
HOUSE BILL 3131

State of Washington

55th Legislature

1998 Regular Session

By Representatives Dunshee, Gombosky, Morris, Keiser, Kastama,
Linville, Anderson, Doumit and Eickmeyer

Read first time . Referred to Committee on .

1 AN ACT Relating to economic equal opportunity and prohibiting
2 discrimination; adding a new chapter to Title 49 RCW; and providing for
3 submission of this act to a vote of the people.

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

5 NEW SECTION. **Sec. 1.** This chapter may be known and cited as the
6 economic equal opportunity act.

7 NEW SECTION. **Sec. 2.** The legislature shall establish a commission
8 on public affirmative action policy. The purpose of the commission is
9 to establish public affirmative action policies based on economic
10 disadvantage, develop a plan for implementing those policies, and
11 monitor ongoing compliance with those policies. The commission shall
12 also establish public affirmative action policies that eliminate sex
13 and race as criteria for affirmative action, except as provided in
14 subsection (3) of this section.

15 (1) The commission consists of five members. The speaker of the
16 house of representatives, the minority leader of the house of
17 representatives, the majority leader of the senate, the minority leader
18 of the senate, and the governor shall each appoint one member of the

1 commission. No member of the legislature may concurrently serve on the
2 commission.

3 (2) The commission shall develop criteria for public affirmative
4 action policies. These criteria shall take into consideration the
5 following:

6 (a) Characteristics of family;

7 (b) Income;

8 (c) Education level;

9 (d) Geographic location; and

10 (e) Other socioeconomic factors that the commission deems relevant.

11 (3) In developing criteria for public affirmative action policies,
12 the commission may consider the temporary use of sex and race as bases
13 for those policies, to eliminate the evident effects of documented past
14 discrimination in public hiring, contracting, and college admissions.

15 (4) The commission may use outreach, recruiting, and preparatory
16 programs to eliminate the effects of past discrimination and promote
17 equal economic opportunity.

18 (5) The commission shall present its recommendations to the
19 legislature no later than December 1, 2000. The commission shall
20 include in its recommendations a plan that provides for full
21 implementation of the commission's recommendations no later than
22 December 1, 2002.

23 NEW SECTION. **Sec. 3.** The commission on public affirmative action
24 policy shall make recommendations for agencies and institutions on how
25 to eradicate the "glass ceiling" phenomenon. For the purposes of this
26 chapter, "glass ceiling" means barriers that prevent fully qualified
27 women and minorities from advancing in the hierarchy of public
28 institutions. The commission shall present its recommendations
29 regarding this section to the legislature no later than December 1,
30 2000.

31 NEW SECTION. **Sec. 4.** (1) The state is prohibited from using
32 quotas that require hiring or selecting persons in public employment,
33 education, and contracting based on race, sex, color, ethnicity, or
34 national origin.

35 (2) No affirmative action program operated by the state may hire or
36 select unqualified persons.

1 (3) For the purposes of this section, "quota" means a fixed number
2 or percentage that must be attained or cannot be exceeded and that
3 would violate the United States Constitution.

4 (4) For the purposes of this chapter, "state" includes, but is not
5 limited to, the state itself, any city, county, public college or
6 university, community college, school district, special district, or
7 other political subdivision or governmental instrumentality of or
8 within the state.

9 (5) Nothing in this section limits the ability of courts to correct
10 the effects of, or to prevent, discrimination.

11 (6) Nothing in this section prohibits action reasonably taken to
12 ensure eligibility for any federal program, if ineligibility could
13 result in a loss of federal funds to the state.

14 NEW SECTION. **Sec. 5.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

18 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute
19 a new chapter in Title 49 RCW.

20 NEW SECTION. **Sec. 7.** This act constitutes an alternative to
21 Initiative 200. The secretary of state shall place this act on the
22 ballot in conjunction with Initiative 200 at the next regular general
23 election.

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