

# HOUSE BILL REPORT

## E2SSB 5356

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### As Passed House - Amended:

April 12, 2019

**Title:** An act relating to establishing the Washington state LGBTQ commission.

**Brief Description:** Establishing the Washington state LGBTQ commission.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Wilson, C., Randall, Das, Saldaña, Darneille, Pedersen, Liias, Nguyen, Cleveland, Dhingra and Hunt).

### Brief History:

#### Committee Activity:

State Government & Tribal Relations: 3/20/19, 3/27/19 [DP];

Appropriations: 4/6/19, 4/8/19 [DP].

#### Floor Activity:

Passed House - Amended: 4/12/19, 67-28.

### Brief Summary of Engrossed Second Substitute Bill (As Amended by House)

- Creates the Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) Commission within the Office of the Governor, subject to the availability of amounts appropriated.
- Declares June of each year as LGBTQ Pride Month.
- Designates the fourth week in June as a time for people of this state to celebrate the contributions to the state by LGBTQ people in the arts, sciences, commerce, and education.

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## HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

**Majority Report:** Do pass. Signed by 5 members: Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Appleton, Dolan and Hudgins.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Mosbrucker and Smith.

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*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.*

**Staff:** Desiree Omli (786-7105).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass. Signed by 21 members: Representatives Ormsby, Chair; Bergquist, 2nd Vice Chair; Robinson, 1st Vice Chair; Rude, Assistant Ranking Minority Member; Cody, Dolan, Fitzgibbon, Hansen, Hudgins, Jinkins, Macri, Pettigrew, Pollet, Ryu, Senn, Springer, Stanford, Steele, Sullivan, Tarleton and Tharinger.

**Minority Report:** Do not pass. Signed by 11 members: Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier, Chandler, Dye, Hoff, Kraft, Mosbrucker, Schmick, Sutherland and Ybarra.

**Staff:** Jessica Van Horne (786-7288).

### **Background:**

Every year during the month of June, various events are held in various jurisdictions to celebrate Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) Pride Month commemorating events that occurred in June 1969 in New York, which began the movement to prohibit discriminatory laws and practices against LGBTQ people. Nationally, President Clinton proclaimed June as Gay and Lesbian Pride Month in 1999 and 2000. President Obama subsequently proclaimed June as Lesbian, Gay, Bisexual, and Transgender Pride Month in 2009 and for the next five years.

### **Summary of Bill:**

#### LGBTQ Commission Created.

The Washington State LGBTQ Commission (Commission) is established in the Office of the Governor, subject to the availability of amounts appropriated for this purpose. The Commission is administered by an executive director who is appointed by the Governor.

The Commission consists of 15 voting members appointed by the Governor, who must consider nominations for membership based upon maintaining a balanced and diverse distribution of race and ethnic, geographic, gender identity, sexual orientation, age, socioeconomic status, and occupational representation. Of the members who are initially appointed, five serve for one year, five serve for two years, and five serve for three years. Subsequently, all members will serve for three years.

The Commission also consists of four legislators who support the legislative intent of the Commission and who will serve as advisory, nonvoting members. The legislative advisory members are not included in determining quorum and may not serve as chair. The legislative advisory members serve a two-year term on the Commission.

#### Executive Director Duties.

The executive director must:

- hire staff for the Commission;
- monitor state legislation affecting LGBTQ people;

- work with agencies to assess relevant programs and policies;
- coordinate with other state commissions to address issues of mutual concern; and
- work as a liaison between the public and private sector to eliminate barriers to economic and health equity for LGBTQ people.

#### LGBTQ Commission Duties.

The Commission must:

- recruit and maintain a list of names of qualified LGBTQ people to fill vacancies on various boards and commissions;
- provide a clearinghouse for information regarding relevant state and federal legislation;
- identify and define specific needs of LGBTQ people of color, people with developmental disabilities, seniors, people experiencing homelessness, economic and small business development, and veterans (as well as their spouses and dependents);
- consult with state agencies on the impact of policies, procedures, practices, laws, and administrative rules on the unique problems and needs of LGBTQ people;
- provide data, input, and recommendations to state agencies on proposed agency rules and the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the unique problems and needs to LGBTQ people;
- provide resource and referral information to agencies and the public;
- consult with nonprofit organizations;
- hold public hearings to gather input on issues related to the unique problems and needs of LGBTQ people;
- advocate for removal of legal and social barriers for LGBTQ people; and
- review best practices for discrimination and harassment policies as well as training.

The Commission must submit a report to the Legislature and the Governor every two years detailing the Commission's activities. Specifically, the report must include the following:

- recommendations for addressing the needs of LGBTQ people of color, people with developmental disabilities, seniors, people experiencing homelessness, economic and small business development, and veterans (as well as their spouses and dependents);
- input received during public hearings and recommendations discussed at the public hearings; and
- recommendations for preserving the memory and contributions of LGBTQ individuals in the state who were lost to HIV/AIDS.

State agencies must provide appropriate and reasonable assistance to the Commission, including providing notice of agency proposed rulemaking and gathering data and information.

#### LGBTQ Commission Powers.

The Commission may:

- receive gifts, grants, and endowments from public or private sources made for the use or benefit of the Commission;
- establish relationships with public and private institutions, local governments, private industry, community organizations, and other segments of the public to promote equal opportunity for LGBTQ people; and
- adopt rules.

Other.

June of each year is declared by the Legislature to be LGBTQ Pride Month, and the fourth week in June is declared as a time to celebrate the contributions to the state by LGBTQ people in the arts, sciences, commerce, and education. Educational institutions, public entities, and private organizations are encouraged to designate time for appropriate activities in commemoration of the lives, history, achievements, and contributions of LGBTQ people.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony** (State Government & Tribal Relations):

(In support) People who identify as LGBTQ who are not married are not counted in the census, even though they are part of a protected class. When a person is not counted, it is as if that person does not exist. When they do not exist, there are no resources provided to address their needs. There is a lack of culturally appropriate resources for LGBTQ people, so their needs go unmet. The establishment of this Commission is vital for this segment of the population, including youth and seniors, whose identity exposes them to violence and adverse treatment. There has been pushback from agencies when data is requested relating to the LGBTQ community, and there have also been bills where other commissions are consulted but the LGBTQ community is not.

Often the impacts of legislation on the LGBTQ community are unknown. The Commission created under this bill would allow the LGBTQ community to provide input into legislation that might affect LGBTQ communities. It would also assist in coordinating programs to address the needs of LGBTQ subgroups. The membership of the Commission would be balanced, based on different criteria such as race, gender, and socioeconomic positions.

(Opposed) It is not the responsibility of the state to advocate for the LGBTQ community, and taxpayer dollars should not be used to create the Commission. This bill uses taxpayer dollars to pay for outreach and education on an issue that not everyone agrees with. It also asks that taxpayers pay for celebrations related to those issues.

This bill's agenda is to teach kids that gender dysphoria is normal and that there are not negative consequences that come with this. Some parents do not want their children to be advised about changing their gender or HIV/AIDS; that information can leave them feeling confused. Of the children who question their gender, 60-80 percent grow out of that. It is difficult for parents to figure out what to do with their children who have medical intervention and decide to revert back to their biological sex. State funding should be used to research why children later revert back to their original biological sex, rather than to fund this Commission's agenda.

Proponents of this bill have stated that LGBTQ describes a community, however, it is not merely a community—it is a religion in and of itself. This bill would violate a separation between church and state. This bill is not about providing an equal opportunity for all, but only for a specific group. This bill takes away the value and beliefs of those who do not share the same lifestyle and puts LGBTQ people above everyone else.

**Staff Summary of Public Testimony (Appropriations):**

(In support) Supporters request that full funding is provided for the LGBTQ Commission (Commission). The Commission is modeled on other state commissions such as the Women's Commission or the Commission on African American Affairs, and it would require a similar level of staffing and funding. If the Commission is not fully funded, it will not be as effective. Providing full funding will ensure equity and parity between the state's commissions.

(Opposed) None.

**Persons Testifying (State Government & Tribal Relations):** (In support) Senator Wilson, prime sponsor; and Louise Chernin and Matthew Landers, Greater Seattle Business Association.

(Opposed) Nadezhda Gorbunov; Olga Fisenko; Tiona Gudishvili; and Alina Tuchin.

**Persons Testifying (Appropriations):** Matt Landers, Greater Seattle Business Association.

**Persons Signed In To Testify But Not Testifying (State Government & Tribal Relations):** None.

**Persons Signed In To Testify But Not Testifying (Appropriations):** None.