

# SENATE BILL REPORT

## SB 5105

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As of January 27, 2021

**Title:** An act relating to implementing the recommendations of the office of equity task force.

**Brief Description:** Implementing the recommendations of the office of equity task force.

**Sponsors:** Senators Hasegawa, Nguyen, Darneille, Das, Hunt, Kuderer, Liias, Lovelett, Nobles, Rolfes, Stanford and Wilson, C..

**Brief History:**

**Committee Activity:** State Government & Elections: 1/27/21.

### Brief Summary of Bill

- Requires the Governor appoint the director of the Office of Equity (Office) based on recommendations provided by the Community Advisory Board (Board).
- Requires the Office report on barriers for community participation on boards and commissions in its October 31, 2022 report.
- Provides the Office with certain rulemaking authority.
- Creates the Board to advise the Office on its priorities and timelines.
- Requires state agencies to: designate a diversity, equity, and inclusion liaison; apply an equity lens to agency decision-making; develop plans for diversity, equity, and inclusion and for language access; provide data and information to the Office; and collaborate with the Office to develop performance measures.
- Reconvenes the Office of Equity Task Force in July 2024 to evaluate the implementation of the Office and report to the Governor and Legislature by October 31, 2025.

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### SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Melissa Van Gorkom (786-7491)

**Background:** Office of Equity Task Force. In 2019, the Legislature directed the Governor's Interagency Coordinating Council on Health Disparities (Council) to convene and staff an Office of Equity Task Force (Task Force) to develop a proposal for the creation of the Washington State Office of Equity (Office). The Task Force members include:

- the chair of the Council, who will serve as the chair of the task force;
- two members from the House of Representatives, appointed by the speaker of the House of Representatives;
- two members from the Senate, appointed by the president of the Senate;
- a representative from the Office of the Governor, the Office of Financial Management's Diversity, Equity, and Inclusion Council, and of the lesbian, gay, bisexual, transgender, and queer community, each appointed by the Governor;
- a representative from the Office of Minority and Women's Business Enterprise (OWMBE), appointed by the OMWBE director;
- a representative from each ethnic commission and the Women's Commission, appointed by the director of the respective commission;
- the director of the Governor's Office of Indian Affairs, or the director's designee; and
- a member of the disability community, appointed by the chair of the Governor's Committee on Disability Issues and Employment.

The Task Force final proposal, submitted to the Legislature in October 2020, recommended that the Office:

- guide enterprise wide efforts through a unified vision of equity;
- serve as a conduit between government and communities;
- build synergy with partners in diversity equity and inclusions;
- serve as a conduit for state institutions;
- provide guidance and technical assistance to foster systems and policy change;
- build a diverse, culturally humble workforce that reflects the communities served;
- set expectations, measure progress, and ensure accountability; and
- reconvene the Task Force to evaluate implementation of the Office.

Office of Equity. In July 2020, the Legislature created the Office to promote access to equitable opportunities and resources that reduce disparities and improve outcomes statewide across all sectors of government. The work of the Office must be guided by principles of equity. The Office must facilitate state policy and systems change to promote equitable policies, practices, and outcomes through:

- assisting agencies in applying an equity lens to agency decision-making through various means;
- community outreach and engagement by staffing a Community Advisory Board (Board);
- collaborating with the Office of Financial Management (OFM) and Department of Enterprise Services to develop policies and provide technical assistance and training for agencies on maintaining a diverse, inclusive, and culturally sensitive workforce;

- collaborating with OFM and agencies to establish certain standards for data, create performance measures, and develop an online performance dashboard;
- coordinating with the Office of Privacy and Data Protection to address cybersecurity and data protection; and
- promoting accountability through agency performance reports and procedures to hold agencies accountable.

By October 31, 2022, and every year thereafter, the Office must report to the Governor and the Legislature summarizing the work of the Office, agency compliance with Office standards and performance measures, and an equity analysis of the Board.

**Summary of Bill: Office of Equity.** The director of the Office must be appointed based on recommendations provided by the Board. The Board must screen applicants and provide a list recommending three or more candidates to the Governor. The Governor may select from the list, ask the Board to add additional names, or reject the entire list and ask the Board to submit three additional candidates.

The Office must include recommendations to reduce barriers for community participation on boards and commissions in the October 31, 2022 report to the Governor and the Legislature.

The Office may adopt rules as necessary to:

- develop and submit agency diversity, equity, and inclusion plans;
- develop and maintain language access plans;
- collect data for the purposes of this chapter;
- establish performance measures;
- establish process for responding to the office of equity report on agency performance; and
- establish a process to report noncompliance or lack of improvement.

**Community Advisory Board.** The Board is created to advise the Office on its priorities and timelines and provide guidance on standards and performance measures. The Director appoints members to the Board. The Board must consist of no more than 20 voting members that support a diverse representation by geography and identity and include, but are not limited to, a representative of:

- the commission on African American affairs,
- the commission on Asian Pacific American affairs,
- the commission on Hispanic affairs,
- the federally recognized tribes,
- the human rights commission,
- the LGBTQ commission,
- the women's commission, and
- a member of the disability community nominated by the chair of the governor's committee on disability issues and employment.

Members of the Board are entitled to compensation and reimbursement for travel expenses.

State Agencies. All agencies must:

- designate diversity, equity, and inclusion liaisons who reports directly to the head of the agency;
- apply an equity lens to assess existing and proposed policies, service delivery, programs, practices, and budget decisions;
- develop and submit diversity, equity, and inclusion plans;
- develop and maintain written language access policies and plans;
- collaborate with the Office to establish performance measures;
- provide data and information to the Office as requested; and
- submit a response to the Office's report on agency performance.

Task Force. The Legislature directs the Council to reconvene the Task Force in July 2024 to evaluate the implementation of the Office and review at minimum:

- the level of staffing and funding provided to the Office for its operation;
- guidance to the Office from the Board;
- the Office's strategic plan;
- the broad strategic goals and standards for the enterprise related to diversity, equity, and inclusion;
- agency-specific performance measures and outcomes; and
- the state of diversity, equity, and inclusion efforts across the enterprise.

The Task Force must report to the Governor and the Legislature by October 31, 2025 to provide a summary of the review and any recommended changes to the Office operations and strategies. Members of the Task Force are entitled to reimbursement for travel expenses.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill is a trailer bill for the bill that was passed last year and partially vetoed. The establishment of the Office was preemptive of the Task Force work. After last session the Task Force finalized its recommendations which were well rounded. This bill stays, as true as possible, to the recommendations of the Task Force and puts some meat on the bones of the skeleton that was created last year. Funding and tasking the Office is included in the Governor's policy goals and budget. The bill would not go into effect until June and so any current hiring should not be impacted by this

legislation.

CON: With I-200 the voters said that they want the government to treat everyone equally and not discriminate against or give preferential treatment to anyone based on race, color, sex, ethnicity or national origin. I-1000 a year or two ago tried to reverse that. One of the provisions in that initiative the voters rejected was the creation of an Office like this. This bill is in direct contradiction to what the voters said they wanted at a cost of \$2.1 million of taxpayer money.

OTHER: The Governor is a strong proponent for creating the Office but has three concerns regarding the bill. The Governor is close to appointing the director for the Office and wants to ensure that the appointment will not be invalidated by the law. This is a cabinet position which traditionally allows for the Governor to have full authority and discretion over the hiring and firing of the individual and is typically not preselected by a community advisory group. The Governor would prefer that the evaluation of the Office be done by an outside entity rather than an agency within the executive branch. Rulemaking is not generally done for establishing requirements for another agency.

**Persons Testifying:** PRO: Senator Bob Hasegawa, Prime Sponsor.

CON: Tim Eyman, Permanent Offense.

OTHER: RaShelle Davis, Governor's Office.

**Persons Signed In To Testify But Not Testifying:** No one.