

HOUSE BILL REPORT

SHB 1443

As of House Second Reading
March 11, 1993

Title: An act relating to the jurisdiction of Washington state human rights commission with respect to the elimination and prevention of discrimination in employment, housing, public accommodations, credit, insurance, and commercial transactions.

Brief Description: Expanding the jurisdiction of the human rights commission.

Sponsors: By House Committee on State Government (originally sponsored by Representatives Anderson, Locke, Reams, Wang, Wolfe, Brough, King, Wineberry, Thibaudeau, Ballasiotes, Leonard, Appelwick, Romero, Brown, J. Kohl, Jacobsen, Riley, Ogden, Dellwo, Veloria, G. Cole, L. Johnson and Miller.)

Brief History:

Reported by House Committee on:
State Government, March 3, 1993, DPS;
House Second Reading, March 11, 1993.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Conway; Dyer; King; and Pruitt.

Minority Report: Do not pass. Signed by 2 members: Representatives Vance, Assistant Ranking Minority Member and Campbell.

Staff: Bonnie Austin (786-7135).

Background: Washington's law against discrimination prohibits discrimination based on race, creed, color, national origin, sex, marital status, age, or handicap. Unfair (discriminatory) practices are prohibited in the areas of employment, commerce, labor union membership, credit transactions, insurance transactions, access to public places, and real property transactions.

The Human Rights Commission enforces the state law against discrimination. The commission is responsible for handling complaints alleging unfair practices. When a complaint is filed with the commission, the commission is required to investigate and determine whether there is reasonable cause to believe that an unfair practice has occurred. If so, the commission is required to attempt to eliminate the unfair practice by conciliation. If a conciliation agreement cannot be reached, an administrative law judge is assigned to hear and rule on the case. The commission handles approximately 1,300 cases a year.

The commission is also authorized to issue publications designed to minimize or eliminate discrimination, make appropriate technical studies, and conduct seminars and educational programs designed to foster good relationships between minority and majority population groups. The commission may create advisory councils to study discrimination, to foster cooperation between various groups, and to make recommendations on policy and educational matters.

Local governments may enact anti-discrimination ordinances that provide broader coverage than the state's anti-discrimination law. For example, Seattle and King County ordinances prohibit discrimination based on "sexual orientation." Tacoma adopted a similar ordinance in 1989, but the voters have subsequently repealed that ordinance.

Summary of Bill: Discrimination based on "sexual orientation" is added to the coverage of the state's law against discrimination. "Sexual orientation" is defined to include heterosexuality, homosexuality, and bisexuality. Discrimination based on sexual orientation is prohibited in employment, commerce, labor union membership, credit transactions, insurance transactions, access to public places, and real estate transactions. The Human Rights Commission will enforce these provisions. The commission may issue publications, conduct studies, conduct educational programs, and establish advisory councils to address discrimination based on sexual orientation.

Fiscal Note: Available.

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

Testimony For: Criminal assaults on gays and lesbians are increasing. Homophobia is increasing in the public schools. There is a rising tide of hatred in this country based on ignorance and fear. Purveyors of hate don't distinguish between non-Christians, gays and lesbians, and people of

color. In Seattle and King County, 7 to 10 percent of the caseload is discrimination based on sexual orientation. The Human Rights Commission philosophically supports the bill, but needs funding to implement the bill.

Gays and lesbians come from every walk of life and every occupation and profession. We are Washington citizens and we pay taxes, but we don't have the civil rights that other taxpaying citizens have. We are unable to purchase homes, and we live in fear of being fired from our jobs. We live in fear for our lives. Current legal provisions are not protecting gays and lesbians. You don't have to like us, just leave us alone.

Justice is the closest thing to love that society can offer. People who use the scriptures to promote hate are offensive. There is unanimous support for this bill from all of the denominations represented in the Washington Association of Churches. The teachings of Christ prohibit prejudice and violence. We are for preserving the rights of neo-Nazis, even though we disagree with them. All should be treated equally under the law, even if we disagree with their lifestyle or beliefs. Discrimination hurts everyone, not just the targeted group.

When these ordinances were adopted in Seattle, we were warned that business would leave, that people would leave, and that the courts would be clogged. None of this has happened. In fact, Seattle has grown and been voted among the most livable cities.

Testimony Against: Homosexuality is not a status, it is a behavior. Behavior can be changed, and it is offensive to equate discrimination against homosexuals with racial discrimination because race is an immutable characteristic. Homosexuality is not genetically based. Homosexuals are already protected by our civil rights laws. Homosexuals should not be a protected class because they do not meet the criteria the courts have established for this. Homosexuals are not politically powerless, they do not have immutable characteristics, and they do not suffer from a history of economic and educational discrimination.

Sexual behavior of any kind outside of marriage is wrong. This is legal coercion into accepting an activist agenda. What is next? The people of Washington should not be expected to accept homosexual marriage. We should not be required to teach our children that this lifestyle is acceptable. The people of Tacoma voted against this. This is sin. The testimony for the bill does not represent the church at large in Washington. Liberty should only be granted within the confines of what we know is right and

wrong. If we condone this, our nation will fall. Forced sensitivity training violates our right to religious freedom.

AIDS is one of the biggest threats to the public health. Homosexuality poses health risks to the individual and is a public health menace.

Witnesses: Merritt Long, Executive Director of Human Rights Commission (pro); Edward B. Murray, President for Privacy Fund (pro); Kathleen Conroy, Vice President for Privacy Board (pro); Rabbi Scott Sperling (pro); Cantor David Serken-Poole; John Boonstra, Executive Director Washington Association of Churches (pro); Bishop Cal McConnell, United Methodist (pro); Rev. Jewell Dewitty, presiding elder for African Methodist Episcopal Church (pro); Rev. Elaine Stanovsky, Executive Director Church Council of Greater Seattle (pro); Bishop Warner, Episcopal Church (pro); Ned Dolejsi, Catholic Conference (with concerns); Steve Lansing, Evangelical Lutheran Church in America (pro); Mayor Gene Liddell, city of Lacey (pro); Sherry Harris, Seattle Council Member (pro); Sherry Appleton (pro); Muffy Sunde, Freedom Socialist Party (pro); Peggy Tlapak, League of Women Voters (pro); Dr. Mark C. Michael, Psychologist (pro); Dr. Patricia Matthews, Psychologist (pro); Betty Beeman, parent (pro); Helen Sabia, parent (pro); Dr. Dorsett Smith (con); Geoff Swindler, Attorney, Public Affairs Council (con); Kurt Mach (con); Kaz Griffin (con); Dr. John Atkinson (con); John Brandon (con); Fred J. Lacount (con); Harvey R. Thomas (con); R. Jack Smitchger (con); Michael E. Harris (con); Keith Easterly (con); Nicole Gibeaut (pro); George Hermosillo, student at Evergreen State College (pro); Robert Aynardi (pro); Daniel M. Bradly (con); Sgt. Paul Grady, Seattle Police Officer (pro); Pastor Gary Prisk (con); Gary Tubbs (pro); Pamela Green, parent (pro); Nancy Brown (con); Jackie Jones Walsh, State Labor Council (pro); April Wilcox (con); Deanna Locke (pro); Aaron Mostofi (con); and Gary Gardner (pro).