

SENATE BILL REPORT

HB 1515

As Reported By Senate Committee On:
Financial Institutions, Housing & Consumer Protection, March 24, 2005

Title: An act relating to the jurisdiction of the Washington human rights commission.

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

Sponsors: Representatives Murray, Hankins, Walsh, Jarrett, McDermott, Grant, Linville, Upthegrove, Quall, Moeller, Tom, Appleton, Schual-Berke, Darneille, Clibborn, Hunter, Flannigan, Simpson, Williams, Hunt, Hudgins, B. Sullivan, Haigh, Chase, Wood, Cody, Sommers, Kenney, Dickerson, McIntire, Hasegawa, Santos and Ormsby.

Brief History: Passed House: 2/11/05, 61-37.

Committee Activity: Financial Institutions, Housing & Consumer Protection: 3/22/05, 3/24/05[DPA, DNP].

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & CONSUMER PROTECTION

Majority Report: Do pass as amended.

Signed by Senators Fairley, Chair; Berkey, Vice Chair; Franklin, Keiser, Prentice and Spanel.

Minority Report: Do not pass.

Signed by Senators Benton, Ranking Minority Member; Benson, Brandland and Delvin.

Staff: Joyce Ahlering (360-786-7486)

Background: The Washington Law Against Discrimination (WLAD) states that a person has the right to be free from discrimination based on race, creed, color, national origin, sex, marital or family status, age, a disability, or the use of a trained dog guide. This civil right applies to public accommodations, employment, real estate transactions, credit and insurance transactions, and commerce. The Washington State Human Rights Commission is responsible, in part, for administering and enforcing the WLAD.

There are some exceptions to the WLAD. For instance, in the employment context, the WLAD does not apply to businesses with fewer than eight employees and non-profit religious or sectarian organizations.

Summary of Amended Bill: The WLAD is amended to prohibit discrimination based on sexual orientation. Sexual orientation is defined as heterosexuality, homosexuality, bisexuality, and gender expression or identity. Gender expression or identity is defined as having or being perceived as having a gender identity, self-image, appearance, behavior, or expression whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth.

Real estate owners or sublessors selling or leasing property that they live within are not subject to the WLAD.

Amended Bill Compared to Original Bill: The definition of creed is removed, the definition of gender expression or identity is added, and an emergency clause is added.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: This bill contains an emergency clause and goes into effect immediately.

Testimony For: This bill is not about quotas, affirmative action, or gay marriage. Rather, it is about protecting people that have been and continue to be discriminated against in many contexts. Sexual orientation is not a choice, but even if it were a choice, immutability is irrelevant. Creed is not an immutable characteristic, but creed is still covered by the Law Against Discrimination. Fifteen other states, several municipalities, and many businesses throughout our state have already moved to protect sexual orientation from discrimination. The time has come for our state as a whole to follow suit. Businesses will profit from this anti-discrimination policy by attracting a diverse talent pool, and the gay community will profit by knowing that they have the same opportunity to succeed as the rest of the citizens in the state.

Testimony Against: This bill has nothing to do with equal rights, and it will allow the minority (the gay community) to crush the majority (those who oppose gay rights). This bill will force companies to hire people with reprehensible lifestyles, and business owners will have to accommodate those people with things like special bathrooms. Sexual orientation is not biological or genetic; it is not an immutable characteristic, and nobody knows how to distinguish when someone is a homosexual or a heterosexual. Under this bill, someone could claim to be a homosexual one day, invoke class protections, and be a heterosexual the next day. The bill's definition of sexual orientation is too broad and can include all kinds of sexual disorders. Sexual orientation labels are meaningless because they are self-proclaimed.

Who Testified: PRO: Representative Murray, prime sponsor; Carol Waymack, Parents, Families and Friends of Lesbians and Gays; Rabbi Bruce Kadden, Temple Bethel; Kari Glover, Preston Gates & Ellis; Bishop Chris Boerger, Northwest Washington Synod of the Evangelical Lutheran Church; Dr. Vernon Johnson, Western Washington University Professor; Clayton Lewis, House Values, Inc.; Brad Nagal, Coors Brewing Company.

CON: Philip Irvin, citizen; Rose Gunderson, citizen; Randy Liskovar, Mayday for Marriage; Douglas M. White, citizen; Bob Higley, Washington Evangelicals for Responsible Government; Rick Forcier, Christian Coalition of Washington; Ken Hutcherson, Antioch Bible Church.