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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1783

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AS AMENDED BY THE SENATE

Passed Legislature - 2019 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.

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.

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.

36 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act  
37 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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