

**E2SHB 1783** - S COMM AMD

By Committee on State Government, Tribal Relations & Elections

**NOT ADOPTED 03/05/2020**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that the population  
4 of Washington state has become increasingly diverse over the last  
5 several decades. The legislature also finds that as the demographics  
6 of our state change, historically and currently marginalized  
7 communities still do not have the same opportunities to meet parity  
8 as their nonmarginalized counterparts across nearly every measure  
9 including education, poverty, employment, health, and more.  
10 Inequities based on race, ethnicity, gender, and other  
11 characteristics continue to be deep, pervasive, and persistent, and  
12 they come at a great economic and social cost. When individuals face  
13 barriers to achieving their full potential, the impact is felt by the  
14 individual, their communities, businesses, governments, and the  
15 economy as a whole in the form of lost wages, avoidable public  
16 expenditures, and more. This includes social ramifications that  
17 emerging technology, such as artificial intelligence and facial  
18 recognition technology, may have on historically and currently  
19 marginalized communities. It is the intent of the legislature to  
20 review these emerging technologies either already in use by agencies  
21 or before their launch by agencies if not already in use and make  
22 recommendations regarding agency use to ensure that the technology is  
23 used in a manner that benefits society and does not have disparate  
24 negative impacts on historically and currently marginalized  
25 communities or violate their civil rights. It is further intended  
26 that the office should collaborate with other state efforts in this  
27 regard.

28 The legislature finds that a more inclusive Washington is  
29 possible if agencies identify and implement effective strategies to  
30 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 Furthermore, the legislature finds that the commission on African  
11 American affairs, the commission on Asian Pacific American affairs,  
12 the commission on Hispanic affairs, the governor's office of Indian  
13 affairs, the LGBTQ commission, the women's commission, and the human  
14 rights commission each play an important and integral role by serving  
15 as a voice for their respective communities and linking state  
16 government to these communities. The office is distinct from the  
17 commissions because it will serve as the state's subject matter  
18 expert on diversity, equity, and inclusion to state agencies and will  
19 provide technical assistance and support to agencies while each  
20 agency implements its individual equity plan. The office is not  
21 duplicative of the commissions, rather it is the intent of the  
22 legislature that the office will work in collaboration with the  
23 commissions. It is not the legislature's intent to eliminate the  
24 commissions or to reduce funding to the commissions by creating the  
25 office. Instead, it is the intent of the legislature that the office  
26 and the statutory commissions shall work in a complementary manner  
27 with each other, support each other's work, jurisdictions, and  
28 missions, and adequately fund the statutory commissions and the  
29 office as they take on their new complementary roles.

30 The legislature finds that state government must identify and  
31 coordinate effective strategies that focus on eliminating systemic  
32 barriers for historically and currently marginalized groups. To  
33 support this objective, an office of equity will provide a unified  
34 vision around equity for all state agencies. The office will assist  
35 government agencies to promote diversity, equity, and inclusion in  
36 all aspects of their decision making, including but not limited to  
37 services, programming, policy development, budgeting, and staffing.  
38 Doing so will foster a culture of accountability within state  
39 government that promotes opportunity for marginalized communities and

1 will help normalize language and concepts around diversity, equity,  
2 and inclusion.

3 NEW SECTION. **Sec. 2.** The definitions in this section apply  
4 throughout this chapter unless the context clearly requires  
5 otherwise.

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

8 (2) "Communities" means a group of people who share some or all  
9 of the characteristics listed in RCW 49.60.030, as well as  
10 immigration status and language access.

11 (3) "Determinants of equity" means the social, economic,  
12 geographic, and physical environment conditions in which people in  
13 the state of Washington are born, grow, live, work, and age, that  
14 lead to the creation of a fair and just society. Access to the  
15 determinants of equity is necessary to have equity for all people  
16 regardless of the communities to which they may belong.

17 (4) "Director" means the director of the Washington state office  
18 of equity.

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

21 (6) "Governing board" means the Washington office of equity  
22 governing board.

23 (7) "Office" means the Washington state office of equity.

24 (8) "Statutory commission" means the Washington state commission  
25 on African American affairs established in chapter 43.113 RCW, the  
26 Washington state commission on Asian Pacific American affairs  
27 established in chapter 43.117 RCW, the Washington state commission on  
28 Hispanic affairs established in chapter 43.115 RCW, the Washington  
29 state women's commission established in chapter 43.119 RCW, the  
30 Washington state LGBTQ commission established in chapter 43.114 RCW,  
31 and the human rights commission established in chapter 49.60 RCW.

32 NEW SECTION. **Sec. 3.** (1) The Washington state office of equity  
33 is established within the office of the governor, and shall be guided  
34 by the governing board, for the purpose of promoting access to  
35 equitable opportunities and resources that reduce disparities, and  
36 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:

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

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

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

15 (b) Complement and not supplant the work of the statutory  
16 commissions.

17 NEW SECTION. **Sec. 4.** (1) The Washington office of equity  
18 governing board is created within the office and shall include the  
19 following members:

20 (a) The chair of the interagency coordinating council on health  
21 disparities, or the chair's designee;

22 (b) The director of the office of minority and women's business  
23 enterprises, or the director's designee;

24 (c) A representative from each statutory commission, appointed by  
25 the director of each respective statutory commission;

26 (d) The director of the governor's office of Indian affairs, or  
27 the director's designee;

28 (e) A member of the disability community, appointed by the chair  
29 of the governor's committee on disability issues and employment;

30 (f) A representative from the office of the governor, appointed  
31 by the governor;

32 (g) A representative from the office of financial management's  
33 diversity, equity, and inclusion council, appointed by the governor;

34 (h) A representative from the employee-based business resource  
35 groups, appointed by the governor;

36 (i) One member representing state union organizations who shall  
37 be selected by the governor from a list of three names submitted by  
38 state union organizations;

1 (j) One nonvoting member appointed by the governor to represent  
2 the governor's small agency cabinet; and

3 (k) Four legislative nonvoting members: Two members of the house  
4 of representatives, one from each major caucus, appointed by the  
5 speaker of the house of representatives; and two members of the  
6 senate, one from each major caucus, appointed by the president of the  
7 senate.

8 (2) The initial appointment of members made by the governor under  
9 subsection (1)(f) through (j) of this section shall be staggered, one  
10 member must be appointed for a one-year term, two members must be  
11 appointed for a two-year term, and two members must be appointed for  
12 a three-year term. Thereafter, members must be appointed for three-  
13 year terms.

14 (3) Vacancies shall be filled in the same manner that the  
15 original appointments were made for the remainder of the member's  
16 term.

17 (4) A member shall be eligible for reappointment.

18 (5) A vacancy in the governing board shall not impair the right  
19 of the remaining members to exercise all of the powers of the  
20 governing board, and eight voting members of the governing board  
21 shall constitute a quorum of the governing board.

22 (6) The board chair is selected from among the voting members by  
23 the majority vote of the voting members.

24 NEW SECTION. **Sec. 5.** (1) Each voting member of the governing  
25 board shall be compensated in accordance with RCW 43.03.240.

26 (2) The director shall be appointed by the governor based on  
27 recommendations provided by the governing board, and subject to the  
28 consent of the senate. The director will administer the office and  
29 provide staff support for the governing board. The annual salary of  
30 the director shall be determined under the provisions of RCW  
31 43.03.028. The director shall:

32 (a) Employ and supervise employees or enter into contracts as  
33 necessary for the proper performance of the office's duties,  
34 consistent with the provisions of this chapter; and

35 (b) Oversee the administration, programs, and policies of the  
36 office.

37 (3) Members or employees of the governing board shall be  
38 reimbursed for travel expenses incurred in the discharge of their

1 official duties on the same basis as is provided in RCW 43.03.050 and  
2 43.03.060.

3 NEW SECTION. **Sec. 6.** (1) The governing board shall:

4 (a) Direct the office on its priorities and timelines;

5 (b) Review and approve statewide or interagency policies,  
6 procedures, or forms developed by the office;

7 (c) Provide guidance to the office on development of resources,  
8 best practice guidelines, and performance measures;

9 (d) Review audit findings and recommendations and determine  
10 appropriate enforcement action or approve referral to the governor  
11 for further review and action;

12 (e) Review and approve standards for the collection, analysis,  
13 and reporting of data, including any external data requests;

14 (f) Review and approve the annual report of the office under  
15 section 7(2) of this act; and

16 (g) Work with statutory commissions in a complementary manner  
17 within their responsible jurisdictions.

18 (2) The governing board may:

19 (a) Authorize the office to contract for expertise or capacity  
20 needs, as necessary; and

21 (b) Advise the governor on proposed legislation or other issues  
22 concerning diversity, equity, and inclusion.

23 NEW SECTION. **Sec. 7.** (1) The office shall work to facilitate  
24 policy and systems change to promote equitable policies, practices,  
25 and outcomes through:

26 (a) **Agency decision making.** The office shall assist agencies in  
27 promoting diversity, equity, and inclusion in all aspects of agency  
28 decision making, including service delivery, program development,  
29 policy development, and budgeting. The office shall provide  
30 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) Establishing a procedure for providing a diversity impact  
35 analysis on the impact or expected impact, either positive or  
36 negative, of any agency program, service, policy, legislation, or  
37 budget proposal;

1 (iv) Training agency staff on how to effectively complete the  
2 diversity impact analysis developed under (a)(iii) of this  
3 subsection, including developing best practice guidelines for  
4 agencies on how to assess determinants of equity when carrying out  
5 the agency's duties under this chapter;

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

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

15 (vii) Compiling and creating resources for agencies to use as  
16 guidance when carrying out the requirements under section 9 of this  
17 act.

18 (b) **Community outreach and engagement.** The office may direct the  
19 statutory commissions to conduct community outreach and engagement in  
20 order to identify policy and system barriers, including language  
21 access, to meaningful engagement with communities in all aspects of  
22 agency decision making. The office shall ensure that the statutory  
23 commissions are adequately resourced to accomplish the assigned  
24 tasks.

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

31 (d) **Data maintenance and establishing performance metrics.** The  
32 office shall:

33 (i) Collaborate with the office of financial management and  
34 agencies to:

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

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

1 (I) Using outcome-based methodology to determine the  
2 effectiveness of agency programs and services on reducing  
3 disparities; and

4 (II) Taking into consideration community feedback from the  
5 governing board on whether the performance measures established  
6 accurately measure the effectiveness of agency programs and services  
7 in the communities served;

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

10 (D) Identify additional subcategories in workforce data for  
11 disaggregation in order to track disparities in public employment;  
12 and

13 (ii) Coordinate with the office of privacy and data protection to  
14 address cybersecurity and data protection for all data collected by  
15 the office.

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

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

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

30 (iii) Establish procedures to hold agencies accountable, which  
31 may include:

32 (A) Conducting performance reviews related to agency compliance  
33 with office performance measures; and

34 (B) Reporting audit findings not addressed by the agency within a  
35 reasonable time frame to the governing board for corrective or  
36 enforcement action or referral to the governor for further review and  
37 action; and

38 (iv) Not conduct investigations or enforcement of:

39 (A) Unfair practices under the laws against discrimination,  
40 chapter 49.60 RCW or noncompliance under chapter 49.74 RCW and must



1 refer any complaint or issue to the human rights commission for  
2 further review and action in accordance with those chapters;

3 (B) Labor relations issues under the authority of the public  
4 employment relations commission in chapters 41.56 and 41.58 RCW; and

5 (C) Procedures for monitoring and enforcing compliance with goals  
6 established under chapter 39.19 RCW and must refer any complaint or  
7 issue to the office of minority and women's business enterprises for  
8 further review and action.

9 (2) By October 31, 2022, and every year thereafter, the office  
10 shall report to the governor and the legislature. The report must:

11 (a) Be reviewed and approved by the governing board before  
12 submission; and

13 (b) Include a summary of the office's work, including:

14 (i) Strengths and accomplishments;

15 (ii) An overview of the staff, budget, and an account of all  
16 money the office has disbursed;

17 (iii) A summary of agency compliance with office standards and  
18 performance measures;

19 (iv) A summary of the audits the office has conducted and their  
20 outcome;

21 (v) Recommendations it has issued;

22 (vi) An equity analysis of the makeup of the governing board  
23 established in section 4 of this act to ensure that it accurately  
24 reflects historically and currently marginalized groups; and

25 (vii) Any other information deemed appropriate by the office.

26 (3) The director and the office shall review the final  
27 recommendations submitted pursuant to section 221, chapter 415, Laws  
28 of 2019, by the task force established under section 221, chapter  
29 415, Laws of 2019, and report back to the governing board and the  
30 legislature with any additional recommendations necessary for the  
31 office to carry out the duties prescribed under this chapter.

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

33 (1) Provide technical assistance to agencies;

34 (2) Conduct research projects, as needed, provided that no  
35 research project is proposed or authorizes funding without  
36 consideration of the business case for the project including a review  
37 of the total cost of the project, similar projects conducted in the  
38 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 the purpose of this chapter. The director must report funds  
13 received from private sources to the office of financial management  
14 on a regular basis. Such funds received from private sources may not  
15 be applied to reduce or substitute the office's budget as  
16 appropriated by the legislature, but must be applied and expended  
17 toward projects and functions authorized by this chapter that were  
18 not funded by the legislature.

19 NEW SECTION. **Sec. 9.** Each agency shall:

20 (1) Designate an agency diversity, equity, and inclusion liaison,  
21 within existing resources, to serve as the liaison between the agency  
22 and the office;

23 (2) Create diversity impact analyses, as developed by the office  
24 in accordance with section 7 of this act, to assess the determinants  
25 of equity for agency programs, services, policies, and budget  
26 decisions;

27 (3) Aggregate its agency diversity impact analyses into an annual  
28 report to be submitted to the office by July 31st of each year. Each  
29 agency shall include in this report whether the agency took actions  
30 to alter a proposed program, service, policy, or budget based on the  
31 diversity impact analysis and, if so, what those actions included;

32 (4) Develop and submit a diversity, equity, and inclusion plan to  
33 the office, in accordance with section 7 of this act;

34 (5) Develop and maintain written language access policies and  
35 plans;

36 (6) Collaborate with the office to establish performance measures  
37 in accordance with section 7 of this act;

1 (7) Provide data and information requested by the office in  
2 accordance with standards established under section 7 of this act;  
3 and

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

6 NEW SECTION. **Sec. 10.** By October 31, 2025, the state auditor  
7 shall conduct a comprehensive performance audit in accordance with  
8 RCW 43.09.470, of the effectiveness of the Washington state office of  
9 equity including, but not limited to, the following factors:

10 (1) The extent to which the office has complied with legislative  
11 intent;

12 (2) The extent to which the office is operating in an efficient  
13 and economical manner which results in optimum performance;

14 (3) The extent to which the office is operating in the public  
15 interest by controlling costs;

16 (4) The extent to which the office duplicates the activities of,  
17 or has a mission that overlaps with, other agencies or of the private  
18 sector;

19 (5) The extent to which the office is receiving diversity,  
20 equity, and inclusion plans from agencies;

21 (6) The effectiveness of its data protection and oversight of  
22 agency performance measures; and

23 (7) Any other factors deemed appropriate by the state auditor's  
24 office.

25 NEW SECTION. **Sec. 11.** Nothing in this chapter creates any right  
26 or cause of action, nor may it be relied upon to compel the  
27 establishment of any program or special entitlement.

28 NEW SECTION. **Sec. 12.** Sections 1 through 11 of this act  
29 constitute a new chapter in Title 43 RCW.

30 NEW SECTION. **Sec. 13.** Sections 3 through 5 of this act take  
31 effect July 1, 2020."

**NOT ADOPTED 03/05/2020**

1           On page 1, line 2 of the title, after "equity;" strike the  
2 remainder of the title and insert "adding a new chapter to Title 43  
3 RCW; and providing an effective date."

EFFECT: (1) Makes changes to the intent and definitions sections.

(2) Requires the Office of Equity (Office) to complement the work of statutory commissions.

(3) Creates a Washington Office of Equity Governing Board (Governing Board) consisting of 14 voting members and 5 nonvoting members. The chair of the Governing Board is selected by a majority vote of the voting members. Eight voting members constitutes a quorum.

(4) Voting Governing Board members receive compensation and are reimbursed for travel expenses.

(5) The appointment of the director is based on recommendations made by the Governing Board and is subject to consent of the Senate.

(6) Removes the Community Advisory Board and instead authorizes the Office to direct the statutory commissions to conduct community outreach and engagement. The Office must ensure that the statutory commissions are adequately resourced to accomplish assigned tasks.

(7) The Governing Board, rather than the Community Advisory Board, advises the Office on its priorities and timelines and provides guidance on standards and performance measures. The Governing Board is also granted authority to: Review and approve policies, procedures, forms, research projects, and standards for the collection, analysis, and reporting of data; review audit findings and determine appropriate enforcement actions; and work with the statutory commissions in a complementary manner within their responsible jurisdictions.

(8) Allows the Governing Board to authorize the Office to contract for expertise and capacity needs and advise the Governor on proposed legislation and other diversity, equity, and inclusion DEI issues.

(9) Reporting requirements are amended to require annual reports by the agencies and the Office. The Office report must be reviewed and approved by the Governing Board prior to submission to the Governor and the Legislature.

(10) Requires the Office develop a procedure on and provide training for diversity impact analyses, rather than assessment tools.

(11) Requires the Office to collaborate with the Office of Financial Management, rather than Results Washington to establish data standards and performance measures.

(12) Removes the limitations regarding the collection of personally identifiable information of vulnerable populations.

(13) Removes the requirement that the DEI plan and accountability procedures be established by rule, and instead requires the Office develop procedures.

(14) Removes the requirement to collaborate with the State Auditor to conduct performance audits, and instead requires the Office to conduct performance reviews.

(15) Clarifies the authority for accountability may include reporting audit findings to the Governing Board for enforcement action or referral to the Governor.

(16) Expressly prohibits certain investigation or enforcement functions.

(17) Requires the director review the Task Force final report and report back to the Governing Board and the Legislature with recommendations.

(18) Allows the Office to develop legislative proposals, rather than initiatives. The Office is also granted authority to: Consider ways to promote investment in DEI projects; and provide a forum where DEI issues can be reviewed.

(19) Removes rulemaking authority.

(20) Requires the State Auditor to conduct a performance audit of the Office by October 31, 2025.

(21) The Office and the Governing Board are both established on July 1, 2020.

--- END ---