cancellations. Republicans think the state should shoulder more of the costs for local school districts — particularly smaller, rural ones. Sen. King would even favor adding more school days or exploring year-round calendars in an effort to help kids catch up.

"If I were king for a day," Braun told the YH-R, "I would get rid of local levies. We should force the state to do its job."

Republicans will also be pushing their Power Washington plan. It's a series of upcoming energy-related bills that call for planning for advanced nuclear reactor technology, adding new carbon capture opportunities, suspending the state's cap-and-trade program, expanding tax and purchase incentives for hybrid vehicles, and extending tax incentives for research and development of hydrogen-powered vehicles, such as long-haul commercial trucks.

Of particular interest to Eastern Washington, the multifaceted plan includes encouraging the development of small-scale nuclear plants. Each plant could generate maybe 300 megawatts of power — about a third of what Priest Rapids or the Snake River dams produce. But the

nuclear plants could be “stacked,” meaning a cluster of up to a dozen could be built in one location. All of a sudden, you’re talking about some pretty significant new sources of electricity.

Considering the labor pool, landscape and existing community knowledge, the Tri-Cities area would likely be high on the list of possible sites.

So, three days in, it’s already shaping up to be a busy session for local senators and representatives.

How far they get with any of their ideas in the next three and a half months is anybody’s guess, but last week, they seemed realistic about their need to collaborate with the other side of the aisle.

And so far, their priorities seem realistic, too.

Yakima Herald-Republic editorials reflect the collective opinion of the newspaper’s local editorial board.