
HOUSE BILL 1250

State of Washington

57th Legislature

2001 Regular Session

By Representatives Boldt and Schindler

Read first time 01/22/2001. Referred to Committee on State Government.

1 AN ACT Relating to prohibiting discrimination by government
2 against private entities in contracting with public entities,
3 receiving public funds, having access to public facilities, or
4 participating in public programs; adding a new section to chapter
5 49.60 RCW; creating new sections; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** This act may be known and cited as the Boy
8 Scouts Protection Act of 2001.

9 NEW SECTION. **Sec. 2.** The legislature recognizes that the Boy
10 Scouts of America and other private organizations have
11 constitutionally protected rights of freedom of speech and
12 religion under both the United States Constitution and the
13 Washington state Constitution. Implicit in the right to freely
14 engage in these activities as protected by the federal and state
15 constitutions is a corresponding right to associate with others in
16 pursuit of a wide variety of political, religious, social,
17 economic, educational, and cultural ends.

1 This right is crucial in preventing the majority from imposing
2 its views on groups that prefer to express other, perhaps
3 unpopular, ideas. Thus, the protection of the right to expressive
4 association is especially important in preserving political and
5 cultural diversity and in shielding dissident expression from
6 suppression by the majority.

7 Government actions that may unconstitutionally burden this
8 freedom may take many forms, one of which is discrimination
9 against private entities by government through the use of public
10 policies designed to force such entities to accept memberships or
11 associations they do not desire or, in the alternative, forfeit
12 opportunities for obtaining various government benefits generally
13 available to the public at large. Forcing private entities to
14 accept certain memberships or associations in order to enjoy
15 public benefits shared by others unduly impairs and impermissibly
16 burdens the ability of such entities to express the views, and
17 only those views, they intend to express. Thus, the freedom of
18 association plainly presupposes a freedom not to associate.

19 The legislature finds, therefore, that private entities have a
20 constitutionally protected right to establish their own particular
21 values, standards, or criteria for determining membership or
22 association and that government shall not discriminate against
23 private entities as a result of policies such entities may adopt
24 or pursue that qualify membership in or association with the
25 entity based on the sexual preference or orientation of any
26 person.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.60
28 RCW to read as follows:

29 The state of Washington, and its political subdivisions,
30 including counties, cities, towns, school districts, and
31 institutions of higher education, and any agency or officer
32 thereof, shall not enact or enforce any policy that discriminates,
33 directly or indirectly, against any private entity in contracting
34 with public entities, receiving public funds, obtaining access to
35 public facilities, participating in public programs, or receiving
36 any other public benefit, privilege, advantage, opportunity, or
37 entitlement based, in whole or in part, on any policy, purpose, or

1 practice of the entity to exclude, limit, or qualify membership in
2 or association with the entity because of the sexual preference or
3 orientation of any person.

4 NEW SECTION. **Sec. 4.** The provisions of this act are to be
5 liberally construed to effectuate the policies and purposes of
6 this act. In the event of conflict between this act and any other
7 provision of state law, the provisions of this act shall govern.

8 NEW SECTION. **Sec. 5.** If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
13 preservation of the public peace, health, morals, or safety, or
14 support of the state government and its existing public
15 institutions, and takes effect immediately.

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