H-2197.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SECOND SUBSTITUTE HOUSE BILL 1783**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 66th Legislature 2019 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Gregerson, Morgan, Ryu, Lovick, Valdez, Ramos, Thai, Reeves, Slatter, Lekanoff, Peterson, Macri, Entenman, Pettigrew, Bergquist, Callan, Stonier, Orwall, Hudgins, Riccelli, Mead, Senn, Santos, Chapman, Walen, Kloba, Doglio, Tarleton, Pollet, Dolan, Davis, Jinkins, Wylie, Shewmake, Pellicciotti, Fey, Stanford, Sells, Morris, Kilduff, Leavitt, Appleton, Tharinger, Ormsby, Frame, and Robinson)

AN ACT Relating to creating the Washington state office of equity; adding a new chapter to Title 43 RCW; creating a new section; providing an effective date; and declaring an emergency.

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

NEW SECTION. **Sec.**  The legislature finds that the population of Washington state has become increasingly more diverse over the last several decades. In 2010, people of color comprised only ten percent of the overall population. Today, the percentage of people of color has more than doubled, and it is projected that, by 2050, people of color will comprise as much as half of Washington's population.

The legislature finds that as the demographics of our state change, people of color and other historically marginalized communities continue to not meet parity with their white counterparts across nearly every measure including education, poverty, employment, health, and more. Inequities based on race, ethnicity, and gender continue to be deep, pervasive, and persistent, and they come at a great economic and social cost. When individuals face barriers to achieving their full potential, the impact is felt by the individual, their communities, businesses, governments, and the economy as a whole in the form of lost wages, avoidable public expenditures, and more.

A more inclusive Washington is only possible if agencies identify and implement effective strategies to eliminate systemic inequities.

Over the years, significant strides have been made within agencies to address the disparate outcomes faced by communities of color. While these efforts have yielded positive work, the legislature finds that the work happening in agencies is fragmented across state government. Additionally, smaller agencies may not have the resources necessary to identify and implement policies to address inequities based on race and ethnicity.

The legislature finds that state government must identify and coordinate effective strategies that focus on eliminating systemic barriers for certain racial and ethnic groups, including women of color. To support this objective, an office of equity will assist government agencies to consider race, ethnicity, gender, and equitable impacts in all aspects of their decision making including services, programming, policy development, budgeting, staffing, and more. Doing so will foster a culture of accountability within state government that promotes opportunity for our most vulnerable communities.

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means, unless otherwise specified, every state office, agency, department, board, or commission.

(2) "Director" means the director of the Washington state office of equity.

(3) "Office" means the Washington state office of equity.

NEW SECTION. **Sec.**  Effective January 1, 2020, the Washington state office of equity is created within the office of the governor for the purpose of promoting access to equitable opportunities and resources that reduce disparities, including racial and ethnic disparities, and improve outcomes statewide across all sectors of government.

NEW SECTION. **Sec.**  The office shall be administered by a director, who shall be appointed by, and report to, the governor. The director must receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040.

NEW SECTION. **Sec.**  The director must:

(1) Supervise the administration and operation of the office;

(2) Employ and supervise staff to carry out the duties of the office under section 6 of this act; and

(3) Implement the recommendations from the task force's operations plan submitted under section 9 of this act.

NEW SECTION. **Sec.**  The office must:

(1) Facilitate state policy and systems change to promote equity in policy, practice, and outcomes through:

(a) Identifying agency policies, procedures, practices, statutes, rules, and budget decision-making practices that may perpetuate inequities;

(b) Recommending to agencies best practices for promoting equity in providing services;

(c) Developing equity assessment tools for agencies to use in the development and evaluation of their agency programs, policies, budgeting, and other decisions; and

(d) Providing technical assistance to agencies in implementing best practices, equity assessment tools, and other strategies to eliminate disparities and achieve performance measures established under subsection (4)(b) of this section;

(2) Promote community outreach and engagement by:

(a) Examining and recommending strategies to agencies on how to improve community outreach and engagement by those agencies, including advising on policies and practices concerning language access; and

(b) Partnering directly with the following agencies to develop community outreach strategies: Commission on African-American affairs, commission on Asian Pacific American affairs, commission on Hispanic affairs, governor's office of Indian affairs, human rights commission, women's commission, and any other agency the office deems necessary;

(3) Collaborate with the office of financial management and the department of enterprise services to develop policies, provide technical assistance, and training for agencies on maintaining a diverse, inclusive, and culturally sensitive workforce; and

(4) Establish, in collaboration with results Washington, and agencies as appropriate:

(a) Standards for the collection, analysis, and reporting of disaggregated data regarding race and ethnicity, including subracial and subethnic populations as it pertains to tracking population level outcomes;

(b) Agency-specific performance measures using outcome-based methodology to determine the effectiveness of agency programs and services on reducing disparities; and

(c) An online performance dashboard to publish agency performance measures and outcomes.

NEW SECTION. **Sec.**  All agencies must:

(1) Provide appropriate and reasonable assistance to the office as needed, including gathering and providing data and information, in order for the office to carry out the purpose of this chapter;

(2) With technical assistance from the office, work to meet performance measures established under section 6 of this act; and

(3) Implement, as appropriate, the equity assessment tools established under section 6 of this act.

NEW SECTION. **Sec.**  The office may:

(1) Convene work groups as needed, consisting of agency representatives and public stakeholders, to explore strategies to achieve the purpose of this chapter;

(2) Compile and create resources for agencies as guidance;

(3) Provide technical assistance to agencies;

(4) 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 the purpose of this chapter. The office's director must report funds received from private sources to the office of financial management on a regular basis. Such 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

(5) Adopt rules as necessary to implement the policies and purposes of this chapter.

NEW SECTION. **Sec.**  (1) A task force is established to create the initial operations plan for the office.

(2) The task force consists of the following members:

(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) One member from the appropriate committee of the house of representatives, appointed by the speaker of the house of representatives;

(c) One member from the appropriate committee of 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 and the women's commission under this title, appointed by the director of each respective commission;

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

(i) 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 create an operations plan for the office, to include developing the following:

(a) A mission statement and vision statement for the office;

(b) A definition of "equity," which must be used by the office to guide its work;

(c) The organizational structure of the office, including a plan to engage executive level management from all agencies in carrying out this chapter. The structure must include a community liaison for the office;

(d) Guidance on best practices for developing agency performance measures under section 6 of this act;

(e) Mechanisms for accountability to ensure that performance measures established under section 6 of this act are being met across all agencies, including recommendations on:

(i) Audits of agencies; and

(ii) Any other accountability tool the task force deems appropriate; and

(f) The estimated cost to carry out the work of the office.

(4) To inform the work of the task force in developing the recommendations in subsection (3) of this section, the task force may:

(a) Through the interagency coordinating council on health disparities, contract with consultants and experts in the area of equity, diversity, and inclusion; and

(b) Form work groups, which must include representation from community-based organizations.

(5) The governor's interagency coordinating council on health disparities must:

(a) Provide staff support for the task force; and

(b) Coordinate community and stakeholder outreach, before the task force's adoption of the operations plan, to solicit feedback on the operations plan proposed by the task force.

(6) The task force must adopt the operations plan and submit the plan to the governor and the director of the office by December 1, 2019.

(7) Reimbursement for task force members is as follows:

(a) Nonlegislative members must be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060; and

(b) Legislative members must be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 44.04.120.

NEW SECTION. **Sec.**  Nothing in this act creates any right or cause of action, nor may it be relied upon to compel the establishment of any program or special entitlement.

NEW SECTION. **Sec.**  Sections 1 through 10 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2019.

NEW SECTION. **Sec.**  If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2019, in the omnibus appropriations act, this act is null and void.

**--- END ---**