

SENATE BILL REPORT

SHB 1443

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 22, 1994

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

SPONSORS: 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)

HOUSE COMMITTEE ON STATE GOVERNMENT

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators A. Smith, Chairman; Ludwig, Vice Chairman; Niemi, Quigley and Spanel.

Staff: Martin Lovinger (786-7443)

Hearing Dates: March 26, 1993; March 29, 1993; February 17, 1994; February 22, 1994

BACKGROUND:

Washington's law against discrimination prohibits discrimination based on race, creed, color, national origin, sex, marital status, age, physical or mental disability, use of a guide or service dog, and in housing, when a family has children. 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 subsequently repealed that ordinance.

SUMMARY:

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.

SUMMARY OF PROPOSED SENATE AMENDMENT:

The language in the bill is updated to reflect the code changes enacted in the 1993 Legislature.

"Sexual orientation" is added to the list of categories under the definition for "full enjoyment of."

The proviso added to subsection (1) of section 10 is made into a separate subsection to clarify that none of the subsections in this section are to be construed as requiring an employer to set goals or quotas based on sexual orientation or any other basis.

Language is added to clarify that nothing in this bill authorizes public K-12 or public higher education institutions to promote sexual orientation through either formal or informal educational programs.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

This bill only amends current law to extend civil rights protection based on sexual orientation. This bill does not create a special protected class or special rights, require quotas, legalize gay marriages, or require the promotion of homosexuality in schools. If this bill does not become law,

there will still be legalized discrimination. History has shown that terrible things happen when society allows a group to be deprived of their human rights. This bill is necessary to right a wrong. It is a question of justice and the ability of a group to fully participate in society. People are being denied housing and employment on the basis of their sexual orientation and they have no remedy under current law. The goal is equal treatment for all. Experience shows that victims of discrimination suffer severe ill effects, both physical and mental. Society loses the contribution that a discrimination victim might otherwise make to society. Discrimination leads to real danger for the victims. Discrimination lawsuits are such an ordeal, that they are generally avoided unless there is no alternative, so there will not be a rush of new litigation under this bill.

TESTIMONY AGAINST:

Homosexuality should not be granted special protection, because it is a choice rather than a biologically determined fact, because it is behavior rather than an immutable characteristic, because it is against the will of God and some people's religious beliefs, and because it is associated with a high rate of disease and drug abuse. This bill will interfere with the ability of some people to practice their religions. The practices of homosexuality affect the health of others and are associated with violence. This bill will provide protected status to a special interest group at the expense of others. This bill causes unfair competition and interferes with the freedom of speech. Race and homosexuality should not be compared. Destructive behavior should not entitle people to the same protection as being in an oppressed minority. This bill is anti-business. An employer can be sued for firing, disciplining, or refusing to hire a person who, unknown to the employer, is gay. Gays have higher education levels and higher incomes, so they are not being discriminated against. This bill abandons the morality guidelines necessary to uphold society's standards and will lead to degradation.

TESTIFIED: Representative Cal Anderson, prime sponsor; Rev. Bob Higley, Washington Evangelicals for Responsible Government (con); Jeff Schilling, former homosexual (con); Rev. Robert Blessing, Episcopal Priest (con); Dr. Dorsett Smith, pulmonologist (con); Susan Cosky, Privacy Fund (pro); Russ Elliott, Moses Lake (con); James P. Healy, Retired Superior Ct. Judge (con); John Rico, former Senate staff (pro); Betty Elliott, state employee (con); Bishop Cal McConnell, United Methodist Church and Washington Association of Churches (pro); Bishop Vincent Warner, Episcopal Church (pro); Rabbi Scott Sperling, Kitsap County (pro); Kaz Griffin (con); Rev. Bob Fitzgerald, Parents/Friends of Lesbians and Gays (pro); Joan Hague, Camano Island (pro); Dan Bovee, Everett businessman (con); Pastor Curt Mack, Tacoma (con); Sandy Nelson, MNT employee (pro); Gary Henne, Kennewick (pro); Ken Anderson, Ellensburg (pro); Roy Burns, Washington State Veterans Coalition (con); Sherry Appleton, former Poulsbo City Council

member (pro); Ron Gould, Washington State Bar Association
president-elect (pro); Kevin Peck, Seattle attorney (pro)