H-1399.3

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**SECOND SUBSTITUTE HOUSE BILL 1541**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Farivar, Couture, Mena, Pollet, Taylor, Ortiz-Self, Street, Thai, Reed, Waters, Fosse, Caldier, Simmons, Davis, Alvarado, Schmidt, Ryu, Griffey, Ramel, Barnard, Orwall, Hackney, Bergquist, Walen, Berry, Tharinger, Peterson, Goodman, Volz, Eslick, Stonier, Gregerson, Riccelli, Ormsby, Kloba, Doglio, Bateman, Macri, and Duerr)

AN ACT Relating to increasing access and representation in policy-making processes for people with direct lived experience; adding a new chapter to Title 43 RCW; creating new sections; providing an effective date; and providing an expiration date.

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

NEW SECTION. **Sec.**  (1) The legislature recognizes that underrepresented populations are often left out of the policy decisions that affect them most. People with direct lived experience with a particular issue are experts in their own lives and experience and are best equipped to find solutions to those issues. The legislature finds that when underrepresented populations are included in policy decision making around issues that directly affect them, the solutions put forward make a greater positive impact on those it seeks to help. As such, the legislature finds that people with lived experience should be included in policy decision making around issues that directly impact them.

(2) The legislature finds that certain populations are almost entirely unrepresented in policy making yet are disproportionately impacted by government decisions. For example, self-advocates with developmental disabilities and other marginalized groups are routinely left out of decision making about policies that directly impact them and frequently have their voices substituted for others. The adverse impacts of injustices perpetrated based on race, color, gender, religion, disability, immigration status, language, culture, and other categories are not distinct and isolated, but instead overlap and accumulate and therefore have a cumulative effect on an individual. Access is an equity issue and by addressing barriers to participation for underrepresented populations, the public will also benefit. A governing body that makes decisions about these communities cannot do so effectively and equitably without the participation and contribution of those from these underrepresented populations who have direct lived experience with the issues being addressed in the policy-making decisions.

(3) The legislature recognizes the importance of allies and finds that advocacy efforts should be led by people with direct lived experience. It is not the intention of the legislature to restrict the membership of statutory entities. Instead, the intent is to create space for those historically excluded from policy decision making.

(4) Therefore, the legislature intends to ensure meaningful participation from people with direct lived experience on each statutorily created or statutorily mandated multimember task force, work group, or advisory committee, tasked with examining policies or issues that directly and tangibly affect historically underrepresented communities. When people with direct lived experience have a seat at the table, Washington thrives.

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Direct lived experience" and "lived experience" has the meaning provided in RCW 43.03.220.

(2) "Statutory entity" means any temporary multimember task force, work group, or advisory committee, that is established by legislation for the specific purpose of examining a particular policy or issue directly and tangibly affecting a particular underrepresented population, and that is required to report to the legislature on that issue. "Statutory entity" does not include legislative select committees or other statutorily created legislative entities composed of only legislative members.

(3) "Underrepresented population" means a population group that is more likely to be at higher risk for disenfranchisement, due to adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, effects of environmental harms, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that may be barriers for participating in policy decision making.

NEW SECTION. **Sec.**  (1) The membership of any statutory entity must:

(a) Include at least three individuals from underrepresented populations who have direct lived experience with the identified policy or issue that the statutory entity is tasked with examining; and

(b) Reflect, to the greatest extent possible, the diversity of people with direct lived experience with the identified issue or issues, including members who reside in urban and rural communities, and with differing cultural and economic circumstances.

(2) If compliance with subsection (1) of this section requires that additional members be appointed to statutory entities created on or after the effective date of this section, the identified appointing authority for the statutory entity must be the appointing authority for the additional members. If there are multiple appointing authorities for one statutory entity, they may collectively defer to one of the appointing authorities, a statutory state commission, board, or committee, or the office of equity, to appoint any additional members as needed. The additional members shall be voting members of the statutory entity.

(3) Appointing authorities may consult with the office of equity when making appointments to a statutory entity.

(4) The statute law committee must include in any published bill drafting guide reference to the requirements in subsection (1) of this section.

(5) To promote inclusion and education around the requirements in subsection (1) of this section, the chief clerk of the house of representatives and the secretary of the senate must include in any relevant training material or guidance provided to members of the legislature or legislative staff information that:

(a) Describes the requirements of subsection (1) of this section;

(b) Strongly encourages the inclusion of people with direct lived experience as participants and subject matter experts in committee work sessions;

(c) Describes best practices for providing access to the legislature and the types of accommodations that are available to provide full access to public meetings and other public legislative events for people with direct lived experience; and

(d) Provides information on the toolkit developed by the office of equity under section 5 of this act.

(6) Nothing in this section may be construed to restrict additional membership of statutory entities.

NEW SECTION. **Sec.**  (1) Beginning January 1, 2025, upon completion of its work and by the same date that the statutory entity's final report is due to the legislature, each statutory entity must report the following information to the office of equity:

(a) A brief description of the statutory entity's purpose; and

(b) The underrepresented population directly and tangibly impacted by its work, including:

(i) The number of members who are appointed to the statutory entity who have direct lived experience with the specific policy or issue that the statutory entity is tasked with examining;

(ii) Aggregate demographic information provided voluntarily and anonymously by members of the statutory entity including but not limited to disability, race, age, gender, sexual orientation, ethnicity, income, and geographic representation by county;

(iii) An analysis of whether and how implementation of the requirements in section 3 of this act reduced barriers to participation in policy-making decisions by members of underrepresented populations;

(iv) With full participation and leadership from members of the statutory entity who are from an underrepresented population and have direct lived experience, an analysis of how their participation affected the conduct and outcomes of the statutory entity as it accomplished its mission; and

(v) The number of members from an underrepresented population who have direct lived experience who qualified for stipends under RCW 43.03.220, the number of those who requested stipends to support their participation in the statutory entity, and the number who received stipends.

(2)(a) By October 31, 2026, and each October 31st thereafter, the Washington state office of equity must analyze the information received under subsection (1) of this section and, as part of its annual report due to the legislature under RCW 43.06D.040, provide:

(i) An overall evaluation of the process required by section 3 of this act;

(ii) Recommendations for improving the process;

(iii) Recommendations to further decrease barriers to participation; and

(iv) Recommendations to increase the diversity of statutory entity applicants.

(b) The data that the office of equity must analyze for the report required under (a) of this subsection must include at a minimum the data received from statutory entities by the end of the prior fiscal year.

NEW SECTION. **Sec.**  (1) By July 1, 2024, the office of equity must:

(a) Consult with community-based organizations, and may consult with state agencies, departments, and offices, that support the participation of people from underrepresented populations in policy-making processes who have direct lived experience, to identify:

(i) Barriers to access and meaningful participation by people from underrepresented populations who have direct lived experience in stakeholder engagement conducted by members of the legislature, legislative standing committees, and statutory entities;

(ii) Tools to support access and meaningful participation in stakeholder engagement;

(iii) Modifications to stakeholder engagement processes that promote an increase in access and opportunities for participation in policy-making processes. Any modifications identified may not restrict or otherwise prevent compliance with requirements under federal statute or regulations; and

(iv) Any recommended rule or law changes to promote increased access and participation to the policy-making process; and

(b) Submit a report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature that details its findings under this subsection.

(2) By November 30, 2024, the office of equity must develop a toolkit on best practices for supporting meaningful engagement of underrepresented individuals with direct lived experience participating on statutory entities.

(a) The toolkit must be transmitted to all state agencies for dissemination to legislative liaisons, the secretary of the senate, and the chief clerk of the house of representatives.

(b) The toolkit must include:

(i) Best practices for identifying and recruiting underrepresented individuals with direct lived experience;

(ii) Best practices for appropriately and meaningfully engaging individuals with direct lived experience from underrepresented communities. Recommendations of these best practices may include suggestions from community engagement conducted under subsection (1)(a) of this section;

(iii) Information on how to plan the work of a statutory entity using the principles of universal design, which may include suggestions from community engagement conducted under subsection (1)(a) of this section; and

(iv) Best practices for onboarding all statutory entity members including how to support underrepresented individuals with direct lived experience in accessing compensation in accordance with chapter 43.03 RCW.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Direct lived experience" and "lived experience" has the meaning provided in RCW 43.03.220.

(b) "Statutory entity" has the meaning provided in section 2 of this act.

(c) "Underrepresented population" has the meaning provided in section 2 of this act.

(4) This section expires January 1, 2025.

NEW SECTION. **Sec.**  This act applies prospectively only and not retroactively. This act only applies to statutory entities, as defined in section 2 of this act, created on or after January 1, 2025.

NEW SECTION. **Sec.**  This act may be known and cited as the nothing about us without us act.

NEW SECTION. **Sec.**  Sections 2 through 4 and 7 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec.**  If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec.**  Sections 3 and 4 of this act take effect January 1, 2025.

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