

HOUSE BILL REPORT

HB 2564

As Passed House:

February 7, 2006

Title: An act relating to protecting persons with veteran or military status from discrimination.

Brief Description: Including persons with veteran or military status within antidiscrimination provisions.

Sponsors: By Representatives Kilmer, Strow, Wallace, Appleton, Morrell, Haler, Eickmeyer, Haigh, Campbell, Upthegrove, Hasegawa, McCoy, Ericks, Linville, Darneille, Green, Lantz, Ormsby, Woods, Moeller and Conway.

Brief History:

Committee Activity:

State Government Operations & Accountability: 1/18/06, 1/27/06 [DP].

Floor Activity:

Passed House: 2/7/06, 96-2.

Brief Summary of Bill

- Expands the jurisdiction of the Human Rights Commission to include persons who have veteran or military status as a basis for prohibiting discrimination as it relates to employment; credit and real estate transactions, commerce, and places of public resort, accommodation, or amusement.
- Adds a definition for veteran or military status to Washington's Law Against Discrimination.

HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY

Majority Report: Do pass. Signed by 9 members: Representatives Haigh, Chair; Green, Vice Chair; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt, McDermott, Miloscia, Schindler and Sump.

Staff: Kathryn Leathers (786-7114).

Background:

Washington's Law Against Discrimination establishes that it is a civil right to be free from discrimination based on race, color, creed, national origin, sex, the presence of any sensory,

mental, or physical disability, or the use of a trained dog guide or service animal. This right applies to employment; places of public resort, accommodation, or amusement; commerce; and real estate, credit, and insurance transactions.

To effectuate the right to be free from discrimination, the law defines certain practices as being unfair. For example, it is deemed to be an unfair practice to fire or to refuse to hire a person based on sex, race, creed, color, national origin, marital status, the presence of any sensory or physical disability, or the use of a trained dog guide or service animal.

There are some exceptions to the Law Against Discrimination. For example, in the employment context, employers with fewer than eight employees and non-profit religious or sectarian organizations are exempt from these laws.

The Washington State Human Rights Commission (WSHRC) is responsible, in part, for administering and enforcing the Law Against Discrimination. The WSHRC receives and investigates complaints made by persons alleging unfair practices in violation of this law. If the WSHRC finds that there is reasonable cause to believe that discrimination has occurred, it must first try to eliminate the unfair practice via conference and conciliation. If this process fails, the WSHRC must refer the matter to an administrative law judge who may, after a hearing on the matter, issue an order providing relief to the complainant.

Summary of Bill:

The Washington Law Against Discrimination (WLAD) is expanded to prohibit discrimination based on a person's status as a veteran or member of the military, as it relates to employment; commerce; real estate transactions; places of public resort, accommodation, or amusement; and credit transactions. It does not expand the jurisdiction of the WLAD to apply to insurance transactions.

"Veteran or military status" is defined to include any honorably discharged veteran, as defined in RCW 41.04.007, and any active or reserve member in any branch of the armed forces of the United States, including the National Guard, Coast Guard, and armed forces reserves.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Many guardsman and other reservists who return from active duty have problems getting hired because some employers fear that these soldiers will develop problems with post-traumatic stress syndrome or fear that the reservist will be re-deployed. This isn't right. These men and women put themselves in harm's way, leave the state to defend our county, lose income while they are gone, and then return to find that they can't get a job - not

because they aren't qualified, but due to discrimination. Housing is also a problem for many reservists and veterans, and property owners should not be able to refuse to rent to a person simply because they are veterans or members of the military. The Uniform Services Employment and Reemployment Rights Act is good federal law that requires employers to hold a position or give a returning soldier an equivalent job, but it is not sufficient protection. We need to protect all of our veterans and members of the military from being discriminated against.

Testimony Against: None.

Persons Testifying: Representative Kilmer, prime sponsor; Gary "Frosty" Hulse, Veterans of Foreign Wars; Bryan Petro, Port Orchard Chamber of Commerce; and Larry Seaquist.

Persons Signed In To Testify But Not Testifying: None.