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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)

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 adding a new chapter to Title 43 RCW; creating new sections;  
4 providing an effective date; and providing an expiration 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 lived  
15 experience should be included in policy decision making around issues  
16 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 policies or  
23 issues that directly and tangibly affect historically  
24 underrepresented communities. When people with direct lived  
25 experience have a seat at the table, Washington thrives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 NEW SECTION. **Sec. 4.** (1) Beginning January 1, 2025, upon

13 completion of its work and by the same date that the statutory  
14 entity's final report is due to the legislature, each statutory  
15 entity must report the following information to the office of equity:

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

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

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

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

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

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

35 (v) The number of members from an underrepresented population who  
36 have direct lived experience who qualified for stipends under RCW  
37 43.03.220, the number of those who requested stipends to support  
38 their participation in the statutory entity, and the number who  
39 received stipends.

1 (2) (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.** (1) By July 1, 2024, the office of equity  
17 must:

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

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

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

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

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

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

38 (2) By November 30, 2024, the office of equity must develop a  
39 toolkit on best practices for supporting meaningful engagement of

1 underrepresented individuals with direct lived experience  
2 participating on statutory entities.

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

6 (b) The toolkit must include:

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

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

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

18 (iv) Best practices for onboarding all statutory entity members  
19 including how to support underrepresented individuals with direct  
20 lived experience in accessing compensation in accordance with chapter  
21 43.03 RCW.

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

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

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

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

30 (4) This section expires January 1, 2025.

31 NEW SECTION. **Sec. 6.** This act applies prospectively only and  
32 not retroactively. This act only applies to statutory entities, as  
33 defined in section 2 of this act, created on or after January 1,  
34 2025.

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

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

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

7        NEW SECTION.    **Sec. 10.**   Sections 3 and 4 of this act take effect  
8    January 1, 2025.

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