
SECOND SUBSTITUTE SENATE BILL 5356

State of Washington

66th Legislature

2019 Regular Session

By Senate Ways & Means (originally sponsored by Senators Wilson, C., Randall, Das, Saldaña, Darneille, Pedersen, Lias, Nguyen, Cleveland, Dhingra, and Hunt)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to establishing the Washington state LGBTQ
2 commission; adding a new chapter to Title 43 RCW; and creating a new
3 section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature declares that the public
6 policy of this state is to ensure equal opportunity for all
7 Washingtonians. The legislature believes that the state is
8 responsible for improving its interface with the LGBTQ community,
9 identifying the needs of its members, and ensuring that there is an
10 effective means of advocating for LGBTQ equity in all aspects of
11 state government. Therefore, the legislature deems it necessary to
12 create a commission to carry out the purposes of this chapter.

13 NEW SECTION. **Sec. 2.** The definitions in this section apply
14 throughout this chapter unless the context clearly requires
15 otherwise.

16 (1) "Commission" means the Washington state LGBTQ commission.

17 (2) "LGBTQ" includes lesbian, gay, bisexual, transgender, and
18 queer communities.

1 NEW SECTION. **Sec. 3.** Subject to the availability of amounts
2 appropriated for this specific purpose, the Washington state LGBTQ
3 commission is established in the office of the governor. The
4 commission shall be administered by an executive director, who shall
5 be appointed by, and serve at the pleasure of, the governor. The
6 governor shall set the salary of the executive director. The
7 executive director shall employ the staff of the commission.

8 NEW SECTION. **Sec. 4.** (1) The commission consists of fifteen
9 members appointed by the governor.

10 (2) The governor shall consider nominations for membership based
11 upon maintaining a balanced and diverse distribution of race and
12 ethnic, geographic, gender identity, sexual orientation, age,
13 socioeconomic status, and occupational representation, where
14 practicable.

15 (3) All commission members serve at the pleasure of the governor,
16 but in no case may any member serve more than three years without
17 formal reappointment by the governor. Of the persons initially
18 appointed by the governor to the commission, five must be appointed
19 to serve one year, five to serve two years, and five to serve three
20 years. Upon expiration of such terms, subsequent appointments are for
21 three years. Any vacancies occurring in the membership of the
22 commission must be filled for the remainder of the unexpired term in
23 the same manner as the original appointments.

24 (4) Members must be reimbursed for expenses incurred in the
25 performance of their duties in accordance with RCW 43.03.050 and
26 43.03.060.

27 (5) A simple majority of the commission's membership constitutes
28 a quorum for the purpose of conducting business.

29 NEW SECTION. **Sec. 5.** The executive director of the commission
30 shall:

31 (1) Monitor state legislation affecting LGBTQ people;

32 (2) Work with state agencies to assess programs and policies that
33 affect LGBTQ people;

34 (3) Coordinate with the minority commissions, women's commission,
35 and human rights commission to address issues of mutual concern; and

36 (4) Work as a liaison between the public and private sector to
37 eliminate barriers to economic and health equity for LGBTQ people.

1 NEW SECTION. **Sec. 6.** (1) The commission shall have the
2 following duties:

3 (a) Actively recruit and maintain a list of names of qualified
4 LGBTQ people to fill vacancies on various boards and commissions;

5 (b) Provide a clearinghouse for information regarding both state
6 and federal legislation as it relates to the purpose of this chapter;

7 (c) Identify and define specific needs of LGBTQ:

8 (i) People of color;

9 (ii) People with developmental disabilities;

10 (iii) Seniors;

11 (iv) People experiencing homelessness; and

12 (v) Economic and small business development;

13 (d) Consult with state agencies regarding the effect of agency
14 policies, procedures, practices, laws, and administrative rules on
15 the unique problems and needs of LGBTQ people. The commission shall
16 also provide any data, input, and recommendations to state agencies
17 on proposed agency rules and the development and implementation of
18 comprehensive and coordinated policies, plans, and programs focusing
19 on those problems and needs;

20 (e) Provide resource and referral information to agencies and the
21 public. The commission may gather data and disseminate information to
22 the public in order to implement the purposes of this chapter;

23 (f) Consult with nonprofit organizations;

24 (g) Hold public hearings to gather input on issues related to the
25 unique problems and needs of LGBTQ people;

26 (h) Advocate for removal of barriers for LGBTQ people; and

27 (i) Review best practices for discrimination and harassment
28 policies and training and provide recommendations to state agencies
29 as they update their discrimination and harassment policies. The
30 commission shall also maintain a file of discrimination and
31 harassment policies that meet high quality standards and make these
32 files available for agency use.

33 (2) The commission must submit a report to the appropriate
34 committees of the legislature and the governor every two years
35 detailing the commission's activities. The report submitted must be
36 in electronic format pursuant to RCW 43.01.036, and include, at
37 minimum:

38 (a) Recommendations for addressing the needs identified under
39 subsection (1)(c) of this section;

1 (b) Input received during public hearings and recommendations for
2 addressing the problems and needs discussed at the public hearings;
3 and

4 (c) Recommendations regarding preserving the memory and
5 contributions of LGBTQ members lost to HIV/AIDS in Washington state.

6 (3) State agencies must provide appropriate and reasonable
7 assistance to the commission as needed, including providing notice of
8 agency proposed rule making and gathering data and information,
9 including but not limited to voluntary demographics, economic
10 disparity studies, and other collectable data by state agencies, in
11 order for the commission to carry out the purpose of this chapter.

12 NEW SECTION. **Sec. 7.** (1) The commission has the power to
13 receive gifts, grants, and endowments from public or private sources
14 that are made for the use or benefit of the commission and to expend
15 the same or any income therefrom according to their terms and the
16 purpose of this chapter. The commission's executive director shall
17 make a report of such funds received from private sources to the
18 office of financial management on a regular basis. Such funds
19 received from private sources must not be applied to reduce or
20 substitute for the commission's budget as appropriated by the
21 legislature, but must be applied and expended toward projects and
22 functions authorized by this chapter that were not funded by the
23 legislature.

24 (2) In carrying out its duties, the commission may establish such
25 relationships with public and private institutions, local
26 governments, private industry, community organizations, and other
27 segments of the general public as may be needed to promote equal
28 opportunity for LGBTQ people in government, education, economic
29 security, employment, and services.

30 (3) The commission may adopt rules and regulations pursuant to
31 chapter 34.05 RCW as are necessary to implement the purpose of this
32 chapter.

33 NEW SECTION. **Sec. 8.** The legislature declares that:

34 (1) June of each year will be known as LGBTQ pride month;

35 (2) The fourth week in June is designated as a time for people of
36 this state to celebrate the contributions to the state by LGBTQ
37 people in the arts, sciences, commerce, and education; and

1 (3) Educational institutions, public entities, and private
2 organizations are encouraged to designate time for appropriate
3 activities in commemoration of the lives, history, achievements, and
4 contributions of LGBTQ people.

5 NEW SECTION. **Sec. 9.** Sections 2 through 8 of this act
6 constitute a new chapter in Title 43 RCW.

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