

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5356

Chapter 395, Laws of 2019

66th Legislature
2019 Regular Session

LGBTQ COMMISSION

EFFECTIVE DATE: July 28, 2019

Passed by the Senate April 23, 2019
Yeas 30 Nays 16

CYRUS HABIB

President of the Senate

Passed by the House April 12, 2019
Yeas 67 Nays 28

FRANK CHOPP

Speaker of the House of Representatives

Approved May 13, 2019 4:40 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5356** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

May 16, 2019

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5356

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington

66th Legislature

2019 Regular Session

By Senate Ways & Means (originally sponsored by Senators Wilson, C., Randall, Das, Saldaña, Darneille, Pedersen, Liias, 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) Two members of the senate, one from each of the two major
25 political parties, appointed by the president of the senate, and two
26 members of the house of representatives, one from each of the two
27 major political parties, appointed by the speaker of the house of
28 representatives, who support the legislative intent of the commission
29 shall serve as advisory members. The legislative advisory members are
30 nonvoting members and are not eligible to serve as a chair of the
31 commission. All legislative advisory members shall serve for a two-
32 year term and the position of any legislative advisory member shall
33 be deemed vacated whenever such member ceases to be a member of the
34 house from which the member was appointed.

35 (5) (a) Nonlegislative members must be reimbursed for expenses
36 incurred in the performance of their duties in accordance with RCW
37 43.03.050 and 43.03.060.

38 (b) Legislative members shall be reimbursed for expenses incurred
39 in the performance of their duties in accordance with RCW 44.04.120.

1 (6) A simple majority of the commission's membership constitutes
2 a quorum for the purpose of conducting business. Legislative advisory
3 members are not included in determining a quorum.

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

6 (1) Monitor state legislation affecting LGBTQ people;

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

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

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

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

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

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

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

20 (i) People of color;

21 (ii) People with developmental disabilities;

22 (iii) Seniors;

23 (iv) People experiencing homelessness;

24 (v) Economic and small business development; and

25 (vi) Veterans, their spouses, and dependents;

26 (d) Consult with state agencies regarding the effect of agency
27 policies, procedures, practices, laws, and administrative rules on
28 the unique problems and needs of LGBTQ people. The commission shall
29 also provide any data, input, and recommendations to state agencies
30 on proposed agency rules and the development and implementation of
31 comprehensive and coordinated policies, plans, and programs focusing
32 on those problems and needs;

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

36 (f) Consult with nonprofit organizations;

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

1 (h) Advocate for removal of barriers for LGBTQ people; and
2 (i) Review best practices for discrimination and harassment
3 policies and training and provide recommendations to state agencies
4 as they update their discrimination and harassment policies. The
5 commission shall also maintain a file of discrimination and
6 harassment policies that meet high quality standards and make these
7 files available for agency use.

8 (2) The commission must submit a report to the appropriate
9 committees of the legislature and the governor every two years
10 detailing the commission's activities. The report submitted must be
11 in electronic format pursuant to RCW 43.01.036, and include, at
12 minimum:

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

15 (b) Input received during public hearings and recommendations for
16 addressing the problems and needs discussed at the public hearings;
17 and

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

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

26 NEW SECTION. **Sec. 7.** (1) The commission has the power to
27 receive gifts, grants, and endowments from public or private sources
28 that are made for the use or benefit of the commission and to expend
29 the same or any income therefrom according to their terms and the
30 purpose of this chapter. The commission's executive director shall
31 make a report of such funds received from private sources to the
32 office of financial management on a regular basis. Such funds
33 received from private sources must not be applied to reduce or
34 substitute for the commission's budget as appropriated by the
35 legislature, but must be applied and expended toward projects and
36 functions authorized by this chapter that were not funded by the
37 legislature.

38 (2) In carrying out its duties, the commission may establish such
39 relationships with public and private institutions, local

1 governments, private industry, community organizations, and other
2 segments of the general public as may be needed to promote equal
3 opportunity for LGBTQ people in government, education, economic
4 security, employment, and services.

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

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

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

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

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

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

Passed by the Senate April 23, 2019.

Passed by the House April 12, 2019.

Approved by the Governor May 13, 2019.

Filed in Office of Secretary of State May 16, 2019.

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