

SENATE BILL REPORT

ESSB 5405

As Passed Senate, March 5, 2021

Title: An act relating to racial equity analysis for the joint legislative audit and review committee work.

Brief Description: Instructing the joint legislative audit and review committee to perform racial equity analyses.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Hasegawa, Conway, Liias, Nguyen, Saldaña and Wilson, C.).

Brief History:

Committee Activity: State Government & Elections: 2/10/21, 2/12/21 [DP-WM, w/oRec].
Ways & Means: 2/19/21, 2/22/21 [DPS, DNP, w/oRec].

Floor Activity: Passed Senate: 3/5/21, 47-2.

Brief Summary of Engrossed First Substitute Bill

- Requires the Joint Legislative Audit and Review Committee (JLARC) to incorporate a racial equity analysis, or note if a racial equity analysis is not necessary or appropriate, in its performance audits, sunset reviews, and other audits or reports.
- Requires JLARC to complete a racial equity analysis by December 31, 2021, on the impact of the restrictions on in-person K-12 education put in place since the COVID-19 state of emergency declared on February 29, 2020.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: Do pass and be referred to Committee on Ways & Means.
Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa.

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.

Minority Report: That it be referred without recommendation.
Signed by Senators Wilson, J., Ranking Member; Hawkins.

Staff: Melissa Van Gorkom (786-7491)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5405 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle, Conway, Darneille, Dhingra, Hasegawa, Hunt, Keiser, Lias, Mullet, Pedersen and Wellman.

Minority Report: Do not pass.

Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Wagoner and Warnick.

Minority Report: That it be referred without recommendation.

Signed by Senators Schoesler, Assistant Ranking Member, Capital; Braun, Gildon, Muzzall, Rivers and Van De Wege.

Staff: Julie Murray (786-7711)

Background: Joint Legislative Audit Review Committee. The Joint Legislative Audit and Review Committee (JLARC) has 16 members; eight senators and eight representatives, with four from each caucus of each chamber. The nonpartisan staff of JLARC conduct performance audits, program evaluations, sunset reviews, and other analyses assigned by the Legislature and JLARC itself.

COVID-19 Proclamation. On February 29, 2020, Governor Inslee declared a state of emergency in all counties of Washington and directed state agencies to take all reasonable measures to assist affected local governments to respond to and recover from the COVID-19 outbreak. On March 13, 2020, Governor Inslee announced the closure of all public and private K-12 school facilities in the state from 12:01 a.m. on March 17, 2020 until April 24, 2020. The closure directive was subsequently extended through June 19, 2020. Although school facilities were closed to in-person instruction during the final months of the 2019-2020 school year, they were encouraged to continue providing distance learning services such as remote instruction. On June 11, 2020, Governor Inslee announced re-opening of K-12 schools subject to the guidance provided by the Department of Health for summer programs and the 2020-2021 school year. With few exceptions, school districts in Washington began the 2020-21 school year with the continuation and modification of distance learning services such as remote instruction that were employed in the prior school year.

Summary of Engrossed First Substitute Bill: JLARC must incorporate a racial equity analysis, or note if a racial equity analysis is not necessary or appropriate, in its performance audits, sunset reviews, and other audits or reports. JLARC may work with the Office of Equity, the Governor's Office of Indian Affairs, the LGBTQ commission, and the Washington State women's commission, and ethnic commissions to design the racial equity analysis.

JLARC must complete a racial equity analysis by December 31, 2021, on the impact of the restrictions on in-person K-12 education put in place since the state of emergency declared on February 29, 2020, for all counties in Washington, due to COVID-19.

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 on Original Bill (State Government & Elections):

PRO: JLARC is a nationally recognized institution for the work they do. JLARC has multiple functions to provide performance audits, review citizen commission for performance measurements of tax preferences as well as other reviews of programs the state has. When JLARC does reviews they do not have the capacity to do as many reviews as may be needed, but I often ask whether racial disproportionalities or disparate impacts as a result of a program and JLARC often indicates it is not a statutory requirement for them. This bill would make that analysis part of their reviews. The fiscal impact may not be as high as reflected in the fiscal note. It is important to take a look at where racism is institutionalized within our programs.

Persons Testifying (State Government & Elections): PRO: Senator Bob Hasegawa, Prime Sponsor.

Persons Signed In To Testify But Not Testifying (State Government & Elections): No one.

Staff Summary of Public Testimony on Original Bill (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: JLARC is already doing these audits and so it would not be too much work for them to add to this. The fiscal impact will probably not be as high as indicated in the fiscal note.

Persons Testifying (Ways & Means): PRO: Senator Bob Hasegawa, Prime Sponsor.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.