
HOUSE BILL 1999

State of Washington

54th Legislature

1995 Regular Session

By Representatives Smith, Campbell, Sheahan, Stevens, Koster, Lambert, Goldsmith, Hickel, Delvin, Johnson, Hargrove, Clements, McMahan, Benton, Radcliff, Padden, Pelesky, B. Thomas, D. Schmidt, Sherstad, Thompson and Beeksma

Read first time 02/21/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to prohibiting discriminatory or preferential
2 treatment based on race, sex, color, ethnicity, or national origin;
3 adding new sections to chapter 49.60 RCW; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** This act shall be known and cited as the
6 equal rights and antidiscrimination act of 1995.

7 NEW SECTION. **Sec. 2.** Neither the state of Washington, nor its
8 political subdivisions, shall deny any right expressly guaranteed by
9 the Constitution of the state of Washington or the Constitution of the
10 United States of America.

11 NEW SECTION. **Sec. 3.** The legislature finds that equal protection
12 under the law is a fundamental principle of constitutional government
13 and is essential to the well-being and perpetuation of a free society.
14 The legislature further finds that there is a legitimate and compelling
15 state interest in ensuring equal protection under the law for each
16 individual as an indispensable prerequisite for guaranteeing the rights
17 of all citizens.

1 NEW SECTION. **Sec. 4.** (1) Neither the state of Washington nor any
2 of its political subdivisions or agents shall use race, sex, color,
3 ethnicity, or national origin as a criterion for either discriminating
4 against, or granting preferential treatment to, any individual or group
5 in the operation of public employment, public education, or public
6 contracting.

7 (2) This section shall apply only to governmental action taken
8 after the effective date of this section.

9 (3) Allowable remedies for violation of this section shall include
10 normal and customary attorneys' fees.

11 (4) Nothing in this section shall be interpreted as prohibiting
12 classifications based on sex that are reasonably necessary to the
13 normal operation of public employment or public education.

14 (5) Nothing in this section shall be interpreted as invalidating
15 any court order or consent decree that is in force as of the effective
16 date of this section.

17 (6) Nothing in this section shall be interpreted as prohibiting
18 governmental action that is necessary to establish or maintain
19 eligibility for any federal program, where ineligibility would result
20 in a loss of federal funds to state or local government.

21 (7) Nothing in this section shall be construed as prohibiting a
22 public agency from obeying a court order requiring the consideration of
23 racial, ethnic, national origin, gender, or religious characteristics
24 to remedy the effects of its own past discriminatory practices.

25 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act are each
26 added to chapter 49.60 RCW.

27 NEW SECTION. **Sec. 6.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of the
33 state government and its existing public institutions, and shall take
34 effect immediately.

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