

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1783

Chapter 332, Laws of 2020

(partial veto)

66th Legislature
2020 Regular Session

OFFICE OF EQUITY

EFFECTIVE DATE: June 11, 2020—Except for section 3, which becomes effective July 1, 2020.

Passed by the House March 9, 2020
Yeas 57 Nays 39

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 5, 2020
Yeas 28 Nays 21

CYRUS HABIB

President of the Senate

Approved April 3, 2020 1:41 PM with
the exception of sections 6 and 7,
which are vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1783** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

April 3, 2020

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1783

AS AMENDED BY THE SENATE

Passed Legislature - 2020 Regular Session

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; and providing an
3 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. This includes social ramifications that
19 emerging technology, such as artificial intelligence and facial
20 recognition technology, may have on historically and currently
21 marginalized communities. It is the intent of the legislature to

1 review these emerging technologies either already in use by agencies
2 or before their launch by agencies if not already in use and make
3 recommendations regarding agency use to ensure that the technology is
4 used in a manner that benefits society and does not have disparate
5 negative impacts on historically and currently marginalized
6 communities or violate their civil rights. It is further intended
7 that the office should collaborate with other state efforts in this
8 regard.

9 The legislature finds that a more inclusive Washington is
10 possible if agencies identify and implement effective strategies to
11 eliminate systemic inequities. The legislature recognizes that
12 different forms of discrimination and oppression are related to each
13 other, and these relationships need to be taken into account.

14 The legislature finds that over the years, significant strides
15 have been made within agencies to address the disparate outcomes
16 faced by historically and currently marginalized communities. While
17 these efforts have yielded positive work, the legislature finds that
18 the work happening in agencies is fragmented across state government.
19 Additionally, smaller agencies may not have the resources necessary
20 to identify and implement policies to address systemic inequities.
21 Furthermore, the legislature finds that the commission on African
22 American affairs, the commission on Asian Pacific American affairs,
23 the commission on Hispanic affairs, the governor's office of Indian
24 affairs, the LGBTQ commission, the women's commission, and the human
25 rights commission each play an important and integral role by serving
26 as a voice for their respective communities and linking state
27 government to these communities. The office is distinct from the
28 commissions because it will serve as the state's subject matter
29 expert on diversity, equity, and inclusion to state agencies and will
30 provide technical assistance and support to agencies while each
31 agency implements its individual equity plan. The office is not
32 duplicative of the commissions, rather it is the intent of the
33 legislature that the office will work in collaboration with the
34 commissions. It is not the legislature's intent to eliminate the
35 commissions or to reduce funding to the commissions by creating the
36 office. Instead, it is the intent of the legislature that the office
37 and the commissions shall work in a complementary manner with each
38 other, support each other's work, jurisdictions, and missions, and
39 adequately fund the commissions and the office as they take on their
40 new complementary roles.

1 The legislature finds that state government must identify and
2 coordinate effective strategies that focus on eliminating systemic
3 barriers for historically and currently marginalized groups. To
4 support this objective, an office of equity will provide a unified
5 vision around equity for all state agencies. The office will assist
6 government agencies to promote diversity, equity, and inclusion in
7 all aspects of their decision making, including but not limited to
8 services, programming, policy development, budgeting, and staffing.
9 Doing so will foster a culture of accountability within state
10 government that promotes opportunity for marginalized communities and
11 will help normalize language and concepts around diversity, equity,
12 and inclusion.

13 NEW SECTION. **Sec. 2.** The definitions in this section apply
14 throughout this chapter unless the context clearly requires
15 otherwise.

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

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

20 (3) "Disaggregated data" means data that has been broken down by
21 appropriate subcategories.

22 (4) "Equity lens" means providing consideration to the
23 characteristics listed in RCW 49.60.030, as well as immigration
24 status and language access, to evaluate the equitable impacts of an
25 agency's policy or program.

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

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

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

34 (3) The work of the office must:

35 (a) Be guided by the following principles of equity:

36 (i) Equity requires developing, strengthening, and supporting
37 policies and procedures that distribute and prioritize resources to

1 those who have been historically and currently marginalized,
2 including tribes;

3 (ii) Equity requires the elimination of systemic barriers that
4 have been deeply entrenched in systems of inequality and oppression;
5 and

6 (iii) Equity achieves procedural and outcome fairness, promoting
7 dignity, honor, and respect for all people;

8 (b) Complement and not supplant the work of the statutory
9 commissions.

10 NEW SECTION. **Sec. 4.** (1) The office is administered by a
11 director, who is appointed by the governor with advice and consent of
12 the senate. The director shall report to the governor. The director
13 must receive a salary as fixed by the governor in accordance with RCW
14 43.03.040.

15 (2) The director shall:

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

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

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

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

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

29 (ii) Convening work groups as needed;

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

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

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

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

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

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

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

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

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

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

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

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

38 (II) Taking into consideration community feedback from the
39 community advisory board on whether the performance measures

1 established accurately measure the effectiveness of agency programs
2 and services in the communities served;

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

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

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

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

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

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

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

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

36 (3) The director and the office shall review the final
37 recommendations submitted pursuant to section 221, chapter 415, Laws
38 of 2019, by the task force established under section 221, chapter
39 415, Laws of 2019, and report back to the governor and the

1 legislature with any additional recommendations necessary for the
2 office to carry out the duties prescribed under this chapter.

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

6 (2) The director must appoint members to the community advisory
7 board to support diverse representation by geography and identity.
8 The director may collaborate with the commission on African American
9 affairs, the commission on Asian Pacific American affairs, the
10 commission on Hispanic affairs, the governor's office of Indian
11 affairs, the human rights commission, the LGBTQ commission, the
12 women's commission, and any other agency the office deems necessary,
13 to find individuals with diverse representation by geography and
14 identity for the community advisory board.

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

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

19 (5) Board members shall be entitled to compensation of fifty
20 dollars per day for each day spent conducting official business and
21 to reimbursement for travel expenses as provided by RCW 43.03.050 and
22 43.03.060.

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

*Sec. 6 was vetoed. See message at end of chapter.

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

26 (1) Designate an agency diversity, equity, and inclusion liaison
27 within existing resources to serve as the liaison between the agency
28 and the office;

29 (2) Apply an equity lens, as developed by the office in
30 accordance with section 5 of this act, to assess existing and
31 proposed agency policies, services and service delivery, practices,
32 programs, and budget decisions using the assessment tools developed
33 by the office pursuant to section 5 of this act;

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

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

1 (5) *Collaborate with the office to establish performance measures*
2 *in accordance with section 5 of this act;*

3 (6) *Provide data and information requested by the office in*
4 *accordance with standards established under section 5 of this act;*
5 *and*

6 (7) *Submit a response to the office's report on agency*
7 *performance under section 5 of this act.*

**Sec. 7 was vetoed. See message at end of chapter.*

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

9 (1) Provide technical assistance to agencies;

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

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

18 (4) Develop policy positions and legislative proposals;

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

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

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

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

1 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act
2 constitute a new chapter in Title 43 RCW.

3 NEW SECTION. **Sec. 11.** Section 3 of this act takes effect July
4 1, 2020.

Passed by the House March 9, 2020.

Passed by the Senate March 5, 2020.

Approved by the Governor April 3, 2020, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State April 3, 2020.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 6 and 7, Engrossed Second Substitute House Bill No. 1783 entitled:

"AN ACT Relating to creating the Washington state office of equity."

Section 6 creates a community advisory board, which is given certain duties. Section 7 directs each state agency to, among other things, develop plans and policies and provide data and information pursuant to the bill. Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Sections 6 and 7 of Engrossed Second Substitute House Bill No. 1783.

With the exception of Sections 6 and 7, Engrossed Second Substitute House Bill No. 1783 is approved."

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