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SECOND SUBSTITUTE HOUSE BILL 1783

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

1        NEW SECTION.    **Sec. 13.**    If specific funding for the purposes of  
2 this act, referencing this act by bill or chapter number, is not  
3 provided by June 30, 2019, in the omnibus appropriations act, this  
4 act is null and void.

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