

RESOLUTION URGING GOVERNOR INSLEE TO SIGN “EQUITY NOW!” EXECUTIVE ORDER

WHEREAS in 1998, Washington voters passed Initiative 200 (I-200) which clearly stated in the November 3, 1998, Washington State Voters Pamphlet, that I-200 **does not end all affirmative action programs**, but only prohibits those programs which use race and gender to select a lesser qualified applicant over a more deserving applicant for a public job, contract or admission to a state college or university; and

WHEREAS then Washington Attorney General Christine Gregoire’s 1998 official I-200 ballot statement explained: *“The effect of the proposed measure would thus depend on how its provisions are interpreted and applied.”*

WHEREAS since 1998, Washington state has implemented **Governor’s Directive Number 98-01** which for 23 years has grossly misinterpreted Initiative 200 (I-200), now codified as RCW 49.60.400, by erroneously stating that neither race nor sex could **ever** be used as factors to select candidates for public college or university admissions, public employment or a public contract;

WHEREAS in 2003, the Washington State Supreme Court in **Parents Involved in Community Schools v. Seattle School District No.1**, interpreted RCW 49.60.400 to only prohibit the state’s use of race or gender to select a less qualified applicant over a more qualified applicant; and

WHEREAS in 2017, Washington Attorney General (AG) Robert Ferguson issued **AG Opinion 2017, No. 2** which concluded: 1) I-200 allows Affirmative Action programs as long as neither race nor gender are used to select a less qualified contractor over a more qualified contractor; and 2) Evidence of discrimination in state contracting, which race or sex-neutral measures fail to remedy, may justify a race or sex-conscious remedy for that disparity; and

WHEREAS in 2017, a **Washington State Department of Transportation (WSDOT)** Disparity Study found concrete evidence that women and contractors of color suffer discriminatory barriers to fair access to federal and state-funded construction contracts across Washington’s multi-billion-dollar transportation industry; and

WHEREAS in January 2018, the Director of the **Office of Minority and Women Business Enterprises (OMWBE)** reported that since the 1998 passage of I-200, Washington’s small, minority and women owned businesses had lost an estimated \$3.9 billion in state public contracting opportunities; and

WHEREAS in 2019, the **Office of Minority and Women Business Enterprises (OMWBE)** Disparity Study concluded: 1) women and people of color do not enjoy equal access to all aspects of State contracting opportunities; 2) the lack of remedial market intervention in the wake of Initiative 200 perpetuates this inequality; and 3) remedial action is necessary to end discrimination in State contracting activities; and

NOW THEREFORE, BE IT RESOLVED that the 45th Democrat Legislative District urge Governor Jay Inslee to reaffirm Washington state's commitment to Diversity, Equity and Inclusion by immediately signing the **"EQUITY NOW!" EXECUTIVE ORDER** rescinding **Governor's Directive 98-01** and correctly implementing I-200 (Now RCW 49.60.400) to eliminate systemic inequities for all Washingtonians; and

BE IT FURTHER RESOLVED, that the 45th Legislative District **DEMOCRATS** urge all members to support the **"EQUITY NOW!" EXECUTIVE ORDER** and publicize support of the **"EQUITY NOW!" EXECUTIVE ORDER** on the website, via all local and social media and to all state and local elected officials; and

BE IT FINALLY RESOLVED that the chair 45th Legislative District Democrats shall email this resolution directly to Governor Jay Inslee's Chief of Staff, Jamila Thomas at jamila.thomas@gov.wa.gov .

Submitted by Chair of 45thLD Linda Jenkins to the 45th Legislative District Membership for consideration at its October 6th, 2021, virtual General Membership Meeting.
(Submitted September 10th, 2021)

