

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO GENERAL ASSEMBLY -- THE EQUITY IMPACT ASSESSMENT AND
BUDGET EQUITY IMPACT ACT

Introduced By: Senator Tiara T. Mack

Date Introduced: March 01, 2024

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings and purpose.

2 (1) Persistent, widespread, and unacceptable disparities exist in Rhode Island for
3 individuals and families as a result of structural inequities and past discrimination. Such disparities
4 include the racial wealth gap, the gender pay gap, and incarceration policies that have
5 disproportionately impacted communities of color.

6 (2) Rhode Island has already enacted legislation prohibiting discrimination based on race,
7 color, ethnicity, religion, sex, sexual orientation, gender identity or expression, disability, age, or
8 country of ancestral origin, including in employment and housing matters.

9 (3) Discrimination and inequities based on these classifications is inconsistent with the
10 protections outlined in the state constitution as well as in Rhode Island legislation. These inequities
11 affect the quality of life, access to services, access to safe and affordable housing, and access to
12 capital, as well as educational and economic attainment for some Rhode Island populations
13 differently than for others.

14 (4) For the most part, legislation in Rhode Island has been implemented without attention
15 to disparities and equity. Some of this legislation has had disparate impacts on some of our
16 communities. Because some legislation might have unanticipated negative impacts, it is important
17 that legislators, when hearing and considering proposed legislation, have tools to understand the
18 likely effects of such legislation on existing disparities.

1 (5) Equity impact statements can serve as a tool to inform legislators of potential
2 consequences of policies that may have a disproportionate impact on historically disadvantaged
3 populations prior to enacting new legislation, thus assuring that the general assembly takes each
4 opportunity available to increase equity and decrease disparities.

5 (6) Beginning in 2007, some states, including Connecticut and Massachusetts, began
6 implementing racial impact statements to address racial disparities in their criminal justice systems.
7 In 2019, Maine created a permanent commission to address historic and pervasive racial inequity
8 in legislation. This act aims to build on that foundation here in Rhode Island, proposing the
9 inclusion of a new legislative tool, a broad equity impact statement accounting for race, color,
10 ethnicity, religion, sex, sexual orientation, gender identity or expression, disability, age, or country
11 of ancestral origin.

12 (7) It is therefore the desire of the general assembly to address the impacts of our legislation
13 moving forward, and to do so with attention to equity and the impact our legislation will have on
14 our diverse and various communities. This chapter aims to add equity impact statements, including
15 racial equity impact statements, into the legislative process to contribute to the development of
16 sound and fair policy.

17 SECTION 2. Title 22 of the General Laws entitled "GENERAL ASSEMBLY" is hereby
18 amended by adding thereto the following chapter:

19 CHAPTER 20

20 THE EQUITY IMPACT ASSESSMENT AND BUDGET EQUITY IMPACT ACT

21 **22-20-1. Short title.**

22 This chapter shall be known and may be cited as the "Equity Impact Assessment and
23 Budget Equity Impact Act".

24 **22-20-2. Definitions.**

25 As used in this chapter, the following words and phrases shall have the following meanings:

26 (1) "Disparities" means economic, employment, health, education, public safety, and other
27 differences between the state population as a whole and subgroups of the population as defined by
28 race, color, ethnicity, religion, sex, sexual orientation, gender identity or expression, disability, age,
29 and/or country of ancestral origin.

30 (2) "Equity" means the absence of disparities based upon race, color, ethnicity, religion,
31 sex, sexual orientation, gender identity or expression, disability, age, and/or country of ancestral
32 origin.

33 (3) "Equity impact assessment statement" means an assessment that uses available data to
34 characterize the potential effects of a legislative measure on disparities within the state, including

1 a statement of whether the measure is likely to increase or decrease or have no effect on equity.

2 (4) “State agency” means a state department, agency, office, or board of the state or any
3 agency, office or board of a quasi-public agency of the state.

4 **22-20-3. Authority to request equity impact assessment statements.**

5 (a) During each year’s legislative session, beginning with the January 2025 general
6 assembly session and each year thereafter, equity impact assessment statements may be requested
7 for up to twenty (20) pieces of proposed legislation: the speaker of the house may request equity
8 impact assessment statements for up to five (5) pieces of proposed legislation in the house; the
9 president of the senate may request equity impact assessment statements for up to five (5) pieces
10 of proposed legislation in the senate; the Rhode Island black, latino, indigenous, asian-american
11 and pacific islander caucus (RIBLIA) may request equity impact assessment statements for up to
12 five (5) pieces of proposed legislation in the house and up to five (5) pieces of proposed legislation
13 in the senate.

14 (b) The request for an equity impact assessment statement shall identify which one or more
15 of the following categories should be considered: race, color, ethnicity, religion, sex, sexual
16 orientation, gender identity or expression, disability, age, and/or country of ancestral origin.

17 **22-20-4. Responsibility to complete equity impact assessment statements.**

18 (a) Requests for equity impact assessment statements shall be sent to the fiscal office of
19 the chamber in which the proposed legislation has been submitted. The fiscal office shall coordinate
20 with whichever state agency or agencies possess subject matter expertise for the proposed
21 legislation.

22 (b) Equity impact assessment statements shall be made available to the public at the time
23 that bills are posted for hearing in committees to ensure that the public and legislators have the
24 information available in advance to inform testimony and hearings.

25 (c) Equity impact assessment statements shall be deemed public records under the
26 provisions of chapter 2 of title 38.

27 **22-20-5. Content of equity impact assessment statements.**

28 (a) Equity impact assessment statements shall include information to help legislators
29 evaluate whether proposed legislation will likely increase existing and/or historic disparities based
30 upon race, color, ethnicity, religion, sex, sexual orientation, gender identity or expression,
31 disability, age, and/or country of ancestral origin.

32 (b) Equity impact assessment statements shall address the protected category or categories
33 identified in the request for a statement; provided, however, the statements are not limited to
34 addressing those categories identified in the request.

1 (c) Where possible, equity impact assessment statements shall include data as to historical
2 and/or existing disparities and as to likely demographic impacts of proposed legislation; such data
3 could include, for example, differential healthcare outcomes, graduation rates, incarceration rates,
4 or siting of pollution-producing businesses.

5 (d) Where possible, equity impact assessment statements shall include data as to historical
6 and/or existing economic disparities and as to likely fiscal and/or economic impacts of proposed
7 legislation; such data could include, for example, differential support for minority-owned
8 businesses or for businesses owned by individuals with disabilities.

9 (e) For any particular protected category, the statement should include a conclusion as to
10 whether the proposed legislation is likely to increase equity, likely to decrease equity, or likely to
11 have no effect on equity.

12 SECTION 3. Sections 35-3-3 and 35-3-4 of the General Laws in Chapter 35-3 entitled
13 "State Budget" are hereby amended to read as follows:

14 **35-3-3. Responsibility of budget officer for budget.**

15 (a) The budget officer shall, under the supervision of the governor, prepare the annual state
16 budget, assembling, correlating, and revising the estimates of revenues and requests for
17 appropriations of the various departments of the state government.

18 (b) The budget officer shall, under the supervision of the governor, include in the annual
19 state budget an explanation of the manner in which provisions of the budget further the governor's
20 efforts to ensure equity in the state. For purposes of this section, "equity" means efforts, regulations,
21 policies, programs, standards, processes and any other functions of government or principles of law
22 and governance intended to: identify and remedy past and present patterns of discrimination or
23 inequality against and disparities in outcome for any class protected in §28-5-7(1)(i); ensure that
24 such patterns of discrimination, inequality and disparities in outcome, whether intentional or
25 unintentional, are neither reinforced nor perpetuated; and prevent the emergence and persistence of
26 foreseeable future patterns of discrimination against or disparities in outcome for any class
27 protected in §28-5-7(1)(i).

28 **35-3-4. Estimates submitted by department heads.**

29 (a) On dates determined by the budget officer, but not later than the first day of October in
30 each year, each head of a department of the state government, not including the general assembly
31 or the judiciary, shall assemble, correlate, and revise, with power to increase or decrease, the
32 estimates for expenditures and requests for appropriations for the next ensuing fiscal year of each
33 of the divisions, boards, commissions, officers, bureaus, institutions, or agencies of the state
34 included within his or her department, and, after this revision, shall prepare an itemized

1 departmental estimate of the appropriations necessary to meet the financial needs of the department,
2 including a statement in detail of all moneys for which any general or special appropriation is
3 desired at the ensuing session of the general assembly. The estimate shall be in such form, and in
4 such number of copies, and with such explanation as the budget officer may require, and, on dates
5 determined by the budget officer, but not later than the first day of October in each year, shall be
6 submitted to the governor through the budget officer and to the fiscal advisors of the house and
7 senate.

8 (b) The estimates shall also include a supplemental presentation of estimates of
9 expenditures for information resources and information technologies as defined in § 29-8-2
10 [repealed], regardless of source of financing. The estimate shall include a detailed listing and
11 explanation of expenses and the source of funds and shall be in such form, and in such number of
12 copies, and with such explanation as the budget officer may require. Copies shall be provided
13 directly to the house fiscal advisor, the senate fiscal advisor, and the Rhode Island information
14 resources management board.

15 (c) The estimates shall also include a supplemental presentation identifying which
16 departmental programs and expenditures, ongoing or newly proposed, increase equity. For
17 purposes of this section, "equity" means efforts, regulations, policies, programs, standards,
18 processes and any other functions of government or principles of law and governance intended to:
19 identify and remedy past and present patterns of discrimination or inequality against and disparities
20 in outcome for any class protected in §28-5-7(1)(i); ensure that such patterns of discrimination,
21 inequality and disparities in outcome, whether intentional or unintentional, are neither reinforced
22 nor perpetuated; and prevent the emergence and persistence of foreseeable future patterns of
23 discrimination against or disparities in outcome for any class protected in §28-5-7(1)(i).

24 SECTION 4. This act shall take effect on July 1, 2024.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO GENERAL ASSEMBLY -- THE EQUITY IMPACT ASSESSMENT AND
BUDGET EQUITY IMPACT ACT

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2 attention to equity and the impact its legislation will have on Rhode Island's diverse and various
3 communities.

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