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SECOND ENGROSSED 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)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to increasing access and representation in  
2 policy-making processes for people with direct lived experience;  
3 amending RCW 43.03.220; adding a new chapter to Title 43 RCW;  
4 creating a new section; and providing an effective date.

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

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

17 (2) The legislature finds that certain populations are almost  
18 entirely unrepresented in policy making yet are disproportionately  
19 impacted by government decisions. For example, self-advocates with  
20 developmental disabilities and other marginalized groups are  
21 routinely left out of decision making about policies that directly

1 impact them and frequently have their voices substituted for others.  
2 The adverse impacts of injustices perpetrated based on race, color,  
3 gender, religion, disability, immigration status, language, culture,  
4 and other categories are not distinct and isolated, but instead  
5 overlap and accumulate and therefore have a cumulative effect on an  
6 individual. Access is an equity issue and by addressing barriers to  
7 participation for underrepresented populations, the public will also  
8 benefit. A governing body that makes decisions about these  
9 communities cannot do so effectively and equitably without the  
10 participation and contribution of those from these underrepresented  
11 populations who have direct lived experience with the issues being  
12 addressed in the policy-making decisions.

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

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

27 NEW SECTION. **Sec. 2.** The definitions in this section apply  
28 throughout this chapter unless the context clearly requires  
29 otherwise.

30 (1) "Direct lived experience" has the meaning provided in RCW  
31 43.03.220.

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

34 (i) Temporary;

35 (ii) Established by legislation;

36 (iii) Established for the specific purpose of examining a  
37 particular policy or issue directly and tangibly affecting a  
38 particular underrepresented population; and

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

3 (b) "Statutory entity" does not include legislative select  
4 committees or other statutorily created legislative entity composed  
5 of only legislative members.

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

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

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

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

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

33 (3) When making appointments to a statutory entity, appointing  
34 authorities:

35 (a) May consult with the office of equity; and

36 (b) Must consult with the relevant state entities identified in  
37 the toolkit created by the office of equity pursuant to section 117,  
38 chapter 475, Laws of 2023, except for appointing authorities from the  
39 legislative branch.

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

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

6 NEW SECTION. **Sec. 4.** (1) Except as provided in subsection (2)  
7 of this section, upon completion of its work and by the same date  
8 that the statutory entity's final report is due to the legislature,  
9 each statutory entity must report the following information to the  
10 office of equity:

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

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

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

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

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

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

30 (v) The number of members from an underrepresented population who  
31 have direct lived experience who qualified for stipends under RCW  
32 43.03.220, the number of those who requested stipends to support  
33 their participation in the statutory entity, and the number who  
34 received stipends.

35 (2) Statutory entities administered by the legislature must  
36 collect the information described in subsection (1) of this section  
37 and provide the information to the secretary of the senate and the  
38 chief clerk of the house of representatives but are not required to  
39 report the information to the office of equity.

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

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

7 (ii) Recommendations for improving the process;

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

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

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

16 NEW SECTION. **Sec. 5.** This act applies prospectively only and  
17 not retroactively. This act only applies to statutory entities, as  
18 defined in section 2 of this act, created on or after January 1,  
19 2025.

20 NEW SECTION. **Sec. 6.** This act may be known and cited as the  
21 nothing about us without us act.

22 **Sec. 7.** RCW 43.03.220 and 2022 c 245 s 2 are each amended to  
23 read as follows:

24 (1) Any part-time board, commission, council, committee, or other  
25 similar group which is established by the executive, legislative, or  
26 judicial branch to participate in state government and which  
27 functions primarily in an advisory, coordinating, or planning  
28 capacity shall be identified as a class one group. Unless otherwise  
29 identified in law, all newly formed and existing groups are a class  
30 one group.

31 (2) Absent any other provision of law to the contrary, a stipend  
32 may be provided to a member of a class one group in accordance with  
33 this subsection.

34 (a) Subject to available funding, an agency may provide a stipend  
35 to individuals who are low income or have direct lived experience to  
36 support their participation in class one groups when the agency  
37 determines such participation is desirable in order to implement the

1 principles of equity described in RCW 43.06D.020, provided that the  
2 individuals are not otherwise compensated for their attendance at  
3 meetings.

4 (b) Stipends shall not exceed \$200 for each day during which the  
5 member attends an official meeting or performs statutorily prescribed  
6 duties approved by the chairperson of the group.

7 (c) Individuals eligible for stipends under this section are  
8 eligible for reasonable allowances for child and adult care  
9 reimbursement, lodging, and travel expenses as provided in RCW  
10 43.03.050 and 43.03.060 in addition to stipend amounts.

11 (d) Nothing in this subsection creates an employment  
12 relationship, or any membership or qualification in any state or  
13 other publicly supported retirement system, for this or any other  
14 title due to the payment of a stipend, lodging and travel expenses,  
15 or child care expenses provided under this section where such a  
16 relationship, membership, or qualification did not already exist.

17 (e) As allowable by federal and state law, state agencies will  
18 minimize, to the greatest extent possible, the impact of stipends and  
19 reimbursements on public assistance eligibility and benefit amounts.

20 (3) Except for members who qualify for a stipend under subsection  
21 (2) of this section, no person designated as a member of a class one  
22 board, commission, council, committee, or similar group may receive  
23 an allowance for subsistence, lodging, or travel expenses if the  
24 allowance cost is funded by the state general fund. Exceptions may be  
25 granted under RCW 43.03.049. Class one groups, when feasible, shall  
26 use an alternative means of conducting a meeting that does not  
27 require travel while still maximizing member and public participation  
28 and may use a meeting format that requires members to be physically  
29 present at one location only when necessary or required by law.

30 (4) Class one groups that are funded by sources other than the  
31 state general fund are encouraged to reduce travel, lodging, and  
32 other costs associated with conducting the business of the group  
33 including use of other meeting formats that do not require travel.

34 (5) Agencies exercising their authority to provide stipends and  
35 allowances under this section must follow the guidelines established  
36 by the office of equity pursuant to RCW 43.03.270.

37 (6) For purposes of this section:

38 (a) "~~(Lived)~~ Direct lived experience" means direct personal  
39 experience in the subject matter being addressed by the board,  
40 commission, council, committee, or other similar group.

1 (b) "Low income" means an individual whose income is not more  
2 than 400 percent of the federal poverty level, adjusted for family  
3 size.

4 NEW SECTION. **Sec. 8.** Sections 2 through 6 of this act  
5 constitute a new chapter in Title 43 RCW.

6 NEW SECTION. **Sec. 9.** Sections 3 and 4 of this act take effect  
7 January 1, 2025.

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