
ENGROSSED 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)

READ FIRST TIME 03/01/19.

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

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the population
6 of Washington state has become increasingly diverse over the last
7 several decades. The legislature also finds that as the demographics
8 of our state change, historically and currently marginalized
9 communities still do not have the same opportunities to meet parity
10 as their nonmarginalized counterparts across nearly every measure
11 including education, poverty, employment, health, and more.
12 Inequities based on race, ethnicity, gender, and other
13 characteristics continue to be deep, pervasive, and persistent, and
14 they come at a great economic and social cost. When individuals face
15 barriers to achieving their full potential, the impact is felt by the
16 individual, their communities, businesses, governments, and the
17 economy as a whole in the form of lost wages, avoidable public
18 expenditures, and more.

19 The legislature finds that a more inclusive Washington is
20 possible if agencies identify and implement effective strategies to
21 eliminate systemic inequities. The legislature recognizes that

1 different forms of discrimination and oppression are related to each
2 other, and these relationships need to be taken into account.

3 The legislature finds that over the years, significant strides
4 have been made within agencies to address the disparate outcomes
5 faced by historically and currently marginalized communities. While
6 these efforts have yielded positive work, the legislature finds that
7 the work happening in agencies is fragmented across state government.
8 Additionally, smaller agencies may not have the resources necessary
9 to identify and implement policies to address systemic inequities.
10 The legislature finds that state government must identify and
11 coordinate effective strategies that focus on eliminating systemic
12 barriers for historically and currently marginalized groups. To
13 support this objective, an office of equity will provide a unified
14 vision around equity for all state agencies. The office will assist
15 government agencies to apply an equity lens in all aspects of their
16 decision making, including but not limited to services, programming,
17 policy development, budgeting, and staffing. Doing so will foster a
18 culture of accountability within state government that promotes
19 opportunity for marginalized communities and will help normalize
20 language and concepts around equity, race, social justice, diversity,
21 and inclusion.

22 NEW SECTION. **Sec. 2.** The definitions in this section apply
23 throughout this chapter unless the context clearly requires
24 otherwise.

25 (1) "Agency" means every state executive office, agency,
26 department, or commission.

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

29 (3) "Equity lens" means providing consideration to the
30 characteristics listed in RCW 49.60.030, as well as immigration
31 status and language access, to evaluate the equitable impacts of an
32 agency's policy or program.

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

34 NEW SECTION. **Sec. 3.** (1) The Washington state office of equity
35 is established within the office of the governor for the purpose of
36 promoting access to equitable opportunities and resources that reduce
37 disparities, and improve outcomes statewide across state government.

1 (2) The office envisions everyone in Washington having full
2 access to the opportunities and resources they need to flourish and
3 achieve their full potential.

4 (3) The work of the office must be guided by principles of
5 equity:

6 (a) Equity requires developing, strengthening, and supporting
7 policies and procedures that distribute and prioritize resources to
8 those who have been historically and currently marginalized,
9 including tribes;

10 (b) Equity requires the elimination of systemic barriers that
11 have been deeply entrenched in systems of inequality and oppression;
12 and

13 (c) Equity achieves procedural and outcome fairness, promoting
14 dignity, honor, and respect for all people.

15 NEW SECTION. **Sec. 4.** (1) The office is administered by a
16 director, who is appointed by, and reports to, the governor. The
17 director must receive a salary as fixed by the governor in accordance
18 with RCW 43.03.040.

19 (2) The director shall:

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

22 (b) Oversee the administration, programs, and policies of the
23 office in accordance with the principles in section 3 of this act.

24 NEW SECTION. **Sec. 5.** (1) The office shall work to facilitate
25 policy and systems change to promote equitable policies, practices,
26 and outcomes through:

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

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

33 (ii) Convening work groups as needed;

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

37 (iv) Training agency staff on how to effectively use the
38 assessment tools developed under (a)(ii) of this subsection,

1 including developing guidance for agencies on how to apply an equity
2 lens to the agency's work when carrying out the agency's duties under
3 this chapter;

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

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

13 (vii) Compiling and creating resources for agencies to use as
14 guidance when carrying out the requirements under section 7 of this
15 act; and

16 (viii) Collaborating with the governor's office of Indian
17 affairs.

18 (b) **Community outreach and engagement.** The office shall:

19 (i) Staff the community advisory board created under section 6 of
20 this act; and

21 (ii) Collaborate with the following: Commission on African
22 American affairs, commission on Asian Pacific American affairs,
23 commission on Hispanic affairs, governor's office of Indian affairs,
24 human rights commission, LGBTQ commission, women's commission, and
25 any other agency the office deems necessary, in order to identify
26 policy and system barriers, including language access, to meaningful
27 engagement with communities in all aspects of agency decision making.

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

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

36 (i) Collaborate with results Washington and agencies to:

37 (A) Establish standards for the collection, analysis, and
38 reporting of disaggregated data regarding race and ethnicity,
39 including subracial and subethnic populations as it pertains to

1 tracking population level outcomes, except as provided under (d)(ii)
2 of this subsection;

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

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

8 (II) Taking into consideration community feedback, as necessary,
9 on whether the performance measures established accurately measure
10 the effectiveness of agency programs and services in the communities
11 served; and

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

14 (ii) Collaborate with the office of financial management to
15 identify additional subcategories in workforce data for
16 disaggregation in order to track disparities in public employment;
17 and

18 (iii) Coordinate with the office of privacy and data protection
19 to address cybersecurity and data protection for all data collected
20 by the office. When collecting data pursuant to this subsection, the
21 office may not request any personally identifiable information from
22 respondents other than race and ethnicity information identified in
23 (d)(i)(A) of this subsection, in order to protect the data of
24 vulnerable populations.

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

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

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

39 (iii) Adopt rules to develop accountability and enforcement
40 mechanisms, which may include conducting audits in collaboration with

1 the office of the state auditor, related to agency compliance with
2 office performance measures.

3 (2) By July 1, 2022, and every two years thereafter, the office
4 shall report to the legislature and governor. The report must include
5 a summary of the office's work, including strengths and
6 accomplishments, an overview of agency compliance with office
7 standards and performance measures, and an equity analysis of the
8 makeup of the community advisory board established in section 6 of
9 this act to ensure that it accurately reflects historically and
10 currently marginalized groups.

11 (3) The director and the office shall consider the
12 recommendations submitted pursuant to section 221, chapter 415, Laws
13 of 2019, by the task force established under section 221, chapter
14 415, Laws of 2019, when carrying out the duties prescribed under this
15 chapter.

16 NEW SECTION. **Sec. 6.** (1) A community advisory board is created
17 within the office to advise the office on its priorities and
18 timelines.

19 (2) The director must appoint members to the community advisory
20 board to support diverse representation by geography and identity.

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

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

25 (5) Board members shall be entitled to compensation of fifty
26 dollars per day for each day spent conducting official business and
27 to reimbursement for travel expenses as provided by RCW 43.03.050 and
28 43.03.060.

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

31 NEW SECTION. **Sec. 7.** Each agency shall:

32 (1) Designate an agency diversity, equity, and inclusion liaison
33 within existing resources to serve as the liaison between the agency
34 and the office;

35 (2) Apply an equity lens, as developed by the office in
36 accordance with section 5 of this act, to assess existing and
37 proposed agency policies, services and service delivery, practices,

1 programs, and budget decisions using the assessment tools developed
2 by the office pursuant to section 5 of this act;

3 (3) Develop and submit a diversity, equity, and inclusion plan to
4 the office, in accordance with section 5 of this act;

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

7 (5) Collaborate with the office to establish performance measures
8 in accordance with section 5 of this act;

9 (6) Provide data and information requested by the office in
10 accordance with standards established pursuant to section 5 of this
11 act; and

12 (7) Submit a response to the office's report on agency
13 performance, pursuant to section 5(1)(e) of this act.

14 NEW SECTION. **Sec. 8.** The office may:

15 (1) Provide technical assistance to agencies;

16 (2) Conduct research projects and policy analyses, as needed;

17 (3) Develop policy positions and legislative initiatives;

18 (4) Fulfill external data requests, as resources allow;

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

29 (6) Adopt rules as necessary to implement the policy and purpose
30 of this chapter.

31 NEW SECTION. **Sec. 9.** Nothing in this act creates any right or
32 cause of action, nor may it be relied upon to compel the
33 establishment of any program or special entitlement.

34 NEW SECTION. **Sec. 10.** Sections 2 through 9 of this act
35 constitute a new chapter in Title 43 RCW.

1 NEW SECTION. **Sec. 11.** Section 3 of this act takes effect July
2 1, 2020.

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