
SENATE BILL 5599

State of Washington 52nd Legislature 1991 Regular Session

By Senators Talmadge, Moore and Williams.

Read first time February 11, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to the Washington civil rights act; amending RCW
2 49.60.010, 49.60.030, 49.60.120, 49.60.170, 49.60.222, 49.60.225,
3 49.60.226, 49.60.240, 49.60.250, 28B.110.050, 48.21.160, and
4 71A.10.040; reenacting and amending RCW 49.60.040 and 49.60.215; adding
5 a new section to chapter 49.60 RCW; and adding a new section to chapter
6 43.10 RCW.

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

8 **Sec. 1.** RCW 49.60.010 and 1985 c 185 s 1 are each amended to read
9 as follows:

10 This chapter shall be known as the (~~"law against~~
11 ~~discrimination"~~.) "Washington civil rights act." It is an exercise of
12 the police power of the state for the protection of the public welfare,
13 health, and peace of the people of this state, and in fulfillment of
14 the provisions of the Constitution of this state concerning civil
15 rights. The legislature hereby finds and declares that practices of

1 discrimination against any of its inhabitants because of race, creed,
2 color, religion, national origin, sex, marital status, age, or the
3 presence of any sensory, mental, or physical handicap are a matter of
4 state concern, that such discrimination threatens not only the rights
5 and proper privileges of its inhabitants but menaces the institutions
6 and foundation of a free democratic state. A state agency is herein
7 created with powers with respect to elimination and prevention of
8 discrimination in employment, in credit and insurance transactions, in
9 places of public resort, accommodation, or amusement, and in real
10 property transactions because of race, creed, color, religion, national
11 origin, sex, marital status, age, or the presence of any sensory,
12 mental, or physical handicap; and the commission established hereunder
13 is hereby given general jurisdiction and power for such purposes.

14 **Sec. 2.** RCW 49.60.030 and 1984 c 32 s 2 are each amended to read
15 as follows:

16 (1) The right to be free from discrimination because of race,
17 creed, color, religion, national origin, sex, marital status, age, or
18 the presence of any sensory, mental, or physical handicap is recognized
19 as and declared to be a civil right. This right shall include, but not
20 be limited to:

21 (a) The right to obtain and hold employment without discrimination;

22 (b) The right to the full enjoyment of any of the accommodations,
23 advantages, facilities, or privileges of any place of public resort,
24 accommodation, assemblage, or amusement;

25 (c) The right to engage in real estate transactions without
26 discrimination;

27 (d) The right to engage in credit transactions without
28 discrimination;

1 (e) The right to engage in insurance transactions or transactions
2 with health maintenance organizations without discrimination:
3 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,
4 48.44.220, or 48.46.370 does not constitute an unfair practice for the
5 purposes of this ~~((subparagraph))~~ subsection (1)(e); and

6 (f) The right to engage in commerce free from any discriminatory
7 boycotts or blacklists. Discriminatory boycotts or blacklists for
8 purposes of this section shall be defined as the formation or execution
9 of any express or implied agreement, understanding, policy or
10 contractual arrangement for economic benefit between any persons which
11 is not specifically authorized by the laws of the United States and
12 which is required or imposed, either directly or indirectly, overtly or
13 covertly, by a foreign government or foreign person in order to
14 restrict, condition, prohibit, or interfere with or in order to exclude
15 any person or persons from any business relationship on the basis of
16 race, color, creed, religion, sex, national origin or lawful business
17 relationship: PROVIDED HOWEVER, That nothing herein contained shall
18 prohibit the use of boycotts as authorized by law pertaining to labor
19 disputes and unfair labor practices.

20 (2) Any person deeming himself injured by any act in violation of
21 this chapter shall have a civil action in a court of competent
22 jurisdiction to enjoin further violations, to recover the actual
23 damages sustained by him, or both, together with the cost of suit
24 including a reasonable attorney's fees or any other remedy authorized
25 by this chapter or the United States Civil Rights Act of 1964, as
26 amended, or any other federal law relating to civil rights, including
27 but not limited to: 42 U.S.C. Sec. 1971 et seq., 29 U.S.C. Sec. 706 et
28 seq., 28 U.S.C. Sec. 1343 et seq., 25 U.S.C. Sec. 1341 et seq., 20
29 U.S.C. Sec. 1681 et seq., and 18 U.S.C. Sec. 231 et seq.; and

1 (3) Notwithstanding any other provisions of this chapter, any act
2 prohibited by this chapter related to sex discrimination or
3 discriminatory boycotts or blacklists which is committed in the course
4 of trade or commerce in the state of Washington as defined in the
5 Consumer Protection Act, chapter 19.86 RCW, shall be deemed an unfair
6 practice within the meaning of RCW 19.86.020 and 19.86.030 and subject
7 to all the provisions of chapter 19.86 RCW as now or hereafter amended.

8 **Sec. 3.** RCW 49.60.040 and 1985 c 203 s 2 & 1985 c 185 s 2 are each
9 reenacted and amended to read as follows:

10 As used in this chapter:

11 "Person" includes one or more individuals, partnerships,
12 associations, organizations, corporations, cooperatives, legal
13 representatives, trustees and receivers, or any group of persons; it
14 includes any owner, lessee, proprietor, manager, agent, or employee,
15 whether one or more natural persons; and further includes any political
16 or civil subdivisions of the state and any agency or instrumentality of
17 the state or of any political or civil subdivision thereof;

18 "Commission" means the Washington state human rights commission;

19 "Employer" includes any person acting in the interest of an
20 employer, directly or indirectly, who employs (~~eight~~) three or more
21 persons, and does not include any religious or sectarian organization
22 not organized for private profit;

23 "Employee" does not include any individual employed by his or her
24 parents, spouse, or child, or in the domestic service of any person;

25 "Labor organization" includes any organization which exists for the
26 purpose, in whole or in part, of dealing with employers concerning
27 grievances or terms or conditions of employment, or for other mutual
28 aid or protection in connection with employment;

1 "Employment agency" includes any person undertaking with or without
2 compensation to recruit, procure, refer, or place employees for an
3 employer;

4 "National origin" includes "ancestry";

5 "Full enjoyment of" includes the right to purchase any service,
6 commodity, or article of personal property offered or sold on, or by,
7 any establishment to the public, and the admission of any person to
8 accommodations, advantages, facilities, or privileges of any place of
9 public resort, accommodation, assemblage, or amusement, without acts
10 directly or indirectly causing persons of any particular race, creed,
11 color, religion, sex, or with any sensory, mental, or physical
12 handicap, or a blind or deaf person using a trained dog guide, to be
13 treated as not welcome, accepted, desired, or solicited;

14 "Any place of public resort, accommodation, assemblage, or
15 amusement" includes, but is not limited to, any place, licensed or
16 unlicensed, kept for gain, hire, or reward, or where charges are made
17 for admission, service, occupancy, or use of any property or
18 facilities, whether conducted for the entertainment, housing, or
19 lodging of transient guests, or for the benefit, use, or accommodation
20 of those seeking health, recreation, or rest, or for the burial or
21 other disposition of human remains, or for the sale of goods,
22 merchandise, services, or personal property, or for the rendering of
23 personal services, or for public conveyance or transportation on land,
24 water, or in the air, including the stations and terminals thereof and
25 the garaging of vehicles, or where food or beverages of any kind are
26 sold for consumption on the premises, or where public amusement,
27 entertainment, sports, or recreation of any kind is offered with or
28 without charge, or where medical service or care is made available, or
29 where the public gathers, congregates, or assembles for amusement,
30 recreation, or public purposes, or public halls, public elevators, and

1 public washrooms of buildings and structures occupied by two or more
2 tenants, or by the owner and one or more tenants, or any public library
3 or educational institution, or schools of special instruction, or
4 nursery schools, or day care centers or children's camps: PROVIDED,
5 That nothing contained in this definition shall be construed to include
6 or apply to any institute, bona fide club, or place of accommodation,
7 which is by its nature distinctly private, including fraternal
8 organizations, though where public use is permitted that use shall be
9 covered by this chapter; nor shall anything contained in this
10 definition apply to any educational facility, columbarium, crematory,
11 mausoleum, or cemetery operated or maintained by a bona fide religious
12 or sectarian institution;

13 "Real property" includes buildings, structures, real estate, lands,
14 tenements, leaseholds, interests in real estate cooperatives,
15 condominiums, and hereditaments, corporeal and incorporeal, or any
16 interest therein;

17 "Real estate transaction" includes the sale, exchange, purchase,
18 rental, or lease of real property;

19 "Sex" means gender.

20 "Credit transaction" includes any open or closed end credit
21 transaction, whether in the nature of a loan, retail installment
22 transaction, credit card issue or charge, or otherwise, and whether for
23 personal or for business purposes, in which a service, finance, or
24 interest charge is imposed, or which provides for repayment in
25 scheduled payments, when such credit is extended in the regular course
26 of any trade or commerce, including but not limited to transactions by
27 banks, savings and loan associations or other financial lending
28 institutions of whatever nature, stock brokers, or by a merchant or
29 mercantile establishment which as part of its ordinary business permits

1 or provides that payment for purchases of property or service therefrom
2 may be deferred.

3 "Court" means the superior court of any county within the
4 jurisdiction of which any investigation, proceeding, or hearing is
5 carried on under this chapter.

6 "Unfair employment practice" means those practices specified as
7 discriminatory under RCW 49.44.090, 49.60.180, 49.60.190, 49.60.200,
8 and 70.124.060.

9 "Division" means the civil rights division within the office of the
10 attorney general.

11 "Marital status" means the legal status of being married, single,
12 separated, divorced, or widowed.

13 **Sec. 4.** RCW 49.60.120 and 1985 c 185 s 10 are each amended to read
14 as follows:

15 The commission shall have the functions, powers and duties:

16 (1) To appoint an executive secretary and chief examiner, and such
17 investigators, examiners, clerks, and other employees and agents as it
18 may deem necessary, fix their compensation within the limitations
19 provided by law, and prescribe their duties.

20 (2) To obtain upon request and utilize the services of all
21 governmental departments and agencies.

22 (3) To adopt, promulgate, amend, and rescind suitable rules and
23 regulations to carry out the provisions of this chapter, and the
24 policies and practices of the commission in connection therewith.

25 (4) To receive, investigate, and pass upon complaints alleging
26 unfair practices as defined in this chapter.

27 (5) To issue such publications and such results of investigations
28 and research as in its judgment will tend to promote good will and
29 minimize or eliminate discrimination because of sex, race, creed,

1 color, religion, national origin, marital status, age, or the presence
2 of any sensory, mental, or physical handicap.

3 (6) To make such technical studies as are appropriate to effectuate
4 the purposes and policies of this chapter and to publish and distribute
5 the reports of such studies.

6 (7) To cooperate and act jointly or by division of labor with the
7 United States or other states, and with political subdivisions of the
8 state of Washington and their respective human rights agencies to carry
9 out the purposes of this chapter. However, the powers which may be
10 exercised by the commission under this subsection permit investigations
11 and complaint dispositions only if the investigations are designed to
12 reveal, or the complaint deals only with, allegations which, if proven,
13 would constitute unfair practices under this chapter. The commission
14 may perform such services for these agencies and be reimbursed
15 therefor.

16 (8) To foster good relations between minority and majority
17 population groups of the state through seminars, conferences,
18 educational programs, and other intergroup relations activities.

19 (9) To seek a temporary injunction against a respondent when it
20 appears that a complainant may suffer irreparable injury as a result of
21 an alleged violation of this chapter. A temporary injunction may be
22 issued ex parte if the complaint filed with the commission alleges
23 discrimination in housing. In all other cases a temporary injunction
24 may be issued only after the respondent has been notified and afforded
25 the opportunity to be heard.

26 **Sec. 5.** RCW 49.60.170 and 1985 c 185 s 15 are each amended to read
27 as follows:

28 Witnesses before the commission, its member, agent, or agency,
29 shall be paid the same fees and mileage that are paid witnesses in the

1 courts of this state. Witnesses whose depositions are taken and the
2 person taking the same shall be entitled to same fees as are paid for
3 like services in the courts of the state. A prevailing party under
4 this chapter shall be entitled to an award of reasonable attorneys'
5 fees in all proceedings before the commission.

6 **Sec. 6.** RCW 49.60.215 and 1985 c 203 s 1 & 1985 c 90 s 6 are each
7 reenacted and amended to read as follows:

8 It shall be an unfair practice for any person or his or her agent
9 or employee to commit an act which directly or indirectly results in
10 any distinction, restriction, or discrimination, or the requiring of
11 any person to pay a larger sum than the uniform rates charged other
12 persons, or the refusing or withholding from any person the admission,
13 patronage, custom, presence, frequenting, dwelling, staying, or lodging
14 in any place of public resort, accommodation, assemblage, or amusement,
15 except for conditions and limitations established by law and applicable
16 to all persons, regardless of race, creed, color, religion, national
17 origin, marital status, sex, the presence of any sensory, mental, or
18 physical handicap, or the use of a trained dog guide by a blind, deaf,
19 or physically disabled person: PROVIDED, That this section shall not
20 be construed to require structural changes, modifications, or additions
21 to make any place accessible to a handicapped person except as
22 otherwise required by law: PROVIDED, That behavior or actions
23 constituting a risk to property or other persons can be grounds for
24 refusal and shall not constitute an unfair practice.

25 **Sec. 7.** RCW 49.60.222 and 1989 c 61 s 1 are each amended to read
26 as follows:

27 It is an unfair practice for any person, whether acting for himself
28 or herself or another, because of age, sex, marital status, race,

1 creed, color, religion, national origin, the presence of any sensory,
2 mental, or physical handicap, or the use of a trained guide dog or
3 service dog by a blind, deaf, or physically disabled person:

4 (1) To refuse to engage in a real estate transaction with a person;

5 (2) To discriminate against a person in the terms, conditions, or
6 privileges of a real estate transaction or in the furnishing of
7 facilities or services in connection therewith;

8 (3) To refuse to receive or to fail to transmit a bona fide offer
9 to engage in a real estate transaction from a person;

10 (4) To refuse to negotiate for a real estate transaction with a
11 person;

12 (5) To represent to a person that real property is not available
13 for inspection, sale, rental, or lease when in fact it is so available,
14 or to fail to bring a property listing to his or her attention, or to
15 refuse to permit him or her to inspect real property;

16 (6) To print, circulate, post, or mail, or cause to be so published
17 a statement, advertisement, or sign, or to use a form of application
18 for a real estate transaction, or to make a record or inquiry in
19 connection with a prospective real estate transaction, which indicates,
20 directly or indirectly, an intent to make a limitation, specification,
21 or discrimination with respect thereto;

22 (7) To offer, solicit, accept, use, or retain a listing of real
23 property with the understanding that a person may be discriminated
24 against in a real estate transaction or in the furnishing of facilities
25 or services in connection therewith;

26 (8) To expel a person from occupancy of real property;

27 (9) To discriminate in the course of negotiating, executing, or
28 financing a real estate transaction whether by mortgage, deed of trust,
29 contract, or other instrument imposing a lien or other security in real
30 property, or in negotiating or executing any item or service related

1 thereto including issuance of title insurance, mortgage insurance, loan
2 guarantee, or other aspect of the transaction. Nothing in this section
3 shall limit the effect of RCW 49.60.176 relating to unfair practices in
4 credit transactions; or

5 (10) To attempt to do any of the unfair practices defined in this
6 section.

7 Notwithstanding any other provision of law, it shall not be an
8 unfair practice or a denial of civil rights for any public or private
9 educational institution to separate the sexes or give preference to or
10 limit use of dormitories, residence halls, or other student housing to
11 persons of one sex or to make distinctions on the basis of marital or
12 family status.

13 This section shall not be construed to require structural changes,
14 modifications, or additions to make facilities accessible to a
15 handicapped person except as otherwise required by law. Nothing in
16 this section affects the rights and responsibilities of landlords and
17 tenants pursuant to chapter 59.18 RCW.

18 **Sec. 8.** RCW 49.60.225 and 1985 c 185 s 19 are each amended to read
19 as follows:

20 When a determination has been made under RCW 49.60.250 that an
21 unfair practice involving real property has been committed, the
22 commission may, in addition to other relief authorized by RCW
23 49.60.250, award the complainant up to ~~((one))~~ thirty-five thousand
24 dollars for loss of the right secured by RCW 49.60.010, 49.60.030,
25 49.60.040, and 49.60.222 through 49.60.226, as now or hereafter
26 amended, to be free from discrimination in real property transactions
27 because of age, sex, marital status, race, creed, color, religion,
28 national origin, or the presence of any sensory, mental, or physical
29 handicap. Enforcement of the order and appeal therefrom by the

1 complainant or respondent shall be made as provided in RCW 49.60.260
2 and 49.60.270.

3 **Sec. 9.** RCW 49.60.226 and 1985 c 185 s 20 are each amended to read
4 as follows:

5 The commission and units of local government administering
6 ordinances with provisions similar to the real estate provisions of the
7 (~~law against discrimination~~) Washington civil rights act are
8 authorized and directed to enter into cooperative agreements or
9 arrangements for receiving and processing complaints so that
10 duplication of functions shall be minimized and multiple hearings
11 avoided. No complainant may secure relief from more than one
12 instrumentality of state, or local government, nor shall any relief be
13 granted by any state or local instrumentality if relief has been
14 granted or proceedings are continuing in any federal agency, court, or
15 instrumentality, unless such proceedings have been deferred pending
16 state action.

17 **Sec. 10.** RCW 49.60.240 and 1985 c 185 s 22 are each amended to
18 read as follows:

19 After the filing of any complaint, the chairperson of the
20 commission shall refer it to the appropriate section of the
21 commission's staff for prompt investigation and ascertainment of the
22 facts alleged in the complaint. The investigation shall be limited to
23 the alleged facts contained in the complaint. The results of the
24 investigation shall be reduced to written findings of fact, and a
25 finding shall be made that there is or that there is not reasonable
26 cause for believing that an unfair practice has been or is being
27 committed. The commission shall make its determination as promptly as
28 possible and, so far as practicable, not later than one hundred twenty

1 days from the filing of the complaint. A copy of said findings shall
2 be furnished to the complainant and to the person named in such
3 complaint, hereinafter referred to as the respondent.

4 If the finding is made that there is reasonable cause for believing
5 that an unfair practice has been or is being committed, the
6 commission's staff shall immediately endeavor to eliminate the unfair
7 practice by conference, conciliation and persuasion.

8 If an agreement is reached for the elimination of such unfair
9 practice as a result of such conference, conciliation and persuasion,
10 the agreement shall be reduced to writing and signed by the respondent,
11 and an order shall be entered by the commission setting forth the terms
12 of said agreement. No order shall be entered by the commission at this
13 stage of the proceedings except upon such written agreement.

14 If no such agreement can be reached, a finding to that effect shall
15 be made and reduced to writing, with a copy thereof furnished to the
16 complainant and the respondent.

17 **Sec. 11.** RCW 49.60.250 and 1989 c 175 s 115 are each amended to
18 read as follows:

19 (1) In case of failure to reach an agreement for the elimination of
20 such unfair practice, and upon the entry of findings to that effect,
21 the entire file, including the complaint and any and all findings made,
22 shall be certified to the chairperson of the commission. The
23 chairperson of the commission shall thereupon request the appointment
24 of an administrative law judge under Title 34 RCW to hear the complaint
25 and shall cause to be issued and served in the name of the commission
26 a written notice, together with a copy of the complaint, as the same
27 may have been amended, requiring the respondent to answer the charges
28 of the complaint at a hearing before the administrative law judge, at
29 a time and place to be specified in such notice.

1 (2) The place of any such hearing may be the office of the
2 commission or another place designated by it. The case in support of
3 the complaint shall be presented at the hearing by counsel for the
4 commission: PROVIDED, That the complainant may retain independent
5 counsel and submit testimony and be fully heard. No member or employee
6 of the commission who previously made the investigation or caused the
7 notice to be issued shall participate in the hearing except as a
8 witness, nor shall the member or employee participate in the
9 deliberations of the administrative law judge in such case. Any
10 endeavors or negotiations for conciliation shall not be received in
11 evidence.

12 (3) The respondent shall file a written answer to the complaint and
13 appear at the hearing in person or otherwise, with or without counsel,
14 and submit testimony and be fully heard. The respondent has the right
15 to cross-examine the complainant.

16 (4) The administrative law judge conducting any hearing may permit
17 reasonable amendment to any complaint or answer. Testimony taken at
18 the hearing shall be under oath and recorded.

19 (5) If, upon all the evidence, the administrative law judge finds
20 that the respondent has engaged in any unfair practice, the
21 administrative law judge shall state findings of fact and shall issue
22 and file with the commission and cause to be served on such respondent
23 an order requiring such respondent to cease and desist from such unfair
24 practice and to take such affirmative action, including, (but not
25 limited to) hiring, reinstatement or upgrading of employees, with or
26 without back pay, an admission or restoration to full membership rights
27 in any respondent organization, an award of reasonable attorneys' fees,
28 or to take such other action as, in the judgment of the administrative
29 law judge, will effectuate the purposes of this chapter, including
30 action that could be ordered by a court, except that damages for

1 humiliation and mental suffering shall not exceed ((one)) thirty-five
2 thousand dollars, and including a requirement for report of the matter
3 on compliance.

4 (6) The final order of the administrative law judge shall include
5 a notice to the parties of the right to obtain judicial review of the
6 order by appeal in accordance with the provisions of RCW 34.05.510
7 through 34.05.598, and that such appeal must be served and filed within
8 thirty days after the service of the order on the parties.

9 (7) If, upon all the evidence, the administrative law judge finds
10 that the respondent has not engaged in any alleged unfair practice, the
11 administrative law judge shall state findings of fact and shall
12 similarly issue and file an order dismissing the complaint.

13 (8) An order dismissing a complaint may include an award of
14 reasonable attorneys' fees in favor of the respondent if the
15 administrative law judge concludes that the complaint was frivolous,
16 unreasonable, or groundless.

17 (9) The commission shall establish rules of practice to govern,
18 expedite, and effectuate the foregoing procedure.

19 **Sec. 12.** RCW 28B.110.050 and 1989 c 341 s 5 are each amended to
20 read as follows:

21 A violation of this chapter shall constitute an unfair practice
22 under chapter 49.60 RCW, the ((~~law against discrimination~~)) Washington
23 civil rights act. All rights and remedies under chapter 49.60 RCW,
24 including the right to file a complaint with the human rights
25 commission and to bring a civil action, shall apply.

26 **Sec. 13.** RCW 48.21.160 and 1987 c 458 s 13 are each amended to
27 read as follows:

1 The legislature recognizes that chemical dependency is a disease
2 and, as such, warrants the same attention from the health care industry
3 as other similarly serious diseases warrant; the legislature further
4 recognizes that health insurance contracts and contracts for health
5 care services include inconsistent provisions providing benefits for
6 the treatment of chemical dependency. In order to assist the many
7 citizens of this state who suffer from the disease of chemical
8 dependency, and who are presently effectively precluded from obtaining
9 adequate coverage for medical assistance under the terms of their
10 health insurance contract or health care service contract, the
11 legislature hereby declares that provisions providing benefits for the
12 treatment of chemical dependency shall be included in new contracts and
13 that this section, RCW 48.21.180, 48.21.190, 48.44.240, 48.46.350, and
14 RCW 48.21.195, 48.44.245, and 48.46.355 are necessary for the
15 protection of the public health and safety. Nothing in this section,
16 RCW 48.21.180, 48.21.190, 48.44.240, 48.46.350, and RCW 48.21.195,
17 48.44.245, and 48.46.355 shall be construed to relieve any person of
18 any civil or criminal liability for any act or omission that is the
19 result of a chemical dependency or to grant any person with a chemical
20 dependency any special right, privilege, or status under the ((~~law~~
21 ~~against discrimination~~)) Washington civil rights act, chapter 49.60
22 RCW.

23 **Sec. 14.** RCW 71A.10.040 and 1988 c 176 s 104 are each amended to
24 read as follows:

25 Persons are protected from discrimination because of a
26 developmental disability as well as other mental or physical handicaps
27 by the ((~~law against discrimination~~)) Washington civil rights act,
28 chapter 49.60 RCW, by other state and federal statutes, rules, and

1 regulations, and by local ordinances, when the persons qualify as
2 handicapped under those statutes, rules, regulations, and ordinances.

3 NEW SECTION. **Sec. 15.** A new section is added to chapter 4.16 RCW
4 to read as follows:

5 The time that lapses between the filing of a complaint under
6 chapter 49.60 RCW and final disposition by the human rights commission
7 shall not be counted in determining the statutory time limitation for
8 commencement of an action by the person who files the complaint if the
9 action is based on the same events that give rise to the complaint.

10 NEW SECTION. **Sec. 16.** A new section is added to chapter 43.10 RCW
11 to read as follows:

12 The attorney general is hereby directed to establish a civil rights
13 division within the office of the attorney general. The director of
14 the civil rights division shall be appointed by the attorney general
15 and shall be exempt from the provisions of chapter 41.06 RCW.

16 The division shall have the following functions, powers, and
17 duties:

18 (1) To cooperate with and enter into agreements with the United
19 States equal employment opportunity commission and other federal,
20 state, and local agencies interested in practices governed by chapter
21 49.60 RCW;

22 (2) To initiate a civil or criminal action on behalf of an
23 aggrieved person under chapter 49.60 RCW against a defendant other than
24 the state;

25 (3) To intervene in a civil or criminal action brought by a person
26 under chapter 49.60 RCW against a defendant other than the state.