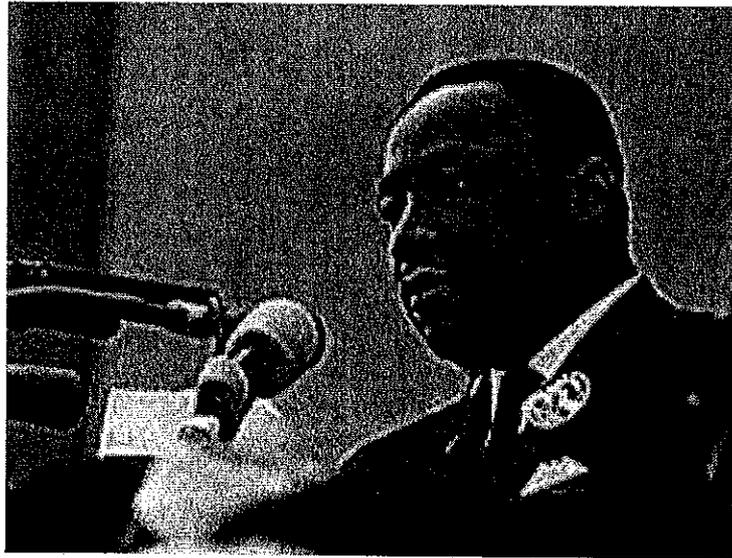




Washington State Commission on  
African American Affairs

**LEGISLATIVE DAY**  
**2005**

February 11th  
Olympia, WA  
OB-2 Auditorium



*"An injustice anywhere, is a threat to justice everywhere."*



STATE OF WASHINGTON  
COMMISSION ON AFRICAN AMERICAN AFFAIRS

1210 Eastside St. S.E. P.O. Box 40926 Olympia, Washington 98504-0926 (360) 753-0127 [yourcaa@caa.wa.gov](mailto:yourcaa@caa.wa.gov)  
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**SELECT BILLS THAT THE COMMISSION ON AFRICAN  
AMERICAN AFFAIRS IS FOLLOWING FOR 2005 LEGISLATIVE  
SESSION**

**TIPS FOR EFFECTIVE LOBBYING**

Be from the District. Legislators need to hear from the voters who voted them into office – and can vote them out of office.

Be welcoming. Introduce yourself and ask the legislator to tell you something about themselves and/or why they chose to run for office. If there are issues that s/he has handled well, thank him or her for support on those issues. Please do not be disappointed if your legislator is unavailable to meet with you – this is a very busy time late in the session. It is likely that most members of the legislature are in caucus or on the floor taking action on bills.

Be informed. Know the background of the bill you wish to discuss. Leave information/briefing materials with the legislator to review and remind him or her of your visit. Up-to-date bill information is available at [www.leg.wa.gov](http://www.leg.wa.gov).

Be polite. Try to find common ground between you and your legislator. While they are there to listen to you, remember to listen to what they have to say to you as a constituent.

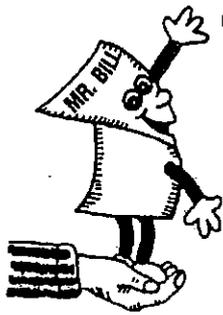
Be specific. What do you want them to do? Be as specific as you can. Try to focus in on one or two main issues.

Follow up. If you need a response, ask: “when can I get back to you for an answer?” Be sure to leave your name, address, phone number and/or email address with the legislator and his or her staff. Inquire if he or she would rather be contacted by phone or by email. Be sure to call or email again if you need a response.

If your legislator is not available. Talk to the legislative aide. They are knowledgeable and are in contact with your legislator daily. Leave information about the reason for your visit and leave your contact information. Take the legislative aide and the legislator’s business cards with you – it is handy for contacting the office again.

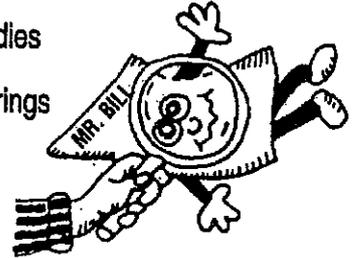
After your visit. If you wish to be in touch with your legislator, call him or her directly or call the Legislative Hotline at 800-562-6000.

# HOW A BILL BECOMES A LAW

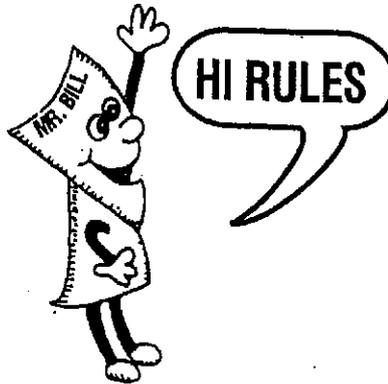


- 1.** A bill may be introduced in either the Senate or House of Representatives.

- 2.** A committee studies the bill and often holds public hearings on it.



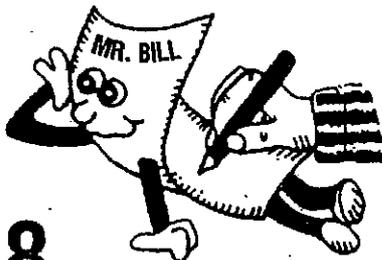
- 3.** A committee report is read in open session of the House or Senate, and the bill is then referred to the Rules Committee.



- 4.** The Rules Committee can either place the bill on the second reading of the calendar for debate before the entire body, or take no action.

- 5.** At the second reading a bill is subject to debate and amendment before being placed on the third reading calendar for final passage.

- 6.** After passing one house, the bill goes through the same procedure in the other house.



- 8.** When the bill is accepted in both houses, it is signed by the respective leaders and sent to the Governor.



- 7.** If amendments are made, the other house must concur.
- 9.** The Governor signs the bill into law or may veto all or part of it. If the Governor fails to act on the bill, it may become law without a signature.



Persons with disabilities needing auxiliary aids or services for purposes of attending hearings or participating in other legislative activities should call 786-7101 for House hearings and activities, and 786-7400 for Senate hearings and activities. TDD 1-800-635-8983. Visit our legislative website: <http://www.leg.wa.gov> for more information.

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## 2005 LEGISLATIVE PRIORITIES

The Commission on African American Affairs was created to fulfill the duty of the state to improve the status of African Americans who, for economic or social reasons, find themselves disadvantaged or isolated from the benefits of equal opportunity. Issues of disparity and institutional racism deeply affect the success and status of Washington's African American citizens.

During the 2005 legislative session, the Commission will focus on a broad range of proposed legislation that will move the State of Washington toward the Commission's goal in each of the Commission's five priority areas: law and justice, education, health, children and family, and economic development.

### LAW AND JUSTICE

**Commission Goal – Justice and equality under the law for all African Americans:**

African Americans are negatively and disproportionately affected by the justice system. The Commission will follow criminal and social justice legislation, including bills addressing:

- Children of incarcerated parents – bill of rights
- Restoration of voting rights – post felony conviction
- Impact of restitution orders/fines on former felons
- Disproportionality in sentencing and in rates of incarceration
- Physical restraint/handcuffing students

### EDUCATION

**Commission Goal – Create an environment of educational excellence for African American students.**

Education is a critical factor in the success of all African Americans. The Commission will focus on education proposals supporting the Strategic Plan for the Education of African American Students in the State of Washington (adopted at the **African American Education Summit - October 2004**), and furthering the Commission's education goal, including proposals to:

- Provide cultural competency tools to close the student achievement gap and enhance student performance
- Decrease student dropout rate
- Bring Washington law into conformity with 2003 U.S. Supreme Court decision on affirmative action in college admissions

## HEALTH

### Commission Goal – Improve the health of Washington’s African American citizens.

The Commission will focus on legislation designed to substantially reduce the level of disparity in all areas of health care, including legislation to:

- Improve overall health outcomes for African Americans
- Address health disparities
- Expand access to health care, including mental health and reproductive health care
- Expand pool of culturally competent health care providers

## ECONOMIC DEVELOPMENT

### Commission Goal – Improve the economic vitality of African American businesses and workers in Washington.

In partnership with business leaders and agency directors, the Commission is developing an educational strategy to enhance minority businesses in Washington. The Commission’s Economic Development Committee and its partners will develop a compendium of critically needed information and resources for minority businesses, allowing for greater success of start-up and expanding businesses. The handbook will cover “Access” “Influence” and “Capacity” – providing a broad range of information, including guidance on technical services, administrative support, insurance and bonding, and access to contracting opportunities in the public and private sectors.

Legislation furthering the successful integration of African American businesses and workers into Washington’s economy is critical in furthering the goals of AIC, including:

- Business incubators
- Linked deposit
- Financial literacy
- Consumer protection

## CHILDREN & FAMILY

### Commission Goal – Strong, healthy, secure African American families.

The Commission will support legislation to improve the security of Washington’s vulnerable African American children and families, including legislation to address:

- Reducing hunger
- Equitable and culturally sensitive treatment of African American children in the child welfare/foster care system
- Children of incarcerated parents – children’s bill of rights
- Enhanced social services for children and families



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**ISSUES OF CONCERN TO AFRICAN AMERICANS IN WASHINGTON STATE**

This is a select list of issues, concerns and challenges facing African Americans in Washington.

**EDUCATION**

The Office of Superintendent of Public Instruction (OSPI) collects data on African American student dropout rates and reports performance on the Washington Assessment of Student Learning (WASL). African American students have the lowest on-time graduation rate in the State of Washington, with only 39.4% of African American students in the Class of 2002 graduating on-time. The disparity between on-time graduation rates of African Americans and Caucasians is significant - 70.5% of Caucasian students in the Class 2002 graduated on-time. WASL scores for African American students statewide are consistently below average as compared to Caucasian student test scores.

**DATA SHOW:** At Grade 4, achievement gap exists between Whites and African American students. Improvement in performance between 1998 and 2003, but significant disparity remains.

**4<sup>th</sup> Grade WASL Trend  
Percent Meeting or Exceeding Standards**

<i>White</i>							<i>African American</i>						
School Year	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	School Year	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04
Math	42.5%	47.2%	49.1%	57.4%	61.5%	66.1%	Math	15.3%	18.7%	19.5%	28.6%	35.5%	37.5%
Reading	65.3%	71.8%	72.1%	71.2%	73.1%	79.9%	Reading	39.3%	47.7%	48.2%	49.3%	52.4%	61.9%
Writing	35.6%	42.8%	46.9%	53.2%	57.7%	60.2	Writing	20.7%	25.4%	30.5%	37.0%	43.6%	43.6%
Listening	76.5%	70.2%	77.4%	70.9%	73.5%		Listening	54.1%	51.8%	60.7%	56.2%	49.5%	

**DATA SHOW:** At Grade 10, achievement gap exists between Whites and African American students. Significant disparity remains and has widened further.

**10<sup>th</sup> Grade WASL Trend  
Percent Meeting or Exceeding Standards**

<i>White</i>							<i>African American</i>						
School Year	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	School Year	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04
Math	38.1%	40.1%	43.7%	41.9%	44.0%	49.2%	Math	9.5%	11.7%	11.9%	13.0%	14.2%	16.0%
Reading	58.3%	66.1%	67.8%	64.6%	65.1%	69.5%	Reading	26.1%	38.2%	40.6%	36.2%	37.1%	42.8%
Writing	46.1%	35.7%	51.9%	59.6%	65.5%	69.7%	Writing	22.4%	17.0%	27.0%	33.6%	39.3%	48.9%
Listening	79.3%	83.7%	88.1%	85.9%	81.0%		Listening	55.4%	62.6%	70.6%	68.2%	56.4%	
Science					36.3%	37.4%	Science					9.2%	9.3%

## Commission on African American Affairs

### ECONOMIC DEVELOPMENT

In recent years, unemployment rates in Washington State have been higher than the national average. This is a critical issue, as African Americans have been particularly adversely affected by the economic downturn. African Americans are finding it harder than ever to achieve financial security.

- Unemployment for Blacks is approximately 11%, while unemployment for Whites is 5.2%. (Source: The Joint Center for Political and Economic Studies)
- More than 1.6 million African Americans are actively looking for work. This rate is 20% higher than in 2000. (Source: Congressional Black Caucus and Leader's African American Working Group).

The unemployment rate does not count those who have stopped looking for work, or those who have part-time jobs but want full-time work. The employment disparity is even higher African American youth.

### HEALTH CARE

- HIV/AIDS
  - Although African American women represent on 13% of the U.S. female population, they account for almost 66% of AIDS cases reported among women in 2000 (Source: CDC).
  - African American teens represent 15% of the teen population, yet comprise 64% of the new AIDS cases reported among 13 to 19-year olds. (Source: CDC)
  - African Americans make up 14% of AIDS diagnoses in Washington; though comprise less than 4% of the population.
- Infant Mortality

Infants born to African American women in Washington are 2 times more likely to die in their first year of life (as compared to White infants).
- Disparities in Health Outcomes

African Americans with diabetes in Washington are 3 times more likely to die from diabetes than are White, non-Hispanic residents. Source: Washington State Board of Health – 2004 Report: Disparities in Health and Health Workforce Diversity.

### LAW AND JUSTICE

- Racial Profiling – a statewide concern at all levels of law enforcement.
- Disproportionate arrest, conviction, sentencing/"three strikes" sentencing – an acute problem, particularly in the 'war on drugs'. Restoration of voting rights, post felony conviction, is a collateral issue.
- Hate Crimes

Southern Poverty Law Center ("SPLC") data indicates that extremist and hate groups are alive and well in Washington. Recent cross burnings in Everett show that no community is immune. SPLC follows the activities of 751 group chapters nationwide, up 6% from 2002-03; hate websites rose from 443 to 497. (Source: SPLC Intelligence Project 2004). Totals include Washington extremist and hate groups.
- Physical restraint/handcuffing of students – comprehensive public policy must be explored.

### CHILDREN & FAMILY

Compared to Caucasian children, African American children in King County:

- Are disproportionately represented in child welfare referrals accepted for investigation;
- Are more likely to be removed from their homes and placed in foster care;
- Make up a disproportionate percentage of children in care longer than two years and longer than four years;
- Wait longer to be adopted after termination of parental rights.

(Source: King County Task Force on Racial Disproportionality in the Child Welfare System – Phase I Findings, 2004).

Equity of service delivery is a fundamental value of public policy. However, we have failed to deliver on this in the field of public child welfare. Children of color are vastly over-represented in the system and are faring worse by all measures than their Caucasian counterparts. In King County children of color comprise 32% of the child population, but account for 52% of the children in foster care. The racial disparity grows at each benchmark/step within the child welfare system.

## COMMISSION BUDGET

The Commission on African American Affairs must comply with all of the administrative reporting, quality assurance, budget, information technology reporting, personnel, audit requirements and physical plant issues addressed by every other state agency. Additionally, the Commission staff facilitates the work of nine statewide Commissioners, prepares six statewide Commission meetings annually, and coordinates a joint minority Commission meeting and legislative reception. Staff works on a broad range of policy matters with the Governor and Governor's staff, the Legislature, state agencies, private sector, local governments and community organizations. Staff must also address a significant volume of community requests, letters, calls, meetings and events. Additionally, staff must address (sometimes extensive) public information requests and other legal matters.

Currently, with a staff of 1.8 FTEs, the Commission has neither the staff nor the funding to adequately address these expectations and requirements. The expectations of this agency are enormous, coming from a broad variety of stakeholders around the state. The resources (both human and financial) are insufficient to meet the agency's responsibilities in an adequate manner. A 2005-2007 biennium budget request was submitted for funding to better address the Commission's resource needs. Governor Locke's proposed budget included an increase of staff from 1.8 to three FTEs (employees) and a biennium budget increase to \$604,000. The Commission supports these budget enhancements as a positive step toward fulfilling the Commission's mission and urges that these enhancements be included in Governor Gregoire's upcoming proposed budget. Each member of the Legislature will vote on the budget, including the budget allocation for the Commission.

Please see next pages for a copy of the budget recommendation for the 2005-2007 biennium. The Government Operations/Recommendation Summary for Commission on African American Affairs (from the Locke budget proposal) can be accessed on the web at [www.ofm.wa.gov/budget05/recsum/119.pdf](http://www.ofm.wa.gov/budget05/recsum/119.pdf).

Agency 119

**Commission On African-American Affairs****Recommendation Summary**

Dollars in Thousands

	Annual FTEs	General Fund State	Other Funds	Total Funds
<b>2003-05 Expenditure Authority</b>	1.8	402		402
<b>Total Maintenance Level</b>	1.8	452		452
Difference		50		50
Percent Change from Current Biennium	0.0%	12.4%		12.4%
<b>Performance Changes</b>				
Performance Pay		2		2
Nonrepresented Employees Cost of Living Adjustment		9		9
Nonrepresented Employees Health Benefit Change		3		3
Pension Method Change		(6)		(6)
General Inflation		(2)		(2)
Address Disparity Issues	1.2	146		146
<b>Subtotal</b>	1.2	152		152
<b>Total Proposed Budget</b>	3.0	604		604
Difference	1.2	202		202
Percent Change from Current Biennium	66.7%	50.2%		50.2%
<b>Total Proposed Budget by Activity</b>				
Advocacy and Coordination of Issues for African-American Community	3.0	604		604
<b>Total Proposed Budget</b>	3.0	604		604

**PERFORMANCE LEVEL CHANGE DESCRIPTIONS****Address Disparity Issues**

The Commission on African-American Affairs is responsible for articulating the unique health, educational, social, and economic issues of the African American community, and making recommendations to the Governor, Legislature, and state agencies with respect to these issues. In 2005-07, a policy analyst will seek to improve the economic vitality of the African-American community by increasing participation in state contracting opportunities and the minority and women-owned businesses' state certification program. This work will be done in collaboration with other minority commissions, the Office of the Governor, the Department of Community, Trade and Economic Development, the Office of Minority and Women's Business Enterprises, and local economic vitality programs. In addition, the policy analyst will help coordinate a state convention on health care to address health disparities and will address in collaboration with the Office of Superintendent of Public Instruction, some challenges of the Washington Assessment of Student Learning for the African-American community and limited English proficient population.

## GOVERNMENTAL OPERATIONS

### ACTIVITY DESCRIPTIONS

#### **Advocacy and Coordination of Issues for African-American Community**

The African-American Affairs Commission's primary purpose is to improve public policy development for, and government services delivery to, the African-American community. The commission was created as an effort to fulfill the duty of the state to improve the status of African Americans who find themselves disadvantaged or isolated from the benefits of equal opportunity. The commission examines issues pertaining to the rights and needs of the African-American community, and makes recommendations to the Governor, Legislature, and state agencies for changes in programs and laws. The commission has conducted public information and outreach programs in support of educational achievement, as well as developed special studies and proposed legislation to address issues of concern to the African-American community.

(For updated and current information on Bills please go to [www.leg.wa.gov](http://www.leg.wa.gov));  
information is as of 1/31/05 and changes daily.

## EDUCATION

HB 1586  
SB 575

Permitting a college or university to maintain a diverse student population by considering race, color, ethnicity, or national origin in the admission and transfer process without using quotas, predetermined points, or set asides.

**Sponsors:**

Representatives Kenney, Santos, Hasegawa, Cody, McDermott, Conway, Ormsby,  
Roberts, Sells, Hunt, Upthegrove, Williams.

### HB 1586 - DIGEST

Declares an intent to give universities and colleges some flexibility in considering race, color, ethnicity, or national origin as positive factors in their admission and transfer policies to promote diversity by enrolling meaningful numbers of students from groups that would not otherwise be so represented. To ensure the highest quality of education is provided at our universities and colleges, they must have the ability to engage in a holistic review of each applicant that includes all the positive qualities and experiences that an applicant possesses.

Declares it is not the intent to allow any form of quota or set aside system to be implemented by a university or college to insulate an applicant from comparison with all other candidates solely because of his or her racial status.

**Commission position:** The Commission supports this bill. Washington law post-I200 is significantly out-of-step with admissions policies applied in most college and university admission processes. Changing the law will bring Washington into conformity with the guidelines on race set out by the U.S. Supreme Court.

**This bill has not yet had a hearing.**

### BRIEF DESCRIPTION:

Five years ago, Washington voters passed I-200 changing Washington law on the use of race as a factor in the admissions process of public universities and colleges. Under current law, higher education institutions may not "grant preferential treatment to any individual or group on the basis of race, sex, color or national origin".

In June 2003, the U.S. Supreme Court held that a law school's use of race in its admissions decisions to promote diversity is not a violation of the Constitution. The Court set up the following guidelines for admissions policies:

- (a) no admission slots may be set aside on the basis of race, color ethnicity, or origin nor shall any person be given separate consideration based solely on race, color, ethnicity or national origin;
- (b) every policy will include individualized consideration of each qualified applicant and all forms of diversity shall be taken into account;
- (c) race, color, ethnicity or national origin shall not be given a predetermined numerical value or weight in the admissions process;
- (d) the policy must include criteria for evaluating whether the consideration of race, color, ethnicity, or national origin is still necessary to promote diversity and there must be a process for periodic reviews; and
- (e) there must be a process for periodically exploring workable race-neutral alternatives that would achieve the diversity that the college or university is seeking, without compromising academic quality.

This bill changes the law to allow consideration of race, color, ethnicity, or national origin in the admission or transfer policies of public colleges and universities.

#### TALKING POINTS:

- Both Democrats and Republicans in the House and in the Senate supported legislation on this subject.
- Passing this bill will show that Washington recognizes and values and supports racial and ethnic diversity.
- Washington is one of only two states in the U.S. that prohibits consideration of race in higher education admissions. The vast majority of universities use a holistic approach – looking at the applicant's entire background - and include race as a factor in making admission decisions. Washington institutions consider broad range of other factors (athletic ability, legacy status, veteran's status), but exclude race. These changes in the law would allow universities to look at the whole person.
- Washington colleges and universities are having difficulty competing with peer institutions in other states and with private colleges in recruiting underrepresented high school students. Minority enrollments at Washington colleges and universities have dropped as a result of I-200.
- This bill changes Washington law to embrace the guidelines set out by the United States Supreme Court.

**SE 5303**

**Creating the historically Black college fund pilot project.**

**Sponsors:** Senators Jacobsen, Poulsen, Kline, Franklin

**Bill Digest:** Declares an intent to direct the higher education coordinating board to establish a pilot project that permits a limited number of students to use their state need grant awards to study at Morehouse College, Howard University, Spelman College, Grambling State University, and Tuskegee University.

Creates the historically Black college fund pilot project. Through the pilot project, up to one hundred students may use their state-funded need grant awards when they study at Morehouse College, Howard University, Spelman College, Grambling State University, or Tuskegee University.

Expires June 30, 2010.

Requires that, by December 15, 2010, the board shall report to the governor and appropriate committees of the legislature on the results of the pilot project. The report shall include a recommendation on the extent financial aid portability programs should be revised or expanded for Washington's students.

**Commission's position:**

The Commission supports this bill and the pilot project it creates. Historically Black Colleges and Universities are a vital force in higher education. Supporting the attendance of Washington students at HBCUs allows students a broader choice in selecting an appropriate institution of higher learning.

**No hearings have been held for this bill.**

**SB 5638: Changing student assessment provisions.**

**Bill Digest:** Amends RCW 28A.655.061 and 28A.305.220 relating to student assessments.

**Commission position:** The Commission is further soliciting input on this bill from its coalition partners, including members of the African American Think Tank, and the broader community. The Commission supports the principle of exploring alternative assessments of proficiency as being consistent with accommodating a wide range of student learning styles. This is an important piece of education legislation that should be followed by the community.

**Bill Report:** As of February 2, 2005

**Title:** An act relating to student assessments.

**Brief Description:** Changing student assessment provisions.

**Sponsors:** Senators McAuliffe, Rasmussen and Poulsen.

**Brief History:**

**Committee Activity:** Early Learning, K-12 & Higher Education: 1/31/05.

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**SENATE COMMITTEE ON EARLY LEARNING, K-12 & HIGHER EDUCATION**

**Staff:** Brian Jeffries (786-7422)

**Background:** Under current law, beginning with the graduating class of the 2008, students must acquire a Certificate of Academic Achievement in order to earn a high school diploma, though it is not the only requirement for a high school diploma. The Certificate of Academic Achievement is evidence that a student has met state academic standards in reading, writing, and mathematics on the high school Washington Assessment of Student Learning (WASL). Beginning in 2010, science will be added as a required content area. A student may also demonstrate achievement of state academic standards on one or more objective alternative assessments if these alternative assessments are approved by the Legislature. A student must retake the high school WASL at least once to use the objective alternative assessment in order to earn a Certificate of Academic Achievement. If a student demonstrates achievement of state academic standards using an objective alternative assessment, the student would earn a Certificate of Academic Achievement. The high school transcript would note whether the student earned the certificate via the high school WASL or via an objective alternative assessment.

School districts are required to prepare a student learning plan for each student, beginning with the ninth grade students in the 2004-05 school year, who did not meet state academic standards in one or more content areas of the WASL. A student

learning plan must address, among other requirements, those actions the school intends to take to improve the student's skills in any content area in which the student did not meet standards. This student learning plan and any progress made on the plan must be shared with parents annually.

**Summary of Bill:** The approval of the legislature for any objective alternative assessment is eliminated. To use the objective alternative assessment to demonstrate achievement of state standards, a student must take the high school WASL once. If the student meets standards on the alternative assessment, the student would earn a Certificate of Academic Achievement but the notation of what assessment was used by the student to earn the certificate is eliminated. A student may use results from the high school WASL or the objective alternative assessment to meet state standards and earn a certificate. A student may combine results from the WASL and any results from the alternative assessment to demonstrate achievement of state standards and, thus, earn the certificate.

Office of the Superintendent of Public Instruction (OSPI) is required to pilot two or more alternative assessments in the 2005-06 school year and implement at least one complete alternative assessment, to the extent funds are appropriated, in the 2006-07 school year. In its development and implementation, OSPI must consult with education stakeholders. Additionally, OSPI must develop appeals procedures with criteria that can be consistently applied throughout the state.

The report to the parents on progress made on the student learning plan must include information on actions taken by the school to improve the student's skills in any content area in which the student has not met state standards. Beginning in the 2005-06 school year, each public high school must notify students and parents of options under the high school assessment system and any appeals processes for students to demonstrate achievement of the state academic standards. Beginning in the 2005-06 school year, each public high school must notify students and parents of the different courses and/or programs in career and technical education and those offered through area skills centers that provide students the skills and knowledge in those content areas assessed by the high school assessment system and included in the certificate of academic achievement.

**Appropriation:** None.

**Fiscal Note:** Requested on January 31, 2005.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Not all students are the same nor do all students show what they know in the same way; therefore, a "one-size-fits-all" test like the WASL is not appropriate. Alternative assessments are necessary. OSPI should be able to move forward with the development, piloting and implementation of alternative assessments without legislative approval. Students should not have to fail the once

twice in order to use alternative assessments. Career and technical education programs provide alternative environments in which students can learn and demonstrate their academic performance. Career and technical education programs are rigorous and relevant. The inclusion of career and technical educators in the development and implementation of the alternative assessments is welcomed and appreciated. With an alternative assessment, educators can begin focusing on the knowledge and skills, not just the WASL.

**Testimony Against:** Alternative assessments may be less rigorous than the WASL. There should be adequate reliability and validity if an alternative assessment is used. This bill does not ensure reliability and validity. There should be uniform scoring criteria and the alternative assessments should be scored at the state-level. While there is support for students to have alternatives, there should not be a high-stakes test for graduation purposes. Though the bill provides alternative assessments for students, these assessments are still high-stakes and should be reconsidered.

**Who Testified:** PRO: Senator Rosemary McAuliffe, prime sponsor; Mary Alice Heuschel, Deputy State Superintendent of Public Instruction; Kathleen Lopp, Washington Association for Career and Technical Education; Marianna Goheen, Washington Association for Career and Technical Education; Doug Meyer, Washington Association for Career and Technical Education; Rainer Houser, Association of Washington School Principals; Wes Pruitt, Workforce Training and Education Coordinating Board; Suzi Wright, Tulalip Tribes; Christie Perkins, Washington State Special Education Coalition; Barbara Mertens, Washington Association of School Administrators; Mary Kenfield, Washington PTA; Dan Steele, Washington State School Directors' Association.

CON: Susan Mielke, Washington Roundtable; Miebeth Bustillo-Booth, Washington Education Association; Nancy Atwood, Washington AEA.



## HEALTH

**SB 5068**

### Providing health information for youth

Sponsors: Senators Keiser, Thibaudeau, McAuliffe, Kline, Franklin, Haugen, Kohl-Welles

**Bill Digest:** Declares an intent to enhance the healthy development of young people in Washington State by taking opportunities to provide them with information needed to help reduce rates of teen pregnancy, sexually transmitted diseases, and HIV infection.

Directs the department of health to work in consultation with the office of the superintendent of public instruction to develop guidelines for health information and disease prevention instruction under this act.

**Commission's position:**

The Commission supports this bill. Heterosexual African American females are the fastest growing HIV/AIDS population in the U.S. Medically accurate health information is essential to our community.

**No hearings have been held for this Bill.**

**SB 5450:** Requiring that insurance coverage for mental health services be at parity with medical and surgical services.

Sponsors: Senators Thibaudeau, Oke, Brown, Mulliken, Kelser, Doumit, Prentice, Poulsen, Regala, Kline, Franklin, Parlette, Rockefeller, Spanel, McAuliffe, Kohl-Welles, Pflug

**Bill Digest:** Declares an intent to require that insurance coverage be at parity for mental health services, which means this coverage be delivered under the same terms and conditions as medical and surgical services.

**Commission's position:**

The Commission supports this bill. Allowing insured patients comparable coverage for mental health care services under their insurance contract will allow better access to mental health care services for those with insurance. Access to mental health care is an important part of improving the overall health of the community.

**No hearings have been held for this bill.**

**SB 5188:** Creating the children's environmental health and protection advisory council. Senator Franklin – primary sponsor.

Sponsors: Senators Franklin, Thibaudeau, Kohl-Welles, Keiser, Kline, Rasmussen, Fairley, Jacobsen, McAuliffe

**Bill Digest:** Establishes the children's environmental health and protection advisory council.

**Commission's position:**

The Commission supports this bill as good public policy to provide further protection for the health of our children.

A hearing was held for this bill on January 24, 2005

**SENATE BILL REPORT:** As of January 26, 2005

**Title:** An act relating to the children's environmental health and protection advisory council.

**Brief Description:** Creating the children's environmental health and protection advisory council.

**Sponsors:** Senators Franklin, Thibaudeau, Kohl-Welles, Keiser, Kline, Rasmussen, Fairley, Jacobsen and McAuliffe.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 1/24/05.

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**SENATE COMMITTEE ON HEALTH & LONG-TERM CARE**

**Staff:** Sharon Swanson (786-7447)

**Background:** Studies have shown that children are more susceptible to exposure to environmental pollutants than adults. They are particularly vulnerable to such hazards as lead, pesticides, air pollutants, contaminated water, toxic waste, secondhand tobacco smoke, and industrial and home chemicals. Children are more susceptible because they absorb toxins at a much higher rate relative to body weight than do adults. They also have not formed natural biological barriers that block toxins from entering the blood stream, and they tend to play in areas where they are exposed to toxins.

**Summary of Bill:** The Children's Environmental Health and Protections Advisory Council is created. Membership includes 15 people representing the Legislature, several state agencies, parents of children who have been identified as having been exposed to an environmental hazard, and an expert in environmental toxicology.

The council must meet at least four times per year to review existing laws, rules and regulations that may pose environmental hazards to the health of children. The state Board of Health provides staff support to the council. The Council must report to the Governor and the Legislature by December of 2005 and 2006 with recommendations on changes in regulation that would decrease environmental hazards to children.

The legislation expires June 30, 2007.

**Appropriation:** None.

**Fiscal Note:** Requested.

**Committee/Commission/Task Force Created:** Yes.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Children are more susceptible to toxins but their reactions are not easily understood because the reactions differ for adults. This issue needs to be studied closely, this legislation will accomplish that. Children should not be allowed to suffer, issue needs to be addressed.

**Testimony Against:** Pesticides should not be included under this bill. The issue of pesticide use and the effect on children is already being addressed through other legislation. Duplication of efforts simply adds additional levels of bureaucracy to small business owners.

**Who Testified:** PRO: John Roberts, League of Women's Voters; Suzy Nickel, AFRA; Ruth Shearer, Citizen; CON: Heather Hansen, WA Friends of Farms & Forests; Dan Coyne, Far West Agribusiness.

**SB 5189**

**Reducing childhood lead exposure. Senator Franklin – primary sponsor.**

**Sponsors:** Senators Franklin, Thibaudeau, Keiser, Regala, Doumit, Rockefeller, Brown, Kline, Fairley, Rasmussen, McAuliffe, Fraser, Prentice, Jacobsen, Poulsen, Kohl-Welles

**Bill Digest:** Directs the department of health to implement a public health education program aimed at reducing childhood exposure to lead in residential settings. The program will continue the current efforts of the department to identify areas around the state where lead exposure poses a threat to children and families, and will provide information, education, and training to areas of concern.

Requires the program to especially focus on older housing stock, and the residential hazards of lead-based paint.

Directs the department to seek federal funding for the lead hazards education project and to operate it using these funds. The department is not required to implement the public health lead hazard education project if federal funds are not obtained for this purpose in the biennium ending July 1, 2007.

**Commission's position:**

The Commission supports this bill and the effort to safeguard health by reducing citizens' exposure to lead.

**A hearing for this bill was held on January 24, 2005**

**SENATE BILL REPORT:** As of January 26, 2005

**Title:** An act relating to lead-based paint activities.

**Brief Description:** Reducing childhood lead exposure.

**Sponsors:** Senators Franklin, Thibaudeau, Keiser, Regala, Doumit, Rockefeller, Brown, Kline, Fairley, Rasmussen, McAuliffe, Fraser, Prentice, Jacobsen, Poulsen and Kohl-Welles.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 1/24/05.

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**SENATE COMMITTEE ON HEALTH & LONG-TERM CARE**

**Staff:** Sharon Swanson (786-7447)

**Background:** There is concern that lead is highly toxic and lead exposure is dangerous, especially to children. Young children are at higher risk for lead poisoning, as their bodies are smaller and still developing. The effects of lead on a child's cognitive, behavioral, and developmental abilities may necessitate large

expenditures of public funds for health care and special education. Low-income children are at greater risk for lead poisoning.

Low to moderate lead poisoning in children can cause nervous system and kidney damage, decreased muscle and bone growth, hearing damage, speech, language, and behavior problems, learning disabilities and reduced IQ.

There is concern that families in older housing are not aware of the dangers of lead poisoning, that they do not know how to detect and abate existing lead hazards, and how to control for lead dust while performing their own remodeling.

The potential for irreversible damage to children and subsequent expenditures might be avoided if exposure to lead is reduced.

**Summary of Bill:** The Department of Health is directed to implement a public health education program aimed at reducing childhood exposure to lead in residential settings. The program should especially focus on older housing stock and the residential hazards of lead based paint.

The department is directed to seek federal funding for the program.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Lead is damaging to children. Lead has been discovered in the Seattle School District water. This is a preventable problem, we must study the issue to prevent children from damage.

**Testimony Against:** Lead was a problem forty years ago. Lead was a problem when it was in the fuel, but that has changed. The percentage of lead in a child's system was 33 percent in 1960's. Now the average amount found in a child is 1 percent. This legislation is nothing more than misdirected enthusiasm for a problem that has been dealt with.

**Who Testified:** PRO: Jennifer Tabaldi, Washington DOD; John Woodring, Pacific Northwest Paint Council; Ruth Shearer, Citizen; CON: Bill Robertson, MD.

**SB 5452**

**Prohibiting genetic testing as a condition of life insurance. Senator Franklin – primary sponsor.**

Sponsors: Senators Franklin, Fairley, Stevens, Roach, Benson, Regala, Kline, Rockefeller, Rasmussen, Kohl-Welles

**Bill Digest:** Declares that it is unlawful for any life insurer to require, directly or indirectly, any policyholder or prospective policyholder or person upon whose life the contract is made to submit genetic information or submit to screening for genetic information as a condition of obtaining or retaining a life insurance or annuity policy.

Declares that it is unlawful for any life insurer to use genetic information in setting rates or making determinations concerning the rate or amount of premium charged for a life insurance or annuity policy, or in the benefits payable or in any other rights or privileges accruing thereunder.

Declares that it is unlawful for any insurer issuing a group life insurance or annuity policy to require, directly or indirectly, any policyholder or prospective policyholder or any person upon whose life the contract is made to submit genetic information pertaining to any person insured under the group life insurance policy or pertaining to any person upon whose life the policy is made or to require such persons to submit to screening for genetic information as a condition of obtaining or retaining a group life insurance or annuity policy.

Declares that it is unlawful for any insurer issuing a group life insurance policy to use genetic information in setting rates or making determinations concerning the rate or amount of premium charged for a group life insurance or annuity policy, or in the benefits payable or in any other rights or privileges accruing thereunder.

**Commission's position:**

The Commission supports this legislation. The legislation will prevent the misuse of personal genetic information by creating privacy standards. A genetic predisposition to a disease or disorder is not proof that a person will develop the disorder. It is possible that genetic information can be used in a discriminatory manner adversely affecting insurance determinations.

**A hearing has been scheduled for February 2, 2005 (subject to change).**

Background information by Jewish Federation of Greater Seattle:

This legislation will prevent the misuse of personal genetic information by enacting privacy and confidentiality standards.

**Why enact legislation?**

- Many communities have been shown to have a high propensity for a variety of cancer-linked genes in genetic studies (i.e. African Americans with Sickle Cell Anemia and Eastern European Jews with certain genes associated with breast cancer, ovarian cancer and Tay Sachs).
- There have been abuses. There have been two national cases that involving the improper use of genetic information to discriminate against groups or individuals in employment (Berkely Labs and Burlington Northern Santa Fe Railroad).

### Background on genetic discrimination:

Some may regard the presence of a genetic mutation as an unalterable prediction that a person will manifest the disorder associated with that mutation, rather than as one of many factors affecting health. Genes are not destiny; the presence of genetic code that is linked to a predisposition for certain diseases does not mean that an individual will get that disease.

With these misconceptions so prevalent, employers may come to rely on genetic testing to "weed out" those employees who carry genes associated with diseases. Similarly, genetic traits may come to be used by health insurance companies to deny coverage to those who are seen as "bad genetic risks." Enabling employers, health insurers and others to base decisions about individuals on the characteristics that are assumed to be their genetic destiny would be an undesirable outcome of our national investment in genetic research, and may significantly diminish the benefits that this research offers.

### How does Washington State compare to other states?

Washington is one of only four states that have no explicit protection against discrimination from the use genetic information for insurance.

### The legislation would:

Protect from discrimination in Life Insurance by:

- 1) Prohibiting the use of genetic information to adjust premium or contribution limits.
- 2) Prohibiting using genetic information as a condition of eligibility for coverage.
- 3) Prohibiting group life insurance policymakers to use genetic information in setting rates or making determinations concerning the rate or amount of premium charged for a group life insurance or annuity policy, or in the benefits payable.

# JUSTICE

**SB 5339** Regarding recidivism reduction through discharge of convicted felons.  
Senator Franklin – primary sponsor.

Sponsors: Senators Franklin, Regala, Hewitt, Brown, McCaslin, Fairley, Zarelli, Weinstein, Stevens, Kline,  
Hargrove, Kohl-Welles

**Bill Digest:** Finds that: (1) Record numbers of our citizens have been sentenced to prison over the past two decades, more than ninety percent of whom will be reentering society.

(2) The successful reentry and reintegration of previously incarcerated men and women is important to the public safety of the state of Washington, to the health of our communities, and to the reduction of the growing costs of the criminal justice system.

(3) A comprehensive reentry program, including the removal of unreasonable barriers to reentry, offers the best opportunity for released persons to become productive citizens.

(4) Receipt of a certificate of discharge is critical to a released person's ultimate reintegration into society and avoidance of recidivism, including better employability, housing, and the exercise of civil rights.

(5) It is in the public interest that a person who has satisfied all incarceration and supervision requirements of his or her sentence receive a certificate of discharge if he or she has made a good faith effort to satisfy all legal financial obligations, according to his or her means, and the legal financial obligations remain enforceable by all parties as a civil judgment.

**Commission's position:**

The Commission supports this bill. A disproportionate number of African Americans are incarcerated in Washington's prisons. Consequently, unreasonable barriers to receiving a certificate of discharge will disproportionately affect the African American community. This bill serves the public interest. It does not excuse or forgive financial obligations, but allows a more reasonable means by which a released person can move toward meeting and fulfilling his or her financial obligations. The Commission also supports the efforts of the Minority & Justice Commission to better educate the courts on the collateral (and sometimes unanticipated) consequences of sentencing.

**A hearing was held for this bill on January 27, 2005**

**SENATE BILL REPORT:** As of January 31, 2005

**Title:** An act relating to recidivism reduction through discharge of convicted felons.

**Brief Description:** Regarding recidivism reduction through discharge of convicted felons.

**Sponsors:** Senators Franklin, Regala, Hewitt, Brown, McCaslin, Fairley, Zarelli, Weinstein, Stevens, Kline, Hargrove and Kohl-Welles.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/27/05.

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**SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS**

**Staff:** Fara Daun (786-7459)

**Background:** Less than ten percent of persons convicted of felonies and sentenced to prison will remain in prison without release; all other offenders will be returned to the community on completion of their term of incarceration. Many of the offenders who have returned to the community will have legal financial obligations to pay in addition to their terms of confinement and supervision in the community. It often takes many years to pay off the legal financial obligations. Under current law the court may reduce the interest on restitution following payment of the principal and waive or reduce the interest on other types of legal financial obligations if the offender has made a good faith effort to pay. The statute sets out a variety of criteria by which an offender can demonstrate to the court that he or she has made a good faith effort to pay.

Current law requires the court to issue a certificate of discharge to an offender after he or she has completed all terms of the sentence, including incarceration, supervision in the community, and payment of all legal financial obligations. Upon receiving a certificate of discharge, all civil rights except the right to bear arms, are restored to the offender.

**Summary of Bill:** A court may issue a certificate of discharge to an offender who has completed all terms of his or her sentence before the offender completes paying the legal financial obligations pursuant to the sentence if the offender has made and is making reasonable efforts to pay the obligations according to the offender's ability to pay. The offender remains liable for the payment of the legal financial obligations as a civil judgment and the obligations are enforceable by any party to whom an obligation is owed.

A court that issues a certificate of discharge prior to completion of payment of the legal financial obligations retains jurisdiction over the offender for purposes of the offender's compliance with the payment of the obligation and the county clerk retains authority to collect the obligations.

**Appropriation:** None.

**Fiscal Note:** Requested on January 20, 2005.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** There is no intention with this bill to remove any offender's obligation to pay his or her legal financial obligations. There are, however, offenders who are working and regularly paying as agreed, but whose obligations exceed their ability to clear the debt. Discharge would help these offenders become more fully a part of their community. Successful reentry needs stable housing and employment and a discharge helps obtain these things. This bill is part of many actions to chip away at barriers to successful reentry. All the collection remedies now available would continue to be available. This is a step toward a less cumbersome restoration of rights.

**Testimony Against:** None.

**Concerns:** There are concerns that this should be watched to make sure it does not impact the payment of restitution. In addition, the definition of regular payment needs clarifying.

**Who Testified:** PRO: Senator Rosa Franklin, sponsor; Daniel Clark, Transition & Reentry Reform Coalition; Paul Benz, Lutheran Public Policy; Roger Kluck, Friends Committee on Washington Public Policy; Bill Daley, Washington Citizen Action; Lonnie Johns-Brown, Washington Coalition of Sexual Assault Programs; Jennifer Shaw, ACLU of Washington.

**SB 5531**

**Providing indigent defense services.**

Sponsors: Senators Kline, Johnson, Fraser, Stevens, Haugen, Swecker, Regala, Franklin, Kohl-Welles, Benton, Shin

**Bill Digest:** Provides for indigent defense services.

**Commission's position:**

The Commission supports this bill. Lack of legal representation for those unable to afford an attorney is a very serious matter affecting the African American community. Lack of funding of indigent defense services ultimately results in a fundamental lack of fairness in our criminal justice system.

**A hearing has not been held for this bill.**

**TEXT OF BILL – SSB 5531**

BILL REQ. #: Z-0267.2.

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**SENATE BILL 5531**

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**State of Washington**

**59th Legislature**

**2005 Regular Session**

By Senators Kline, Johnson, Fraser, Stevens, Haugen, Swecker, Regala, Franklin, Kohl-Welles, Benton and Shin

Read first time 01/27/2005. Referred to Committee on Judiciary.

AN ACT Relating to indigent defense services; amending RCW 10.101.005 and 10.101.030; and adding new sections to chapter 10.101 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec. 1** RCW 10.101.005 and 1989 c 409 s 1 are each amended to read as follows:

The legislature finds that effective legal representation ((~~should~~)) must be provided for indigent persons and persons who are indigent and able to contribute, consistent with the constitutional requirements of fairness, equal protection, and due process in all cases where the right to counsel attaches.

**Sec. 2** RCW 10.101.030 and 1989 c 409 s 4 are each amended to read as follows:

Each county or city under this chapter shall adopt standards for the delivery of public defense services, whether those services are provided by contract, assigned counsel, or a public defender office. Standards shall include the following: Compensation of counsel, duties and responsibilities of counsel, case load limits and types of cases, responsibility for expert witness fees and other costs associated with representation, administrative expenses, support services, reports of attorney activity and vouchers, training, supervision, monitoring and evaluation of attorneys, substitution of attorneys or

assignment of contracts, limitations on private practice of contract attorneys, qualifications of attorneys, disposition of client complaints, cause for termination of contract or removal of attorney, and nondiscrimination. The standards endorsed by the Washington state bar association for the provision of public defense services ~~((may))~~ should serve as guidelines to ~~((contracting))~~ local legislative authorities in adopting standards.

NEW SECTION. Sec. 3 A new section is added to chapter 10.101 RCW to read as follows:

The Washington state office of public defense shall disburse appropriated funds to counties and cities for the purpose of improving the quality of public defense services. Counties may apply for up to their pro rata share as set forth in section 4 of this act provided that counties conform to application procedures established by the office of public defense and improve the quality of services for both juveniles and adults. Cities may apply for moneys pursuant to the grant program set forth in section 6 of this act. In order to receive funds, each applying county or city must require that attorneys providing public defense services attend training approved by the office of public defense at least once per calendar year. Each applying county or city shall report the expenditure for all public defense services in the previous calendar year, as well as case statistics for that year, including per attorney caseloads, and shall provide a copy of each current public defense contract to the office of public defense with its application. Each individual or organization that contracts to perform public defense services for a county or city shall report to the county or city hours billed for nonpublic defense legal services in the previous calendar year, including number and types of private cases.

NEW SECTION. Sec. 4 A new section is added to chapter 10.101 RCW to read as follows:

(1)(a) Subject to the availability of funds appropriated for this purpose, the office of public defense shall disburse to applying counties that meet the requirements of section 3 of this act designated funds under this chapter on a pro rata basis pursuant to the formula set forth in section 5 of this act and shall disburse to eligible cities, funds pursuant to section 6 of this act. Each fiscal year for which it receives state funds under this chapter, a county or city must document to the office of public defense that it is meeting the standards for provision of indigent defense services as endorsed by the Washington state bar association or that the funds received under this chapter have been used to make appreciable demonstrable improvements in the delivery of public defense services towards achieving those standards, including the following:

(i) Adoption by ordinance of a legal representation plan that addresses the factors in RCW 10.101.030. The plan must apply to any contract or agency providing indigent defense services for the county or city;

(ii) Requiring attorneys who provide public defense services to attend training under section 3 of this act;

(iii) Requiring attorneys who handle the most serious cases to meet specified qualifications as set forth in the Washington state bar association endorsed standards for public defense services or participate in at least one case consultation per case with office of public defense resource attorneys who are so qualified. The most serious cases include all cases of murder in the first or second degree, persistent offender cases, and class A felonies. This subsection (1)(a)(iii) does not apply to cities receiving funds under sections 3 through 6 of this act;

(iv) Requiring contracts to address the subject of compensation for extraordinary

cases;

(v) Identifying funding specifically for the purpose of paying experts (A) for which public defense attorneys may file ex parte motions, or (B) which should be specifically designated within a public defender agency budget;

(vi) Identifying funding specifically for the purpose of paying investigators (A) for which public defense attorneys may file ex parte motions, and (B) which should be specifically designated within a public defender agency budget.

(b) The cost of providing counsel in cases where there is a conflict of interest shall not be borne by the attorney or agency who has the conflict.

(2) The office of public defense shall determine eligibility of counties and cities to receive state funds under this chapter. If a determination is made that a county or city receiving state funds under this chapter did not substantially comply with this section, the office of public defense shall notify the county or city of the failure to comply and unless the county or city contacts the office of public defense and substantially corrects the deficiencies within ninety days after the date of notice, or some other mutually agreed period of time, the county's or city's eligibility to continue receiving funds under this chapter is terminated. If an applying county or city disagrees with the determination of the office of public defense as to the county's or city's eligibility, the county or city may file an appeal with the advisory committee of the office of public defense within thirty days of the eligibility determination. The decision of the advisory committee is final.

NEW SECTION. Sec. 5 A new section is added to chapter 10.101 RCW to read as follows:

The moneys shall be distributed to each county determined to be eligible to receive moneys by the office of public defense as determined under this section. Ninety percent of the funding appropriated shall be designated as "county moneys" and shall be distributed as follows:

(1) Six percent of the county moneys appropriated shall be distributed as a base allocation among the eligible counties. A county's base allocation shall be equal to this six percent divided by the total number of eligible counties.

(2) Ninety-four percent of the county moneys appropriated shall be distributed among the eligible counties as follows:

(a) Fifty percent of this amount shall be distributed on a pro rata basis to each eligible county based upon the population of the county as a percentage of the total population of all eligible counties; and

(b) Fifty percent of this amount shall be distributed on a pro rata basis to each eligible county based upon the annual number of criminal cases filed in the county superior court as a percentage of the total annual number of criminal cases filed in the superior courts of all eligible counties.

(3) Under this section:

(a) The population of the county or city is the most recent number determined by the office of financial management;

(b) The annual number of criminal cases filed in the county superior court is determined by the most recent annual report of the courts of Washington, as published by the office of the administrator for the courts;

(c) Distributions and eligibility for distributions in the 2005-2007 biennium shall be based on 2004 figures for the annual number of criminal cases that are filed as described under (b) of this subsection. Future distributions shall be based on the most recent figures

for the annual number of criminal cases that are filed as described under (b) of this subsection.

NEW SECTION. Sec. 6 A new section is added to chapter 10.101 RCW to read as follows:

The moneys under section 3 of this act shall be distributed to each city determined to be eligible under this section by the office of public defense. Ten percent of the funding appropriated shall be designated as "city moneys" and distributed as follows:

(1) The office of public defense shall administer a grant program to select the cities eligible to receive city moneys. Incorporated cities may apply for grants. Applying cities must conform to the requirements of sections 3 and 4 of this act.

(2) City moneys shall be divided among a maximum of five applying cities and shall be distributed in a timely manner to accomplish the goals of the grants.

(3) Criteria for award of grants shall be established by the office of public defense after soliciting input from the association of Washington cities. Award of the grants shall be determined by the office of public defense.

**HOUSE BILL 1295: Decriminalizing "fine only" criminal statutes.**

**Brief Summary of Bill**

- Changes several misdemeanor crimes to civil infractions.

**Rep. Lovick primary sponsor.**

**Bill Digest:** Decriminalizes "fine only" criminal statutes.

**No hearing has been held on this bill.**

**Sponsors:** Representatives Lovick, Priest, Williams, Wood and Chase

House Bill Analysis: **HB 1295**

**Brief Description:** Decriminalizing "fine only" criminal statutes.

**Staff:** Erik Van Hagen (786-5793).

**Background:**

I. Public or Common Nuisances

A public nuisance (otherwise known as a common nuisance) is a nuisance that affects an entire community or neighborhood. What constitutes a public nuisance is governed by the common law and by statute. Examples of public nuisances include causing the carcass of any animal to be deposited in any place to the prejudice of others, obstructing or impeding the passage of any river without legal authority, establishing powder magazines near incorporated cities or towns at a point different from that appointed by the city or town (or within 50 rods of any occupied dwelling house), and using any building for the exercise of any trade, which, by occasioning obnoxious exhalations, is offensive or dangerous to the health of individuals or of the public.

If a person is convicted of erecting, causing, or contriving a public or common nuisance, he or she must be punished by a fine not exceeding \$1,000 if no other punishment is specially provided.

II. Alcohol Servers

A person who sells alcohol for consumption at an on-premise retail licensed facility as a regular requirement of his or her employment must have a permit issued by an entity that has been certified by the Liquor Control Board (Board). Some alcohol servers must view a video training session for designed by the Board for alcohol servers. The Board may adopt rules to implement the alcohol server permitting program.

Violation of the statutes and rules dealing with alcohol servers is a misdemeanor. A first violation is punishable by a fine of not more than \$250. A subsequent violation is punishable by a fine of not more than \$500, imprisonment for not more than 90 days, or both.

### III. Vessel Registration

Most vessels (watercraft capable of being used as a means of transportation on the water other than seaplanes) must be registered. A vessel that is required to register (other than certain vessels of the United States) must have a registration number and a decal in order to operate on the waters of the state. The Department of Licensing (DOL) may adopt rules to implement the vessel registration statutes.

A violation of the vessel registration statutes or the DOL rules is a misdemeanor. A first violation is punishable by a fine not to exceed \$100 per vessel. A second violation within one year is punishable by a fine not to exceed \$200 per vessel. A third (or subsequent) violation within one year is punishable by a fine not to exceed \$400 per vessel.

### IV. Misdemeanors compared to civil infractions

The primary difference between fine only misdemeanors and civil infractions relates to the constitutional requirements of due process. Among other things, criminal defendants are constitutionally entitled to a jury trial and attorney, while civil defendants are not. Civil defendants may have default judgments entered against them for failing to appear, while criminal defendants may not.

### **Summary of Bill:**

Violations of statutes relating to public nuisances are decriminalized. Misdemeanors for violations of statutes and administrative rules relating to vessel registration are decriminalized. Misdemeanors for first time violations of statutes and administrative rules relating to alcohol servers are decriminalized. The misdemeanors are converted to civil infractions, which are non-criminal in nature. Second offenses of statutes and administrative rules relating to alcohol servers remain misdemeanors.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

## **SENATE BILL 5284**

Sponsors: Senators Kline, Thibaudeau, Fairley

### Commission Position

No position yet taken pending review. Bill is set for a hearing and testimony from the hearing should be analyzed. Director of the Sentencing Guideline Commission, Ida Leggett, is a friend of the Commission and very concerned regarding issues affecting African Americans in the criminal justice system.

### INFORMATION FROM SENTENCING GUIDELINES COMMISSION

Ida Leggett, Director

From: Ida Leggett [mailto:IdaL@sgc.wa.gov]  
Sent: Friday, January 28, 2005 3:27 PM  
To: Jones, Regina (CAA)  
Cc: Adam Kline (E-mail)  
Subject: RE: Legislative Day

Regina thanks for the invitation, but you're right the SGC monthly meeting is on the same date.

Even though I cannot participate, I would appreciate it if you would direct the members' attention to Senate Bill 5284. This bill, proposed by Sen. Adam Kline, an SGC member and senator from Seattle, contains a provision removing the offense of Robbery in the Second Degree from the list of offenses included in the persistent offender, three strikes, law.

As you are no doubt aware, African American men have been sentenced to life in prison under this law in disproportionate numbers. Many of those receiving the sentence have been convicted of Robbery 2 even though they engaged in non-violent conduct. The example most often cited by supporters of the bill is the young African American woman who was sentenced under three strikes for shoplifting "gone bad." In one case she shoved store personnel (interpreted as using force) and in another case she led a storeowner to believe she was armed when she pantomimed a shot through her jacket pocket. She was in fact armed with an afro comb.

I'm certain that Senator Kline would welcome the support of the state Commission on African American Affairs. A copy of the bill can be found at the following link.  
<http://search.leg.wa.gov/pub/textsearch/ViewRoot.asp?Action=Html&Item=1&X=128145152&p=1>

All the best. If you have any questions about this bill or other criminal justice issue, please let me know.

**HB 1414** Requiring a model policy and training standards regarding the use of force in the common schools.

Sponsors: Representatives Dickerson, Quall, Pettigrew, Kagi, O'Brien, Miloscia, Chase, Santos, Simpson

**Bill Digest:** Provides that, by December 1, 2006, the superintendent of public instruction shall, in consultation with the Washington state school safety center advisory committee, develop a model policy and training standards and requirements for school building administrators and other school security personnel relative to the use of force and physical restraint in the common schools.

Requires that, by September 1, 2007, each school district board of directors shall adopt a policy and establish training standards and requirements relative to the use of force and physical restraint by school building administrators and other school security personnel.

Provides that the act shall be null and void if appropriations are not approved.

**Commission's position:** The Commission supports this bill. Reports from various sources make it evident that school policies throughout the state vary widely regarding appropriate use of physical restraint of students. Creating a model policy and establishing standards governing the use of force and physical restraint by school personnel is a necessary first step in addressing this issue.

**A hearing for this bill is scheduled for February 2, 2005**





### Where do I go to register?

Registration is available at many places in Washington, including:

- in person at your county auditor or elections department
- when you renew or apply for your driver's license
- by mail, with voter registration forms that are available at many public libraries, schools, and other government offices
- by accessing a registration application on-line at [www.vote.wa.gov](http://www.vote.wa.gov)

Registration may also be available at other state service agencies. Contact the county auditor's office near you to find out which service agencies provide voter registration. If you are in King County, you should contact the Department of Records and Elections.

If you believe you are eligible to vote and encounter difficulty registering, please contact the Elections section of the Washington Secretary of State:

Office of the Secretary of State  
Elections Division  
Legislative Building  
PO Box 40220  
Olympia, WA 98504-0220  
(360) 902-4151  
(800) 448-4881 (toll-free voter hotline)  
(800) 422-8683 (TDD)  
e-mail: [elections@secstate.wa.gov](mailto:elections@secstate.wa.gov)

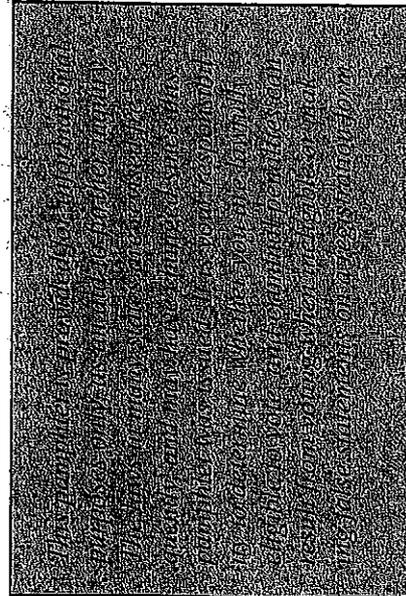
If the Washington Secretary of State is unable to help you, or to report a problem, contact:

United States Department of Justice  
Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767 (voice)  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

# Restoring Your Right to Vote



# WASHINGTON



The right to vote is an important civil right in a democracy as well as a civic responsibility, and at many persons who have been convicted of a crime do not know whether they are eligible to vote. For both federal and state elections, the right to vote is controlled by the law of the state in which you live. Some states restrict the right to vote for persons who have been convicted of a crime. This pamphlet is intended to help you determine whether you are eligible to vote in the state in which you live, and if so, what steps you must take to be permitted to vote.

### **What law governs whether my felony conviction limits my right to vote?**

The impact of a criminal conviction on the right to vote varies widely from state to state. Whether you can vote after being convicted of a crime is determined by the state in which you live, not the state in which you were convicted.

### **Can I vote while I'm incarcerated in Washington?**

If you are a resident of Washington, and you have been convicted of a felony, you cannot vote while you are incarcerated. When you are convicted of a felony, whether in state or federal court, your voter registration is cancelled.

If you are a resident of another state who is temporarily incarcerated in Washington, you may be able to vote by absentee ballot in your home state. You need to consult the law of your home state regarding both criminal convictions and absentee ballots to see if this is a possibility.

### **Have I been released from incarceration.**

#### **How do I restore my right to vote?**

In order to regain the right to vote, you must restore your civil rights restored.

Your civil rights are restored by the issuance of a certificate of discharge. When you have completed all of the requirements of your sentence, the Department of Corrections notifies the sentencing court. The sentencing court then issues and provides you with a certificate of discharge, which will have the effect of restoring your right to vote. You can then register to vote.

However, if you were convicted for a state crime committed on or before July 1, 1984, you must follow a different procedure. If you have been released on parole, you may be able to obtain an order of discharge from the Indeterminate Sentence Review Board. The telephone number for the Indeterminate Sentence Review Board is (360) 493-9266. If you finished serving a suspended sentence or period of probation, you may apply to the sentencing court to have your civil rights restored.

Also, if you were convicted under state law, whether before or after July 1, 1984, you may apply to the Clemency and Pardons Board for a pardon or to have your civil rights restored. You can contact the Clemency and Pardons Board by contacting the Governor's office:

Office of the Governor  
PO Box 40002

Olympia, WA 98504-0002

(360) 902-4111 (voice)

(360) 753-4110 (fax)

(360) 753-6466 (TTY/TDD)

### **What if my conviction was for a federal crime?**

If you are convicted of a federal felony, you lose the right to vote in Washington until you have had your civil rights restored. Although the Governor of Washington cannot grant you a pardon for a federal conviction, the Clemency and Pardons

Board can restore your civil rights in Washington. You may petition the Clemency and Pardons Board, which has the authority to restore the right to vote to anyone convicted in federal court, by contacting the Governor's office.

### **What if I was convicted in another state?**

If you are convicted of a felony in another state, you lose the right to vote in Washington. Although the Governor of Washington cannot grant you a pardon for a conviction in another state, the clemency and Pardons Board can restore your civil rights in Washington. You may petition the Clemency and Pardons Board, which has the authority to restore the right to vote to anyone convicted in another state, by contacting the Governor's office.

### **What happens if I move to another state?**

If you move to another state, your right to vote will be controlled by the laws of that state.

### **What are Washington's other voter registration requirements?**

To vote in Washington, you must be a citizen of the United States, a legal resident of Washington, and at least 18 years old by the date of the election.

### **When do I need to register to vote?**

To be eligible to vote in an upcoming election, you must register at least 30 days prior to the election. If you register by mail, your application must be postmarked by the 30-day cutoff. If you fail to meet the 30-day deadline, you may register in person at your county elections department no later than 15 days before the election.

## ECONOMIC DEVELOPMENT

### **HB 1573** Modifying provisions of the linked deposit program.

Sponsors: Representatives P. Sullivan, Haier, Linville, Dunn, Skinner, Fromhold, Grant, Wallace, Ormsby, Morrell, Hasegawa, Kenney, Pettigrew, Holmquist, McCoy, Upthegrove, Clibborn, Santos, Kilmer

#### **Governor's Request legislation.**

**Bill Digest:** Declares an intent that funds provided under the linked deposit program shall be used to create jobs and economic opportunity as well as to remedy the problem of a lack of access to capital by minority and women's business enterprises.

Encourages public depositories participating in the linked deposit program to increase the funds available to certified minority and women's business enterprises by taking full advantage of the linked deposit program loans to qualify for the community reinvestment act community programs under federal law (12 U.S.C.S. Sec. 2901 et seq.).

Repeals RCW 43.131.381 and 43.131.382.

**Commission's position:** The Commission supports this bill. Linked deposit legislation will allow greater access to capital for minority owned businesses. This bill provides critical support in the area of economic development.

**No hearings have been held for this bill.**

## CHILDREN AND FAMILY

**HB 1190**

### **Supporting the long-term success of families with children by removing barriers to Temporary Assistance for Needy Families and the WorkFirst programs.**

**Primary sponsor – Rep. Eric Pettigrew**

**Bill Digest:** Supports the long-term success of families with children by removing barriers to Temporary Assistance for Needy Families and the WorkFirst programs.

**Commission's Position:**

The Commission supports HB 1190 and its approach in creating better access to Temporary Assistance for Needy Families and WorkFirst.

A hearing was held for this bill on January 31, 2005.

#### **HOUSE BILL ANALYSIS: HB 1190**

**Brief Description:** Supporting the long-term success of families with children by removing barriers to Temporary Assistance for Needy Families and the WorkFirst programs.

**Sponsors:** Representatives Pettigrew, Hinkle, Santos, Nixon, Kagi, Roberts, Darneille, Walsh, Haler, Appleton, Chase, Cody, Kenney, Clibborn, Ormsby, McIntire and Hasegawa.

#### **Brief Summary of Bill**

- Exempts individuals from eligibility restrictions under the WorkFirst program on the basis of a drug-related felony conviction or lack of a drug assessment or treatment.

**Hearing Date:** January 31, 2005.

**Staff:** Cynthia Forland (786-7152).

**Background:**

In 1996, the federal government enacted welfare reform, shifting the emphasis of the federal program to a "Work First" approach. In 1997, Washington enacted its version of welfare reform, establishing the WorkFirst program. The WorkFirst program

emphasizes the importance of gaining employment and staying employed. WorkFirst participants are assessed for employment barriers that may include mental health, medical, or substance abuse issues that must be addressed before an applicant can become fully employable.

Under the WorkFirst program, public assistance may be awarded to individuals who are in need and otherwise meet the eligibility requirements of the program. Otherwise qualified individuals may be required to participate in a drug or alcohol treatment program in order to receive benefits if they have been assessed as drug- or alcohol-dependent and in need of treatment to become employable.

In addition, in order to be eligible for assistance, an individual with a drug-related felony conviction, after August 21, 1996, must:

- have been assessed as chemically dependent and be participating in, or have completed, a coordinated rehabilitation plan consisting of chemical dependency treatment and vocational services; and
- have not been convicted of a drug-related felony in the three years prior to the most current conviction.

Federal law permits states to opt out of the restrictions on public assistance for individuals with a drug-related felony conviction.

**Summary of Bill:**

Individuals are no longer ineligible for WorkFirst benefits on the basis of a drug-related felony conviction or lack of a drug assessment or treatment.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**HB 1281** Adding to the list of persons who may give informed consent to medical care for minors and providing immunity to health care providers and facilities when they rely upon the representation of a person claiming to be responsible for the care of the minor.

**Representative Pettigrew primary sponsor.**

**Sponsors:** Representatives Pettigrew, Hinkle, Kagi, Walsh, Schual-Berke, McDonald, Clibborn, Dickerson, Dunn, P. Sullivan, Orcutt, Darnelle, Morrell, Campbell, Wallace, Chase

**Bill Digest:** Declares an intent to assist children in the care of kin to access appropriate medical services.

Finds that children being raised by kin have faced barriers to medical care because their kinship caregivers have not been able to verify that they are the identified primary caregivers of these children. Such barriers pose an especially significant challenge to kinship caregivers in dealing with health professionals when children are left in their care.

Declares an intent to assist kinship caregivers in accessing appropriate medical care to meet the needs of a child in their care by permitting such responsible adults who are providing care to a child to give informed consent to medical care.

**Commission's position:** The Commission supports this bill. African American children are disproportionately represented in Washington's child welfare system. As a matter of public policy, we should reduce barriers hindering kinship caregivers in addressing the health needs of the children in their care.

**A hearing for this bill is scheduled for February 2, 2005.**

**HB 1426** Establishing an interagency plan for children of incarcerated parents.

**Bill Digest:** Declares an intent to support children in the state whose parents are incarcerated by encouraging the state agencies involved with families of individuals who are incarcerated to coordinate and expand existing services for these families in order to improve the well-being of children of incarcerated parents both over the short term and the long term.

Directs the department of corrections, in partnership with the department of social and health services, to establish an oversight committee to develop a comprehensive interagency plan to provide the necessary services and supports for the children of this state whose parents are incarcerated in jail or prison.

Requires the oversight committee to develop the interagency plan by June 30, 2006, with an interim report due January 1, 2006.

**Commission's Position:** The Commission supports this bill. Insufficient attention is paid to the needs of children with incarcerated parents. Other states have embraced the concept of a "bill of rights" for children of incarcerated parents. HB1426 moves Washington public policy in a positive direction by requiring the development of a comprehensive interagency plan to support the needs of these children.

## HB 1426

**Brief Description:** Establishing an interagency plan for children of incarcerated parents.

**Sponsors:** Representatives Roberts, McDonald, Kagi, Nixon, Pettigrew, Dickerson, Darneille, Tom, Rodne, Hasegawa, O'Brien, Lovick, Ormsby, Morrell, Chase and Santos.

### Brief Summary of Bill

- Requires the Department of Corrections to establish oversight committees to develop a comprehensive interagency plan to provide the necessary services and supports for children whose parents are incarcerated.

**Hearing Date:** January 31, 2005.

**Staff:** Cynthia Forland (786-7152).

### Background:

According to the Justice Department's Bureau of Justice Statistics, an estimated two percent of the nation's 72 million children under 18 years of age had an imprisoned parent in 1999. During that same year, an estimated 721,500 federal and state prisoners had minor children. Almost 1.5 million minor children had a parent in prison, which constitutes an increase of more than 500,000 children since 1991. Of those children with imprisoned parents, 58 percent were under 10 years of age with the average being 8 years

of age.

Nationwide, 40 percent of the imprisoned fathers and 60 percent of the mothers reported weekly contact with their children by phone, mail, or visit. However, a majority of both fathers (57 percent) and mothers (54 percent) reported never having had a personal visit with their children since their admission to state prison. More than 60 percent of the parents in state prisons reported being held more than 100 miles from their last place of residence.

**Summary of Bill:**

The Department of Corrections (DOC), in partnership with the Department of Social and Health Services (DSHS), is required to establish an oversight committee to develop a comprehensive interagency plan to provide the necessary services and supports for the children of this state whose parents are incarcerated in jail or prison.

The interagency plan must include the following:

- identification of existing state services and programs, as well as recognized community-based services and programs, for children whose parents are incarcerated;
- identification of methods to improve collaboration and coordination of existing services and programs;
- recommendations concerning new services and programs for children whose parents are incarcerated, involving both interagency and community-based efforts; and
- identification of evidence-based practices and areas for further research to support the long-term provision of services and programs for children whose parents are incarcerated, including the following:
  - identification and ongoing collection of data relating to incarcerated individuals in the state who have children under 18 years of age; and
  - identification and sharing of information relating to children of incarcerated parents who are involved in the juvenile justice or child welfare systems, to the extent permissible under state and federal law.

The oversight committee must include the following:

- representatives with decision-making authority of: the DOC, the Children's Administration of the DSHS, the JRA of the DSHS, law enforcement and jails, the Office of Superintendent of Public Instruction, the courts, prosecuting attorneys and public defenders, and community-based agencies working with families of individuals who are incarcerated; and
- caregivers of children whose parents are incarcerated.

**Appropriation:** None.

**Fiscal Note:** Requested on January 24, 2005.