
SENATE BILL 5776

State of Washington

66th Legislature

2019 Regular Session

By Senators Dhingra, Das, Randall, Nguyen, Saldaña, Darneille, Keiser, and Wilson, C.

Read first time 01/31/19. Referred to Committee on State Government, Tribal Relations & Elections.

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

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 more diverse over the
7 last several decades. In 2010, people of color comprised only ten
8 percent of the overall population. Today, the percentage of people of
9 color has more than doubled, and it is projected that, by 2050,
10 people of color will comprise as much as half of Washington's
11 population.

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

1 whole in the form of lost wages, avoidable public expenditures, and
2 more.

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

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

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

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, unless otherwise specified, every state
26 office, agency, department, board, or commission.

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

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

30 NEW SECTION. **Sec. 3.** Effective January 1, 2020, the Washington
31 state office of equity is created within the office of the governor
32 for the purpose of promoting access to equitable opportunities and
33 resources that reduce disparities, including racial and ethnic
34 disparities, and improve outcomes statewide across all sectors of
35 government.

36 NEW SECTION. **Sec. 4.** The office shall be administered by a
37 director, who shall be appointed by, and report to, the governor. The

1 director must receive a salary as fixed by the governor in accordance
2 with the provisions of RCW 43.03.040.

3 NEW SECTION. **Sec. 5.** The director must:

- 4 (1) Supervise the administration and operation of the office;
- 5 (2) Employ and supervise staff to carry out the duties of the
6 office under section 6 of this act; and
- 7 (3) Implement the recommendations from the task force's
8 operations plan submitted under section 9 of this act.

9 NEW SECTION. **Sec. 6.** The office must:

- 10 (1) Facilitate state policy and systems change to promote equity
11 in policy, practice, and outcomes through:
 - 12 (a) Identifying agency policies, procedures, practices, statutes,
13 rules, and budget decision-making practices that may perpetuate
14 inequities;
 - 15 (b) Recommending to agencies best practices for promoting equity
16 in providing services;
 - 17 (c) Developing equity assessment tools for agencies to use in the
18 development and evaluation of their agency programs, policies,
19 budgeting, and other decisions; and
 - 20 (d) Providing technical assistance to agencies in implementing
21 best practices, equity assessment tools, and other strategies to
22 eliminate disparities and achieve performance measures established
23 under subsection (4) (b) of this section;
- 24 (2) Promote community outreach and engagement by:
 - 25 (a) Examining and recommending strategies to agencies on how to
26 improve community outreach and engagement by those agencies,
27 including advising on policies and practices concerning language
28 access; and
 - 29 (b) Partnering directly with the following agencies to develop
30 community outreach strategies: Commission on African-American
31 affairs, commission on Asian Pacific American affairs, commission on
32 Hispanic affairs, governor's office of Indian affairs, human rights
33 commission, women's commission, and any other agency the office deems
34 necessary;
 - 35 (3) Collaborate with the office of financial management and the
36 department of enterprise services to develop policies, provide
37 technical assistance, and training for agencies on maintaining a
38 diverse, inclusive, and culturally sensitive workforce; and

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

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

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

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

12 NEW SECTION. **Sec. 7.** All agencies must:

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

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

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

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

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

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

25 (3) Provide technical assistance to agencies;

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

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

1 NEW SECTION. **Sec. 9.** (1) A task force is established to create
2 the initial operations plan for the office.

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

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

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

10 (c) One member from the appropriate committee of the senate,
11 appointed by the president of the senate;

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

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

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

19 (g) A representative from each ethnic commission and the women's
20 commission under this title, appointed by the director of each
21 respective commission;

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

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

26 (3) The task force must create an operations plan for the office,
27 to include developing the following:

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

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

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

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

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

40 (i) Audits of agencies; and

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

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

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

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

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

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

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

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

18 (6) The task force must adopt the operations plan and submit the
19 plan to the governor and the director of the office by December 1,
20 2019.

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

22 (a) Nonlegislative members must be reimbursed for expenses
23 incurred in the performance of their duties in accordance with RCW
24 43.03.050 and 43.03.060; and

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

27 NEW SECTION. **Sec. 10.** Nothing in this act creates any right or
28 cause of action, nor may it be relied upon to compel the
29 establishment of any program or special entitlement.

30 NEW SECTION. **Sec. 11.** Sections 1 through 10 of this act
31 constitute a new chapter in Title 43 RCW.

32 NEW SECTION. **Sec. 12.** This act is necessary for the immediate
33 preservation of the public peace, health, or safety, or support of
34 the state government and its existing public institutions, and takes
35 effect July 1, 2019.

--- END ---