
SENATE BILL 5274

State of Washington

67th Legislature

2021 Regular Session

By Senators Hasegawa, Darneille, Das, Keiser, Lias, Lovelett, Nguyen, Nobles, Randall, Saldaña, Wellman, and Wilson, C.

Read first time 01/19/21. Referred to Committee on State Government & Elections.

1 AN ACT Relating to establishing an equity impact statement for
2 legislative proposals; adding a new chapter to Title 43 RCW; and
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the health,
6 safety, and productivity of all Washington communities, including
7 historically marginalized communities, is of the utmost importance.
8 All Washingtonians are harmed by unintended disparities created by
9 legislation. Therefore, the legislature intends to create a tool to
10 provide legislators with aggregated and disaggregated demographical
11 data and other information to help legislators proactively identify
12 possible disparate impacts on historically marginalized communities,
13 and thus make better informed and intentional decisions on
14 legislative proposals. The legislature also intends for the office of
15 equity to provide agency training on completing an equity impact
16 statement, in order to support the important work that the office of
17 financial management is tasked with under this act, and to provide
18 legislators with an effective tool to aid in their decision making.

19 The legislature finds that health impact reviews provide valuable
20 information that helps legislators make informed decisions. However,
21 given the nature of health impact reviews, the time required to

1 complete a health impact review can be lengthy. As a result, it is a
2 challenge to complete health impact reviews on all proposed
3 legislation where objective, nonpartisan, data-driven information
4 about the equity impacts of the proposed legislation would be useful
5 in the legislative decision-making process. It is not the intent of
6 the legislature to replace health impact reviews, but rather it is
7 the intent of the legislature to establish a tool that can be applied
8 to a greater number of legislative proposals, thereby enabling
9 legislators to assess the equity impacts for a large number of
10 measures. If further information about the equity impacts of proposed
11 legislation is warranted, requesting a health impact review would be
12 one possible path forward.

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, and the offices of statewide elected
18 officials.

19 (2) "Communities" means a group of people who share some or all
20 of the characteristics listed in RCW 49.60.030, and also includes
21 language access and socioeconomic status.

22 (3) "Disaggregated data" means data that has been broken down by
23 appropriate subcategories.

24 (4) "Socioeconomic status" means the position or social standing
25 of an individual or group relative to others as determined by a
26 combination of social and economic factors. Social and economic
27 factors may include, but are not limited to, income, occupation, and
28 education.

29 (5) "Statutory commission" means the Washington state commission
30 on African American affairs established in chapter 43.113 RCW, the
31 Washington state commission on Asian Pacific American affairs
32 established in chapter 43.117 RCW, the Washington state commission on
33 Hispanic affairs established in chapter 43.115 RCW, the Washington
34 state women's commission established in chapter 43.119 RCW, the
35 Washington state LGBTQ commission established in chapter 43.114 RCW,
36 and the human rights commission established in chapter 49.60 RCW.

37 NEW SECTION. **Sec. 3.** IMPLEMENTATION PHASE 1. (1) In
38 consultation with the governor's interagency council on health

1 disparities, the office of equity, and appropriate legislative
2 committees and legislative staff, the office of financial management
3 shall establish procedures for providing an equity impact statement
4 for legislative proposals on which a fiscal note is requested or at
5 the request of a legislator if a fiscal note is not requested. The
6 procedures established pursuant to this subsection must include at a
7 minimum the following:

8 (a) A requirement that equity impact statements be provided prior
9 to or at the time the legislative proposal is first heard by the
10 committee of reference in the house of origin;

11 (b) A requirement that the office of financial management file
12 copies of the equity impact statement with:

13 (i) The chair and staff of the committee to which the legislative
14 proposal was referred upon introduction in the house of origin;

15 (ii) The requesting legislator, if the equity impact statement is
16 being completed upon the request of that legislator;

17 (iii) The senate committee on ways and means, or its successor;
18 and

19 (iv) The house committee on appropriations, house committee on
20 capital budget, or house committee on finance, whichever is
21 appropriate, or their successors; and

22 (c) A requirement that a copy of an equity impact statement that
23 has been prepared for a legislative proposal be placed in the bill
24 books or otherwise attached to the legislative proposal and must
25 remain with the legislative proposal throughout the legislative
26 process insofar as possible.

27 (2) In consultation with the governor's interagency council on
28 health disparities and the office of equity, the office of financial
29 management shall:

30 (a) Establish format and content requirements for the equity
31 impact statement. At a minimum, the equity impact statement must
32 describe the expected impact of the legislative proposal on
33 communities; and

34 (b) Provide guidance for agencies on best practices, such as
35 appropriate data and literature review standards, for completing an
36 equity impact statement that is based on the best available empirical
37 information and professional assumptions available to the agency
38 within the time required for completing the equity impact statement.

39 (3) By November 15, 2021, and in compliance with RCW 43.01.036,
40 the office of financial management shall submit a report to the

1 governor, the governor's office of Indian affairs, statutory
2 commissions, the senate state government and elections committee or
3 its successor, and the house of representatives state government and
4 tribal relations committee or its successor, that details:

5 (a) The procedure for providing an equity impact statement for
6 legislative proposals, established pursuant to subsection (1) of this
7 section;

8 (b) The format and content requirements for the equity impact
9 statement, established pursuant to subsection (2) of this section;

10 (c) A plan to implement section 4 of this act; and

11 (d) Recommendations on any policy changes needed to implement
12 chapter ..., Laws of 2021 (this act).

13 NEW SECTION. **Sec. 4.** IMPLEMENTATION PHASE 2. (1) Beginning
14 January 1, 2022, and consistent with the procedures and requirements
15 established pursuant to section 3 of this act, the office of
16 financial management shall provide an equity impact statement on
17 legislative proposals that create new statutory provisions, or amend
18 existing statute, on housing or health care policies. This section
19 only applies to legislative proposals on which a fiscal note is
20 requested or at the request of any legislator for proposals on which
21 a fiscal note is not requested. The equity impact statement must, at
22 a minimum, describe the expected impact of the legislative proposal
23 on communities.

24 (2) Within 10 days after the adjournment sine die of the 2022
25 regular legislative session, the office of financial management shall
26 send a survey to all of the members of the house of representatives
27 and the senate. The survey must include inquiries into the following:

28 (a) Whether the member reviewed the equity impact statements;

29 (b) How helpful the equity impact statements were to inform a
30 member's decision process on legislative proposals;

31 (c) Recommendations members may have on improvements to the
32 content of an equity impact statement or process of providing an
33 equity impact statement; and

34 (d) Other feedback the member wishes to provide.

35 (3) By July 31, 2022, and in compliance with RCW 43.01.036, the
36 office of financial management shall submit a report to the governor,
37 the governor's office of Indian affairs, statutory commissions, the
38 senate state government and elections committee or its successor, and

1 the house of representatives state government and tribal relations
2 committee or its successor, that details:

3 (a) Feedback from agencies that completed an equity impact
4 statement pursuant to this section, on the implementation of this
5 section;

6 (b) A summary of the feedback received from the survey conducted
7 under subsection (2) of this section;

8 (c) Plans, if any, to amend the procedures or requirements
9 established pursuant to section 3 of this act;

10 (d) A plan to implement section 5 of this act; and

11 (e) Recommendations on any policy changes needed to implement
12 chapter ..., Laws of 2021 (this act).

13 NEW SECTION. **Sec. 5.** IMPLEMENTATION PHASE 3. (1) Beginning
14 January 1, 2024, the office of financial management shall provide
15 equity impact statements for legislative proposals in six additional
16 policy areas of its choosing, in accordance with the procedures and
17 requirements established pursuant to section 3 of this act. This
18 section only applies to legislative proposals on which a fiscal note
19 is requested or at the request of a legislator if a fiscal note is
20 not requested. The equity impact statement must describe the expected
21 impact of the legislative proposal on communities.

22 (2) By July 31, 2024, and in compliance with RCW 43.01.036, the
23 office of financial management shall submit a report to the governor,
24 the governor's office of Indian affairs, statutory commissions, the
25 senate state government and elections committee or its successor, and
26 the house of representatives state government and tribal relations
27 committee or its successor, that details:

28 (a) Feedback from agencies that completed an equity impact
29 statement pursuant to this section, on the implementation of this
30 section;

31 (b) Plans, if any, to amend the procedures or requirements
32 established pursuant to section 3 of this act;

33 (c) A plan to implement section 6 of this act; and

34 (d) Recommendations on any policy changes needed to implement
35 chapter ..., Laws of 2021 (this act).

36 NEW SECTION. **Sec. 6.** IMPLEMENTATION PHASE 4. (1) Beginning
37 January 1, 2025, the office of financial management shall provide an
38 equity impact statement on any legislative proposal on which a fiscal

1 note is requested or at the request of any legislator for proposals
2 on which a fiscal note is not requested, in accordance with the
3 procedures and requirements established pursuant to section 3 of this
4 act. The equity impact statement must, at a minimum, describe the
5 expected impact of the legislative proposal on communities.

6 (2) Within 10 days after the adjournment sine die of the 2025
7 regular legislative session, the office of financial management shall
8 send a survey to all of the members of the house of representatives
9 and the senate. The survey must include inquiries into the following:

10 (a) Whether the member reviewed the equity impact statements;

11 (b) How helpful the equity impact statements were to inform a
12 member's decision process on legislative proposals;

13 (c) Recommendations members may have on improvements to the
14 content of an equity impact statement or process of providing an
15 equity impact statement; and

16 (d) Other feedback the member wishes to provide.

17 (3) By November 15, 2025, and in compliance with RCW 43.01.036,
18 the office of financial management shall submit a report to the
19 governor, the governor's office of Indian affairs, statutory
20 commissions, the senate state government and elections committee or
21 its successor, and the house of representatives state government and
22 tribal relations committee or its successor, that summarizes the
23 feedback received from the survey conducted under subsection (2) of
24 this section.

25 NEW SECTION. **Sec. 7.** (1) In accordance with the office of
26 equity's training responsibilities under RCW 43.06D.040, the office
27 of equity shall provide training to the appropriate agency employees
28 on how to complete an effective equity impact statement.

29 (2) The office of financial management shall coordinate with all
30 appropriate agencies to prepare the equity impact statement.

31 (3) When coordinating with the office of financial management in
32 preparing an equity impact statement, agencies shall use:

33 (a) Any available assessment tools and standards for the analysis
34 and reporting of disaggregated data developed pursuant to RCW
35 43.06D.040(1), to the extent practicable; and

36 (b) Guidance, procedures, and content and format requirements,
37 established by the office of financial management pursuant to section
38 3 of this act.

1 NEW SECTION. **Sec. 8.** Nothing in this chapter shall prevent
2 either house of the legislature from acting on any legislative
3 proposal before it as otherwise provided by the state Constitution,
4 by law, and by the rules and joint rules of the senate and house of
5 representatives, nor shall the lack of any equity impact statement as
6 provided in this chapter or any error in the accuracy thereof affect
7 the validity of any measure otherwise duly passed by the legislature.

8 NEW SECTION. **Sec. 9.** Beginning July 1, 2025, and annually
9 thereafter, the office of financial management must provide data
10 requested by the office of equity regarding equity impact statements.
11 The office of equity shall include the data provided by the office of
12 financial management in the annual report to the governor and the
13 legislature on agency compliance with office standards and
14 performance measures, as required under RCW 43.06D.040(2).

15 NEW SECTION. **Sec. 10.** Sections 2 through 9 of this act
16 constitute a new chapter in Title 43 RCW.

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