

SENATE BILL REPORT

SB 5557

As Reported by Senate Committee On:
Government Operations, Tribal Relations & Elections, March 14, 2011

Title: An act relating to the Washington state office of civil rights.

Brief Description: Creating the Washington state office of civil rights.

Sponsors: Senators Prentice, Chase, Hobbs, White, McAuliffe, Nelson, Hargrove, Kastama, Regala, Rockefeller, Hatfield and Shin; by request of Governor Gregoire.

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 2/15/11, 2/17/11, 3/14/11 [w/oRec-WM].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Staff: Sharon Swanson (786-7447)

Background: The Human Rights Commission was created with powers regarding the elimination and prevention of discrimination in employment; in credit and insurance transactions; in places of public resort, accommodation, or amusement; and in real property transactions because of race, creed, color, national origin, families with children, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability.

The law against discrimination, RCW 49.60, states that it is an exercise of the police power of the state for the protection of the public welfare, health, and peace of the people of this state, and in fulfillment of the provisions of the Constitution of Washington State concerning civil rights.

The Commission on Asian Pacific American Affairs was created as a state agency by the 43rd Washington State Legislature to improve the well-being of Asian Pacific Americans by insuring their access to participation in the field of government, business, education, and other areas.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Commission on Hispanic Affairs (CHA) was established in statute in 1971. The CHA's functions are to improve public policy development and the delivery of government services to the Hispanic community through identifying the issues concerning the rights and needs of Washington's Hispanic Community and to advise the Governor, state agencies, and the Legislature on issues of concern for the state's Hispanic community.

The Commission on African-American Affairs was created in 1992 to improve the well-being of African-Americans by enabling them to participate fully in all fields of endeavor and by assisting them in obtaining governmental services. The Commission on African-American Affairs makes recommendations to the Governor, state agencies, and the Legislature about issues pertaining to the rights and needs of African-Americans.

The Office of Minority and Women's Business Enterprises (OMWBE) began in 1983 to offer certification for Washington's small businesses that meet the criteria for minority and women-owned business enterprises. The purpose of certification was to help historically under-used businesses to get contract with state and local agencies and schools.

Summary of Bill: The Office of Civil Rights (Office) is created as an executive branch agency.

The powers, duties, and functions assigned to the Human Rights Commission, OMWBE, the Commission on African-American Affairs, the Commission on Asian Pacific American Affairs, and the Commission on Hispanic Affairs are transferred to the Office.

The primary duties of the Office are:

- to exercise the police powers of the state in accordance with the laws against discrimination in RCW 49.60;
- to provide the maximum practicable opportunity for increased participation of minority, women, and veteran-owned and controlled businesses in participating in public works and the process by which goods and services are procured by state agencies and education institutions from the private sector; and
- to advise the Governor, Legislature, and other state agencies on public policy which affect Washington citizens that for economic, social, cultural, and historical reasons, a disproportionate number find themselves disadvantaged or isolated from the benefits of equal opportunity.

The executive head of the Office is the Director, appointed by the Governor. The duties of the Director are to :

1. supervise and administer the activities of the Office;
2. exercise all the powers and perform all the duties prescribed by law with respect to the administration of the laws against discrimination, including:
 - a. to appoint such investigators, examiners, and other employees as deemed necessary to carry out the duties of RCW 49.60;
 - b. to adopt, amend, and rescind suitable rule to carry out the provisions of RCW 49.60; and
 - c. to receive, impartially investigate or contract for an impartial investigation if a conflict of interest arises from a complaint.

Additionally, the Director of the Office has the authority to enter into contracts on behalf of the state; to accept and expend gifts and grants; to adopt rules to carry out the prescribed duties; and to delegate powers, duties, and functions that the Director deems necessary.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2011.

Staff Summary of Public Testimony: PRO: Initially the concern was that all three commissions would be eliminated in the Governor's budget. This bill is an acknowledgement of the vital role each commission plays in our state. The Governor is faced with many painful choices. This bill reiterates her commitment to continuing the work of the commissions while acknowledging the need for consolidation and savings. The bill retains the core functions of the OMWBE. This bill creates equity and access for all minorities. Without consolidation, there will be no choice but to eliminate the funding for the commissions in the Governor's budget.

CON: The Hispanic Affairs Commission plays a vital role in the Hispanic community. The commissions that represent the various ethnic and minority populations provide a link to our government and from our government to our communities. This bill creates another layer of bureaucracy for a population that is largely unfamiliar with the language and culture. This will make communication and coordination much more difficult. Our communities are all unique, even within our own cultures. We have different cultures, languages, dialects, and customs. You cannot create a one-size-fits-all agency that hopes to represent the many vast cultures in Washington State. Washington has a very large population of Asian Pacific Islanders and we moved here on purpose. We chose this state out of all 50 for the diversity, the opportunity, and the welcome environment. We need a commission that can relate to our communities. The savings associated with this bill are minimal when you consider the damage to our communities. Commissioners serve for free. The state can ask for cuts when the service provided is free. The Commission on Hispanic Affairs gives me a voice and makes me feel relevant. Don't take my voice away. This bill provides no savings to the Human Rights Commission.

OTHER: The bill does not include any mention of the gay and lesbian community. There is no mention of sexual orientation in the bill. Persons with disabilities are not mentioned in the bill. This is not an inclusive effort. The communities impacted by this bill were not consulted; we do not have enough information, and we have had no input. This is not a sound policy decision.

Persons Testifying: PRO: Richard Mitchell, Tabor 100; Anita Latch, Stonewall Dems; Alexis Oliver, Peter Antolin, Governor's Office; Cathy Canarro, OMWBE.

CON: Francis Contreras, Achievement Committee; Nina Martinez, Latino Civic Alliance; John Paul Chaisson Carderas, Latino Community Fund; Lua Pritchard, Pierce Asian Pacific

Islander; Diane Narasaki, King County Asian Pacific Islander Coalition; Maru Maravibpondo, Pramod Gupta, Jose Francisco Navarro, citizens; Geroge Artero, National Association of Hispanic Workers; Virinder Duggal, Asian Indian Community; Luis Ortega, Aliance Youth Coalition; Debadutta Dasha, Murthy Kaekura, Sanjeev Sahdev, Asian Community; Ricardo Sanchez, Sea Mar Community Health Centers.

OTHER: Matt Zuvich, Washington Federation of State Employees; Shawn Murinko, citizen; Charlene Strong, Commissioner; Joshua Friedes, Equal Rights Washington; Dan Seydel, Platinum Group; David Lord, Disability Rights Washington.