

E2SHB 1541 - S COMM AMD

By Committee on State Government & Elections

NOT CONSIDERED 05/17/2023

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

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

15 NEW SECTION. **Sec. 2.** The definitions in this section apply
16 throughout this chapter unless the context clearly requires
17 otherwise.

18 (1) "Direct lived experience" has the same meaning as "lived
19 experience" in RCW 43.03.220.

20 (2)(a) "Statutory entity" means a multimember task force, work
21 group, or advisory committee, that is:

22 (i) Temporary;

23 (ii) Established by legislation adopted after January 1, 2025;

24 (iii) Established for the specific purpose of examining a
25 particular policy or issue, which directly and tangibly affects one
26 or more underrepresented populations; and

27 (iv) Required to report to the legislature on the policy or issue
28 it is tasked with examining.

29 (b) "Statutory entity" does not include legislative select
30 committees or other statutorily created legislative entities composed
31 of only legislative members.

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

1 NEW SECTION. **Sec. 3.** (1) The membership of any statutory entity
2 must:

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

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

11 (2) If compliance with subsection (1) of this section requires
12 that additional members be appointed to statutory entities, the
13 identified appointing authority for the statutory entity must be the
14 appointing authority for the additional members. If there are
15 multiple appointing authorities for one statutory entity, they may
16 collectively defer to one of the appointing authorities, a statutory
17 state commission, board, or committee, or the office of equity, to
18 appoint any additional members as needed. The additional members
19 shall be voting members of the statutory entity.

20 (3) When making appointments to a statutory entity:

21 (a) All appointing authorities may consult with the office of
22 equity; and

23 (b) Appointing authorities not in the legislative branch must
24 consult with the relevant state entities identified in the toolkit
25 created by the office of equity pursuant to section 5 of this act.

26 (4) Members may not be denied the use of auxiliary aids,
27 interpreters, communication partners who will act as support for the
28 member, or other accommodations of their choosing necessary to assist
29 the member in effective communication and meaningful participation in
30 the activities of the statutory entity. A member requiring the
31 assistance of a communication partner may not be denied the use of a
32 communication partner of their choosing.

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

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

38 NEW SECTION. **Sec. 4.** (1) Except as provided in subsection (2)
39 of this section, upon completion of its work and by the same date

1 that the statutory entity's final report is due to the legislature,
2 each statutory entity must report the following information to the
3 office of equity:

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

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

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

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

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

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

23 (v) The number of members from an underrepresented population who
24 have direct lived experience who qualified for stipends under RCW
25 43.03.220, the number of those who requested stipends to support
26 their participation in the statutory entity, and the number who
27 received stipends.

28 (2) Statutory entities administered by the legislature must
29 collect the information described in subsection (1) of this section
30 and provide the information to the secretary of the senate and the
31 chief clerk of the house of representatives but are not required to
32 report the information to the office of equity.

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

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

39 (ii) Recommendations for improving the process required by
40 section 3 of this act;

1 (iii) Recommendations to further decrease barriers to
2 participation in policy-making processes; and

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

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

9 NEW SECTION. **Sec. 5.** (1) By July 1, 2024, the office of equity
10 must:

11 (a) Consult with state boards and commissions that support the
12 participation of people from underrepresented populations in policy-
13 making processes, and may consult with other relevant state agencies,
14 departments, and offices, to identify:

15 (i) Barriers to access and meaningful participation in
16 stakeholder engagement by people from underrepresented populations
17 who have direct lived experience;

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

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

25 (iv) Any recommended changes to rule or law to promote increased
26 access to and participation in policy-making processes; and

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

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

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

38 (b) The toolkit must include:

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

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

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

12 (iv) Best practices for onboarding all statutory entity members
13 including how to support underrepresented individuals with direct
14 lived experience in accessing compensation in accordance with chapter
15 43.03 RCW; and

16 (v) A list of state entities for appointing authorities to
17 consult with when making appointments to statutory entities.

18 (3) This section expires January 1, 2025.

19 NEW SECTION. **Sec. 6.** This act applies prospectively only and
20 not retroactively. This act only applies to statutory entities, as
21 defined in section 2 of this act, created on or after January 1,
22 2025, and does not apply to statutory entities created before January
23 1, 2025.

24 NEW SECTION. **Sec. 7.** This act may be known and cited as the
25 nothing about us without us act.

26 NEW SECTION. **Sec. 8.** Sections 2 through 4 and 7 of this act
27 constitute a new chapter in Title 43 RCW.

28 NEW SECTION. **Sec. 9.** If specific funding for the purposes of
29 this act, referencing this act by bill or chapter number, is not
30 provided by June 30, 2023, in the omnibus appropriations act, this
31 act is null and void.

32 NEW SECTION. **Sec. 10.** Sections 3 and 4 of this act take effect
33 January 1, 2025."

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1 On page 1, line 2 of the title, after "experience;" strike the
2 remainder of the title and insert "adding a new chapter to Title 43
3 RCW; creating new sections; providing an effective date; and
4 providing an expiration date."

EFFECT: (1) Identifies the term cross-referenced in the definition of "direct lived experience."

(2) Clarifies that statutory entities are established by legislation adopted after January 1, 2025.

(3) Clarifies the purpose for which a task force, work group, or other body must be created to qualify as a statutory entity.

(4) Clarifies topics the office of equity must identify in its consultation with state boards, commissions, and other agencies prior to implementation of the act's membership requirements.

(5) Makes nonsubstantive drafting changes for clarity and consistency.

(6) Prohibits denying statutory entity members accommodations such as auxiliary aids, interpreters, and communication partners of their choosing to assist the member in participation in the entity's activities.

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