

**WASHINGTON STATE HUMAN RIGHTS COMMISSION  
711 S. CAPITOL WAY, SUITE 402  
OLYMPIA, WA 98504**

**SPECIAL MEETING  
DECEMBER 19, 2011  
10AM-12PM**

**STAFF**

Sharon Ortiz, Executive Director; Laura Lindstrand, Policy Analyst; Charlene Strong, Commissioner; Shawn Murinko, Commissioner.

**GUESTS**

Karen Williams and Shellie Cohen

**GOVERNOR'S ORDER ON RULE MAKING – SEXUAL ORIENTATION  
GENDER IDENTITY**

Laura Lindstrand stated the purpose of the meeting – to go over the process of rulemaking and determine the next steps and the timeline.

Laura Lindstrand explains process/ steps of rulemaking:

- Work group meeting to establish proposed rules
- Publish in WA State Register
- Public meetings (establish how HRC wants to receive comments – email, phone, mail)
- Review comments
- Determine official rules
- Publish official rules in WA State Register

Laura Lindstrand explained that there is currently a moratorium on rulemaking due to the Governor's Executive Order. However, this will fit into an exception, because stakeholders have asked about rules on this issue. However we do need to inform the Governor's office of the intent to conduct rulemaking.

Discussion on involving stakeholders in the actual act of drafting the rules. It was determined that the best course of action was to take stakeholder comments into account, but to keep the drafting of the language in-house.

Commissioner Strong commented on the Commissioners role, what they need to do and what is involved.

Director Ortiz stated needed to follow specifics, HRC has WAC's for all protected classes to enforce the law.

Commissioner Strong asked what specifically is HRC looking at, LGBT community, sexual orientation? Sexual harassment?

Laura Lindstrand stated sexual harassment already has rules. HRC needs to address harassment due to sexual orientation/gender identity, different treatment to persons because of sexual orientation and/or gender identity or perceived sexual orientation and/or gender identity; and rules for places of public accommodation and employment; need to look at various aspects of the law and address them.

Laura Lindstrand spoke out the process, will be time consuming; have to file with Code Reviser re: considering rule making and why; information gets published in state register; send notice, requested notice of rule making, to persons and groups that HRC would like to have in work group sessions which could include:

- Advocacy groups
- Attorneys
- Small businesses
- School district associations
- Superintendant associations
- Principle associations
- Stakeholder organizations including national organizations

There was a discussion about notifying the media about the stakeholder meeting, and it was determined that notice to various stakeholder groups would be sufficient.

There was a discussion about the costs involved in meetings including travel and personnel. Finding free meeting sites will be important.

Commissioner Strong asked "does HRC approach or make public announcements regarding the work group sessions?"

Laura Lindstrand stated that HRC will set the date, time and place for all work group meetings; HRC will conduct meetings in Seattle, Tri-Cities, Spokane, and Snohomish County; HRC will send general public notice and post on state register; suggests to send notice to as many organizations who may be interested in the work groups to obtain as much input as possible; out of the work group meetings would come a draft of the proposed rules, which involves review of comments received from the work groups and other interested parties; possibility of a small business economic impact, would need to write a statement; the proposed rule would then be put together and filed with the state register; then HRC would move to start more official process of stakeholder meetings; meetings will have to be recorded; again send out notices to all who were involved in work groups; have official meetings which anyone can come and speak at; take public comments; once comments received and reviewed; if HRC deem appropriated make changes to proposed rule; create final rules and again file with the code reviser's office with explanation and statement as to why the changes in the rules and how they changed.

Commissioner Strong commented that the rules may need to include a definition of sexual orientation and/or gender identity as protected classes.

Laura Lindstrand stated no rules since past legislation in 2007.

Commissioner Murinko stated HRC has definition but does not have rules that enforce the law.

Laura Lindstrand explained the law - legislation is passed then the agency charged with implementing and regulating is who comes up with the rules; the rules are the agency's explanation and interpretation of the law.

Director Ortiz stated it is illegal to discriminate based on sexual orientation and/or gender identity, gives definition; states issue with Governor's office, aware we have RCW with no rules; bathroom issues concerning persons with gender identity.

The group then discussed next steps and tasks:

Charlene Strong and Shawn Murinko are to come up with a list of stakeholders and contact information.

Laura Lindstrand will review rules from other jurisdictions and will prepare a timeline.

A letter with proposed dates for workgroup meetings will be sent out in February.

Workgroups will meet in March and April.

The draft of the rules will be presented to the full Commission.

The group then discussed the next meeting: no date was set.