
HOUSE BILL 2950

State of Washington

65th Legislature

2018 Regular Session

By Representatives Maycumber and Haler

Read first time 01/29/18. Referred to Committee on Capital Budget.

1 AN ACT Relating to changes in the operation of public contracting
2 to address proven disparities; and amending RCW 49.60.400.

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

4 **Sec. 1.** RCW 49.60.400 and 2013 c 242 s 7 are each amended to
5 read as follows:

6 (1) The state shall not discriminate against, or grant
7 preferential treatment to, any individual or group on the basis of
8 race, sex, color, ethnicity, or national origin in the operation of
9 public employment, public education, or public contracting.

10 (2) This section applies only to action taken after December 3,
11 1998.

12 (3) This section does not affect any law or governmental action
13 that does not discriminate against, or grant preferential treatment
14 to, any individual or group on the basis of race, sex, color,
15 ethnicity, or national origin.

16 (4) This section does not affect any otherwise lawful
17 classification that:

18 (a) Is based on sex and is necessary for sexual privacy or
19 medical or psychological treatment; or

20 (b) Is necessary for undercover law enforcement or for film,
21 video, audio, or theatrical casting; or

1 (c) Provides for separate athletic teams for each sex.

2 (5) This section does not invalidate any court order or consent
3 decree that is in force as of December 3, 1998.

4 (6) This section does not prohibit action that must be taken to
5 establish or maintain eligibility for any federal program, if
6 ineligibility would result in a loss of federal funds to the state.

7 (7) This section does not prohibit the state from voluntarily
8 changing policies or procedures in the operations of public
9 contracting to address proven disparity of state certified veteran,
10 servicemember, women, and minority owned businesses. The state is
11 immune from suit, in law or in equity, based on the state's exercise
12 of discretion under this subsection.

13 (8) Nothing in this section prohibits schools established under
14 chapter 28A.715 RCW from:

15 (a) Implementing a policy of Indian preference in employment; or

16 (b) Prioritizing the admission of tribal members where capacity
17 of the school's programs or facilities is not as large as demand.

18 ~~((+8))~~ (9) For the purposes of this section, "state" includes,
19 but is not necessarily limited to, the state itself, any city,
20 county, public college or university, community college, school
21 district, special district, or other political subdivision or
22 governmental instrumentality of or within the state.

23 ~~((+9))~~ (10) The remedies available for violations of this
24 section shall be the same, regardless of the injured party's race,
25 sex, color, ethnicity, or national origin, as are otherwise available
26 for violations of Washington antidiscrimination law.

27 ~~((+10))~~ (11) This section shall be self-executing. If any part
28 or parts of this section are found to be in conflict with federal
29 law, the United States Constitution, or the Washington state
30 Constitution, the section shall be implemented to the maximum extent
31 that federal law, the United States Constitution, and the Washington
32 state Constitution permit. Any provision held invalid shall be
33 severable from the remaining portions of this section.

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