

HOUSE BILL REPORT

SB 5123

As Reported by House Committee On:
State Government & Tribal Affairs

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

Brief Description: Protecting persons with veteran or military status from discrimination.

Sponsors: Senators Hobbs, Kilmer, Roach, Jacobsen, Shin, Fairley, Marr, Prentice, Carrell, Murray, Rasmussen, Keiser, Berkey, Haugen, Franklin, Hatfield, Eide, Kauffman, Fraser and McAuliffe.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 3/20/07, 3/30/07 [DPA].

Brief Summary of Bill
(As Amended by House Committee)

- Expands the jurisdiction of the Human Rights Commission to include "honorably discharged veteran or military status" as a basis for prohibiting discrimination.
- Adds definitions for "honorably discharged veteran or military status" to Washington's Law Against Discrimination (WLAD).
- Replaces "disabled person" with "person with a disability" throughout the WLAD.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass as amended. Signed by 9 members: Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green, Kretz, McDermott, Miloscia and Ormsby.

Staff: Alison Hellberg (786-7152).

Background:

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.

Washington's Law Against Discrimination (WALD) establishes that it is a civil right to be free from discrimination based on race, color, creed, national origin, sex, sexual orientation, age, or 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, assemblage, or amusement; and real estate, credit, and insurance transactions. To effectuate the right to be free from discrimination, the law defines certain practices as being unfair.

The Washington State Human Rights Commission (WSHRC) is responsible, in part, for administering and enforcing the WLAD. The WSHRC receives and investigates complaints made by persons alleging unfair practices in violation of the WLAD. 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 Amended Bill:

The Law Against Discrimination is expanded to prohibit discrimination based on a person's honorably discharged veteran or military status. "Honorably discharged veteran or military status" means a person who is a veteran or an 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. "Veteran" is a person who has received an honorable discharge or a discharge for medical reasons with an honorable record and who has served in at least one of the following capacities:

- as a member in any branch of the Armed Forces of the United States;
- as a member of the Women's Air Forces Service Pilots;
- as a member of the Armed Forces Reserves, National Guard, or Coast Guard, and has been called into federal service by a presidential select reserve call up for at least 180 cumulative days;
- as a civil service crew member with service aboard a U.S. Army Transport service or U. S. Naval Transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946;
- as a member of the Philippine Armed Forces/Scouts during the period of armed conflict from December 7, 1941, through August 15, 1945; or
- a United States documented merchant mariner with service aboard an oceangoing vessel operated by the U. S. Department of Defense from both June 25, 1950, through July 27, 1953, in Korean territorial waters and from August 5, 1964, through May 7, 1975, in Vietnam territorial waters, and who received a military commendation.

The jurisdiction of the Human Rights Commission is expanded to include honorably discharged veteran or military status as a basis for prohibiting discrimination in employment; places of public resort, accommodation, assemblage, or amusement; and real estate, credit, and insurance transactions.

A creditor may consider whether a person is a covered member or a dependent of a covered member in connection with an application for consumer credit. A "covered member" is defined as a member of the Armed Forces who is on active duty under a call or order of more than 30 days or on active Guard and Reserve Duty. It is not an unfair practice or a denial of civil rights for a creditor to refuse to offer, deny, to offer different terms and conditions, or to otherwise place restrictions on an extension of consumer credit offered to or entered into with a covered member or a dependent of a covered member.

The term "disabled person" is replaced with "person with a disability" throughout the WLAD.

Amended Bill Compared to Original Bill:

The amendment makes exceptions for the extension of consumer credit to covered members or their dependents in the sections describing unfair practices in credit transactions. A covered member is defined as a member of the Armed Forces who is on active duty under a call or order of more than 30 days or on active Guard and Reserve Duty. A creditor may consider whether a person is a covered member or a dependent of a covered member in connection with an application for consumer credit. It is not an unfair practice or a denial of civil rights for a creditor to refuse to offer, deny, to offer different terms and conditions, or to otherwise place restrictions on an extension of consumer credit offered to or entered into with a covered member or a dependent of a covered member.

The amendment adds "honorably discharged veteran or military status" as a basis for discrimination to the section describing unfair practices in insurance transactions.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Problems have been seen when returning combat veterans search for work. Employers will ask whether the veteran will have a mental breakdown or whether the veteran would have a problem working with employees who are against the war. These questions are not relevant. All that is relevant is whether the veteran is qualified for the job and whether he or she was honorably discharged. This kind of discrimination is rare, but the state should make efforts to prevent it so today's veterans do not have to relive the experience of Vietnam veterans. Veterans have historically had trouble finding work when they return, they are often turned away from jobs. Many complaints are lodged, but the Human Rights Commission has not had the authority to respond to them.

(In support with amendment) The amendment is necessary to ensure that financial institutions are not put into the position of having to choose whether to break federal or state law. The Talent amendment restricts the ability of institutions to lend to service members and their

dependents. The proposed amendment would make sure that complying with this federal law does not put them in violation of the Law Against Discrimination.

(Opposed) None.

Persons Testifying: (In support) Senator Hobbs, prime sponsor; Skip Dreps, Northwest Chapter for Paralyzed Veterans of America; and Frosty Hulse, Veterans Legislative Coalition.

(In support with amendment) Denny Eliason, Washington Bankers Association; and Gary Gardner, Boeing Employees Credit Union.

Persons Signed In To Testify But Not Testifying: None.