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**SENATE BILL 5105**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senators Hasegawa, Nguyen, Darneille, Das, Hunt, Kuderer, Liias, Lovelett, Nobles, Rolfes, Stanford, and Wilson, C.

AN ACT Relating to implementing the recommendations of the office of equity task force; amending RCW 43.06D.030, 43.06D.040, and 43.06D.050; adding new sections to chapter 43.06D RCW; creating a new section; and providing an expiration date.

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

**Sec.**  RCW 43.06D.030 and 2020 c 332 s 4 are each amended to read as follows:

(1) The office is administered by a director, who is appointed by the governor based on recommendations provided by the community advisory board, and with advice and consent of the senate. The director shall report to the governor. The director must receive a salary as fixed by the governor in accordance with RCW 43.03.040.

(2) Before the governor appoints a director, the community advisory board must screen all applicants against the established qualifications for the position and recommend to the governor a list of three or more candidates. The governor must either select the new director from the list of three or more candidates, ask the community advisory board to add additional names to the list, or reject the entire list and ask the community advisory board to submit three or more additional candidates for consideration. The community advisory board must repeat this process until a director is selected.

(3) The director shall:

(a) Employ and supervise staff as necessary to carry out the purpose of this chapter and the duties of the office; and

(b) Oversee the administration, programs, and policies of the office in accordance with the principles in RCW 43.06D.020.

**Sec.**  RCW 43.06D.040 and 2020 c 332 s 5 are each amended to read as follows:

(1) The office shall work to facilitate policy and systems change to promote equitable policies, practices, and outcomes through:

(a) **Agency decision making.** The office shall assist agencies in applying an equity lens in all aspects of agency decision making, including service delivery, program development, policy development, and budgeting. The office shall provide assistance by:

(i) Facilitating information sharing between agencies around diversity, equity, and inclusion issues;

(ii) Convening work groups as needed;

(iii) Developing and providing assessment tools for agencies to use in the development and evaluation of agency programs, services, policies, and budgets;

(iv) Training agency staff on how to effectively use the assessment tools developed under (a)(iii) of this subsection, including developing guidance for agencies on how to apply an equity lens to the agency's work when carrying out the agency's duties under this chapter;

(v) Developing a form that will serve as each agency's diversity, equity, and inclusion plan, required to be submitted by all agencies under section ((~~7~~)) 5 of this act, for each agency to report on its work in the area of diversity, equity, and inclusion. The office must develop the format and content of the plan and determine the frequency of reporting. The office must post each agency plan on the dashboard referenced in (d) of this subsection;

(vi) Maintaining an inventory of agency work in the area of diversity, equity, and inclusion; and

(vii) Compiling and creating resources for agencies to use as guidance when carrying out the requirements under section ((~~7~~)) 5 of this act.

(b) **Community outreach and engagement.** The office shall staff the community advisory board created under section ((~~6~~)) 4 of this act and may contract with commissions or other entities with expertise in order to identify policy and system barriers, including language access, to meaningful engagement with communities in all aspects of agency decision making.

(c) **Training on maintaining a diverse, inclusive, and culturally sensitive workforce.** The office shall collaborate with the office of financial management and the department of enterprise services to develop policies and provide technical assistance and training to agencies on maintaining a diverse, inclusive, and culturally sensitive workforce that delivers culturally sensitive services.

(d) **Data maintenance and establishing performance metrics.** The office shall:

(i) Collaborate with the office of financial management and agencies to:

(A) Establish standards for the collection, analysis, and reporting of disaggregated data as it pertains to tracking population level outcomes of communities, except as provided under (d)(i)(D) of this subsection;

(B) Create statewide and agency-specific process and outcome measures to show performance:

(I) Using outcome-based methodology to determine the effectiveness of agency programs and services on reducing disparities; and

(II) Taking into consideration community feedback from the community advisory board on whether the performance measures established accurately measure the effectiveness of agency programs and services in the communities served;

(C) Create an online performance dashboard to publish state and agency performance measures and outcomes; and

(D) Identify additional subcategories in workforce data for disaggregation in order to track disparities in public employment; and

(ii) Coordinate with the office of privacy and data protection to address cybersecurity and data protection for all data collected by the office.

(e) **Accountability.** The office shall:

(i) Publish a report for each agency detailing whether the agency has met the performance measures established pursuant to (d)(i) of this subsection and the effectiveness of agency programs and services on reducing disparities. The report must include the agency's strengths and accomplishments, areas for continued improvement, and areas for corrective action. The office must post each report on the dashboard referenced in (d) of this subsection;

(ii) Establish a process for the office to report on agency performance in accordance with (e)(i) of this subsection and a process for agencies to respond to the report. The agency's response must include the agency's progress on performance, the agency's action plan to address areas for improvement and corrective action, and a timeline for the action plan; and

(iii) Establish procedures to hold agencies accountable, which may include conducting performance reviews related to agency compliance with office performance measures.

(2) By October 31, 2022, and every year thereafter, the office shall report to the governor and the legislature. The report must include a summary of the office's work, including strengths and accomplishments, an overview of agency compliance with office standards and performance measures, and an equity analysis of the makeup of the community advisory board established in section ((~~6~~)) 4 of this act to ensure that it accurately reflects historically and currently marginalized groups.

(3) ((~~The director and the office shall review the final recommendations submitted pursuant to section 221, chapter 415, Laws of 2019, by the task force established under section 221, chapter 415, Laws of 2019, and report back to the governor and the legislature with any additional recommendations necessary for the office to carry out the duties prescribed under this chapter.~~)) The office must include in its October 31, 2022, report to the governor and the legislature recommendations to reduce barriers for community participation on boards and commissions which may include, but are not limited to, potential changes to the application process and compensation for board and commission members.

**Sec.**  RCW 43.06D.050 and 2020 c 332 s 8 are each amended to read as follows:

The office may:

(1) Provide technical assistance to agencies;

(2) Conduct research projects, as needed, provided that no research project is proposed or authorizes funding without consideration of the business case for the project including a review of the total cost of the project, similar projects conducted in the state, and alternatives analyzed;

(3) Conduct policy analyses and provide a forum where ideas and issues related to diversity, equity, and inclusion plans, policies, and standards can be reviewed;

(4) Develop policy positions and legislative proposals;

(5) Consider, on an ongoing basis, ways to promote investments in enterprise-level diversity, equity, and inclusion projects that will result in service improvements and cost efficiency;

(6) Fulfill external data requests, as resources allow; ((~~and~~))

(7) Receive and solicit gifts, grants, and endowments from public or private sources that are made for the use or benefit of the office and to expend the same or any income therefrom according to their terms and this chapter. The director must report funds received from private sources to the office of financial management on a regular basis. Funds received from private sources may not be applied to reduce or substitute the office's budget as appropriated by the legislature, but must be applied and expended toward projects and functions authorized by this chapter that were not funded by the legislature; and

(8) Adopt rules as necessary to:

(a) Develop and submit agency diversity, equity, and inclusion plans;

(b) Develop and maintain language access plans;

(c) Collect data for the purposes of this chapter;

(d) Establish performance measures;

(e) Establish process for responding to the office of equity report on agency performance; and

(f) Establish a process to report noncompliance or lack of improvement.

NEW SECTION. **Sec.**  A new section is added to chapter 43.06D RCW to read as follows:

(1) A community advisory board is created within the office to advise the office on its priorities and timelines.

(2) The director must appoint members to the community advisory board. No more than 20 voting members may be appointed. The voting members must support diverse representation by geography and identity and include, but not be limited to, a representative of the commission on African American affairs, the commission on Asian Pacific American affairs, the commission on Hispanic affairs, the federally recognized tribes, the human rights commission, the LGBTQ commission, the women's commission, and a member of the disability community nominated by the chair of the governor's committee on disability issues and employment.

(3) The community advisory board shall, among other duties determined by the director, provide guidance to the office on standards and performance measures.

(4) The community advisory board is staffed by the office.

(5) Board members shall be entitled to compensation of $50 per day for each day spent conducting official business and to reimbursement for travel expenses as provided by RCW 43.03.050 and 43.03.060.

(6) The community advisory board may adopt bylaws for the operation of its business for the purposes of this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 43.06D RCW to read as follows:

Each agency shall:

(1) Designate an agency diversity, equity, and inclusion liaison who reports directly to the head of the agency, within existing resources to serve as the liaison between the agency and the office;

(2) Apply an equity lens, as developed by the office in accordance with RCW 43.06D.040, to assess existing and proposed agency policies, services and service delivery, practices, programs, and budget decisions using the assessment tools developed by the office under RCW 43.06D.040;

(3) Develop and submit a diversity, equity, and inclusion plan to the office, in accordance with RCW 43.06D.040;

(4) Develop and maintain written language access policies and plans;

(5) Collaborate with the office to establish performance measures in accordance with RCW 43.06D.040;

(6) Provide data and information requested by the office in accordance with standards established pursuant to RCW 43.06D.040; and

(7) Submit a response to the office's report on agency performance, under RCW 43.06D.040.

NEW SECTION. **Sec.**  (1) The governor's interagency coordinating council on health disparities must reconvene the office of equity task force in July 2024 to evaluate the implementation of the office of equity and review, at a minimum:

(a) The level of staffing and funding provided to the office of equity for its operation;

(b) Guidance to the office of equity from the community advisory board;

(c) The office of equity's strategic plan;

(d) The broad strategic goals and standards for the enterprise related to diversity, equity, and inclusion;

(e) Agency-specific performance measures and outcomes; and

(f) The state of diversity, equity, and inclusion efforts across the enterprise.

(2) The task force shall include:

(a) The chair of the interagency coordinating council on health disparities, or the chair's designee, who shall serve as the chair of the task force;

(b) Two members of the house of representatives, appointed by the speaker of the house of representatives;

(c) Two members from the senate, appointed by the president of the senate;

(d) A representative from the office of the governor, appointed by the governor;

(e) A representative from the office of financial management's diversity, equity, and inclusion council, appointed by the governor;

(f) A representative from the office of minority and women's business enterprises, appointed by the director of the office of minority and women's business enterprises;

(g) A representative from each ethnic commission, appointed by the director of each respective commission;

(h) A representative from the women's commission, appointed by the director of the women's commission;

(i) A representative from the human rights commission, appointed by the director of the human rights commission;

(j) A representative from the LGBTQ commission, appointed by the director of the LGBTQ commission;

(k) The director of the governor's office of Indian affairs, or the director's designee; and

(l) A member of the disability community, appointed by the chair of the governor's committee on disability issues and employment.

(3) The task force must submit a report to the governor and legislature by October 31, 2025. At a minimum, the report must summarize the review conducted under subsection (1) of this section and provide any recommended changes to the office of equity's operations and strategies.

(4) Nonlegislative members of the task force must be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. Legislative members must be reimbursed for expenses incurred in accordance with RCW 44.04.120.

(5) This section expires July 1, 2026.

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