

SENATE BILL REPORT

E2SSB 5356

As Amended by House, 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 & Elections: 2/15/19, 2/20/19 [DPS-WM, w/oRec].

Ways & Means: 2/28/19, 3/01/19 [DP2S, DNP, w/oRec].

Floor Activity:

Passed Senate: 3/06/19, 34-14.

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

Brief Summary of Engrossed Second Substitute Bill

- Establishes a Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) Commission in the Office of the Governor, subject to appropriations.
- Designates June of each year as LGBTQ month with the fourth week in June designated as a time to celebrate the contributions LGBTQ people have made to the state.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5356 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Takko.

Minority Report: That it be referred without recommendation.

Signed by Senators Zeiger, Ranking Member; Bailey and Hawkins.

Staff: Melissa Van Gorkom (786-7491)

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.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5356 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Brown, Assistant Ranking Member, Operating; Becker, Billig, Carlyle, Conway, Darneille, Hasegawa, Keiser, Liias, Palumbo, Pedersen, Rivers, Van De Wege, Warnick and Wilson, L..

Minority Report: Do not pass.

Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler.

Minority Report: That it be referred without recommendation.

Signed by Senators Braun, Ranking Member; Wagoner.

Staff: Sarian Scott (786-7729)

Background: State law establishes a variety of commissions under the office of the Governor, including:

- the Commission on Hispanic Affairs (CHA), originally established in statute in 1971 as the Washington State Commission on Mexican-American Affairs; the title was amended in 1987 to be the CHA;
- the Commission on Asian Pacific American Affairs (CAPAA), originally established in 1974 as the Washington State Commission on Asian-American Affairs; the title was amended in 1995 to be the CAPAA;
- the Commission on African-American Affairs, created in 1992; and
- the Women's Commission, created in 2018.

Summary of Engrossed Second Substitute Bill: Subject to the availability of amounts appropriated for this specific purpose, the LGBTQ Commission (Commission) is established in the Office of the Governor. LGBTQ includes lesbian, gay, bisexual, transgender, and queer communities. The Governor will appoint an executive director to administer the Commission. The director must:

- employ staff for the Commission;
- monitor state legislation affecting LGBTQ people;
- work with state agencies to assess programs and policies affecting LGBTQ people;
- coordinate with the minority commissions, the Women's Commission, and Human Rights Commission to address issues of mutual concern; and
- work as a liaison between the public and private sector to eliminate barriers economic and health equity for LGBTQ people.

Membership. The Commission consists of 15 members who are appointed and serve at the pleasure of the Governor. The Governor must consider nominations for membership based on maintaining a balanced and diverse distribution of race and ethnic, geographic, gender identity, sexual orientation, age, socioeconomic status, and occupational representation, where practicable.

The initial members serve for staggered terms. Subsequently, members serve for a three-year term unless reappointed by the Governor. Members are reimbursed for expenses incurred in the performance of their duties in accordance with statutory provisions for subsistence, lodging, per diem, and mileage allowance. A simple majority of members constitutes a quorum.

Duties. The Commission must:

- recruit and maintain a list of qualified LGBTQ people to fill vacancies on various boards and commissions;
- provide information regarding state and federal legislation as it relates to the Commission's purpose;
- identify and define specific needs of certain LGBTQ people and LGBTQ economic and small business development;
- consult state agencies regarding the effect of agency policies, rules, and practices on the unique problems of LGBTQ people, and provide any data, input or recommendations to state agencies on proposed agency rules and development of comprehensive and coordinated policies to address them;
- 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 the removal of barriers for LGBTQ people; and
- review best practices for discrimination and sexual harassment policies and training.

The Commission must also submit a biennial report to the Legislature and the Governor detailing the Commission's activities. The report must, at minimum:

- provide recommendations on the specific needs of LGBTQ people of color;
- include input received during public hearings and recommendations for addressing the problems and needs discussed; and
- recommend ways to preserve the memory and contributions of LGBTQ members lost to HIV/AIDS in Washington State.

State agencies must provide appropriate and reasonable assistance to the Commission as needed, including gathering data and information to assist the Commission in carrying out its purpose.

Powers. The Commission may:

- receive gifts, grants, and endowments from public or private sources which must be reported by the director to the Office of Financial Management;
- establish relationships with public and private institutions, local governments, private industry, community organizations, and other segments of the public as needed to promote equal opportunity for LGBTQ people; and
- adopt rules as necessary.

Other. June of each year is designated as LGBTQ month with the fourth week in June designated as a time to celebrate the contributions LGBTQ people have made to the state. 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: The bill contains a section or sections to limit implementation to the availability of amounts appropriated for that specific purpose.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on First Substitute (State Government, Tribal Relations & Elections): PRO: This bill would establish a vital resource for a segment of our population whose identity places them at risk of experiencing exceptional levels of violence and other treatment that can undermine self-esteem health and general wellbeing. There is a lack of culturally relevant services for LGBTQ people. To address the lack of inclusion, the first important step is to create a statewide commission so that there is oversight around all the areas in which the LGBTQ community has not had access or inclusion in the many benefits afforded every other minority community. There is a lack of employment opportunities and insufficient support around economic development for the LGBTQ community. LGBTQ businesses are certified nationally by the National Gay and Lesbian Chamber of Commerce, but not recognized here in the state of Washington. Those certifications help equalize the playing field for small businesses and help support their community. A commission can help consult with agencies to make sure LGBTQ people are at the table in order to address those issues of disparity.

Persons Testifying (State Government, Tribal Relations & Elections): PRO: Senator Claire Wilson, Prime Sponsor; Louise Chernin, Greater Seattle Business Association; Mona Smith, GSBA; George Pieper, GSBA; Tobi Hill-Meyer, Gender Justice League.

Persons Signed In To Testify But Not Testifying (State Government, Tribal Relations & Elections): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: We are one of the few protected classes without a commission. We are one of the largest chambers in the state. We aren't part of parity studies.

We were basing it off the women's commission. We hope as one of the only protected classes that doesn't have a commission that we could get parity.

Persons Testifying (Ways & Means): PRO: Louise Chernin, President & CEO of GSBA; Matthew Landers, Public Policy Manager of GSBA.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.

EFFECT OF HOUSE AMENDMENT(S): Adds four legislative members who support the legislative intent of the Commission, one from each of the two major political parties of the House of Representatives and Senate, as non-voting advisory members to the Commission. Legislative members will serve a two-year term and be reimbursed for expenses incurred in the performance of their duties.