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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, Lias, Lovelett, Nobles, Rolfes, Stanford, and Wilson, C.

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1 AN ACT Relating to implementing the recommendations of the office  
2 of equity task force; amending RCW 43.06D.030, 43.06D.040, and  
3 43.06D.050; adding new sections to chapter 43.06D RCW; creating a new  
4 section; and providing an expiration date.

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

6 **Sec. 1.** RCW 43.06D.030 and 2020 c 332 s 4 are each amended to  
7 read as follows:

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

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

1       (3) The director shall:

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

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

6       **Sec. 2.** RCW 43.06D.040 and 2020 c 332 s 5 are each amended to  
7 read as follows:

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

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

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

16       (ii) Convening work groups as needed;

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

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

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

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

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

37       (b) **Community outreach and engagement.** The office shall staff the  
38 community advisory board created under section ((6)) 4 of this act  
39 and may contract with commissions or other entities with expertise in

1 order to identify policy and system barriers, including language  
2 access, to meaningful engagement with communities in all aspects of  
3 agency decision making.

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

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

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

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

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

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

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

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

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

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

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

36 (i) Publish a report for each agency detailing whether the agency  
37 has met the performance measures established pursuant to (d)(i) of  
38 this subsection and the effectiveness of agency programs and services  
39 on reducing disparities. The report must include the agency's  
40 strengths and accomplishments, areas for continued improvement, and

1 areas for corrective action. The office must post each report on the  
2 dashboard referenced in (d) of this subsection;

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

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

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

20 (3) ~~((The director and the office shall review the final  
21 recommendations submitted pursuant to section 221, chapter 415, Laws  
22 of 2019, by the task force established under section 221, chapter  
23 415, Laws of 2019, and report back to the governor and the  
24 legislature with any additional recommendations necessary for the  
25 office to carry out the duties prescribed under this chapter.))~~ The  
26 office must include in its October 31, 2022, report to the governor  
27 and the legislature recommendations to reduce barriers for community  
28 participation on boards and commissions which may include, but are  
29 not limited to, potential changes to the application process and  
30 compensation for board and commission members.

31 **Sec. 3.** RCW 43.06D.050 and 2020 c 332 s 8 are each amended to  
32 read as follows:

33 The office may:

34 (1) Provide technical assistance to agencies;

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

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

4 (4) Develop policy positions and legislative proposals;

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

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

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

19 (8) Adopt rules as necessary to:

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

22 (b) Develop and maintain language access plans;

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

24 (d) Establish performance measures;

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

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

29 NEW SECTION. Sec. 4. A new section is added to chapter 43.06D  
30 RCW to read as follows:

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

33 (2) The director must appoint members to the community advisory  
34 board. No more than 20 voting members may be appointed. The voting  
35 members must support diverse representation by geography and identity  
36 and include, but not be limited to, a representative of the  
37 commission on African American affairs, the commission on Asian  
38 Pacific American affairs, the commission on Hispanic affairs, the  
39 federally recognized tribes, the human rights commission, the LGBTQ

1 commission, the women's commission, and a member of the disability  
2 community nominated by the chair of the governor's committee on  
3 disability issues and employment.

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

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

8 (5) Board members shall be entitled to compensation of \$50 per  
9 day for each day spent conducting official business and to  
10 reimbursement for travel expenses as provided by RCW 43.03.050 and  
11 43.03.060.

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

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.06D  
15 RCW to read as follows:

16 Each agency shall:

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

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

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

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

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

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

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

35 NEW SECTION. **Sec. 6.** (1) The governor's interagency  
36 coordinating council on health disparities must reconvene the office  
37 of equity task force in July 2024 to evaluate the implementation of  
38 the office of equity and review, at a minimum:

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

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

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

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

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

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

11 (2) The task force shall include:

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

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

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

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

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

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

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

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

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

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

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

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

38 (3) The task force must submit a report to the governor and  
39 legislature by October 31, 2025. At a minimum, the report must  
40 summarize the review conducted under subsection (1) of this section

1 and provide any recommended changes to the office of equity's  
2 operations and strategies.

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

7 (5) This section expires July 1, 2026.

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