

SB 5340 - DIGEST

(SUBSTITUTED FOR - SEE 1ST SUB)

Finds that the supreme court, in its opinion in *McClarty v. Totem Electric*, 157 Wn.2d 214, 137 P.3d 844 (2006), overstepped the court's constitutional role of deciding cases and controversies before it, and engaged in judicial activism by significantly rewriting the state law against discrimination.

Finds that the law changed by the court is of significant importance to the citizens of the state, in that it determines the scope of application of the law against discrimination, and that the court's deviation from settled law was substantial in degree.

Reaffirms an intent that the law against discrimination affords to Washington residents protections that are wholly independent of those afforded by the federal Americans with Disabilities Act of 1990, and rejects the opinion stated in *McClarty v. Totem Electric*.