

---

## Capital Budget Committee

---

### HB 2822

**Brief Description:** Restoring the fair treatment of underserved groups in public employment, education, and contracting.

**Sponsors:** Representatives Santos, Pettigrew, Ryu, Walkinshaw, Ortiz-Self, Gregerson, Moscoso, Tarleton, Reykdal, McBride, Morris, Stanford and Hudgins.

<p><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Repeals Initiative 200 (1998), which prohibits discrimination or preferential treatment in public education, employment, or contracting based on specified factors, including race and sex.</li></ul>
---



**Hearing Date:** 2/2/16

**Staff:** Meg VanSchoorl (786-7105).

**Background:**

The Law Against Discrimination (LAD), ch. 49.60 RCW, generally prohibits discrimination in employment and public accommodation based on specified factors and subject to specified exclusions. Similar provisions prohibit discrimination in K-12 public schools. In 1998, the voters approved Initiative 200, titled the Washington State Civil Rights Act, which was codified in the LAD chapter. I-200 prohibits the state from discriminating against or granting preferential treatment to an individual or a group based on race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. "State" includes but is not limited to: the state; any city or county; public college, university or community college; school district; special district, or other political subdivision or governmental entity within Washington. If any parts of Initiative 200 conflict with federal law, the United States Constitution, or the Washington Constitution, I-200 is to be implemented to the maximum extent permitted by those laws.

Initiative 200 does not prohibit:

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

- any law and governmental action which does not discriminate against or grant preferential treatment to an individual or group based on these factors;
- actions required to establish or maintain federal program eligibility, if ineligibility would result in a loss of federal funds;
- classification based on sex that is necessary for privacy or medical or psychological treatment;
- classification that is necessary for undercover law enforcement, or for film, video, audio or theatrical casting; or,
- providing separate athletic teams based on sex.

In 2013, I-200 was amended to state that nothing in it prohibits tribal schools from implementing a policy of Indian preference in employment or prioritizing the admission of tribal members if demand is greater than program or facility capacity.

**Summary of Bill:**

Initiative 200, including the 2013 amendment, is repealed. Conforming changes to reflect the repeal are made to the statutes on University of Washington alternative contracting, job order contracting, and apprenticeship programs.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.