

# SENATE BILL REPORT

## 2E2SHB 1541

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As Passed Senate, February 28, 2024

**Title:** An act relating to increasing access and representation in policy-making processes for people with direct lived experience.

**Brief Description:** Establishing the nothing about us without us act.

**Sponsors:** House Committee on 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).

**Brief History:** Passed House: 2/6/24, 83-14.

**Committee Activity:** State Government & Elections: 3/21/23, 3/24/23 [DPA-WM, w/oRec]; 2/16/24, 2/20/24 [DP, w/oRec].

Ways & Means: 3/31/23.

**Floor Activity:** Passed Senate: 2/28/24, 40-9.

### Brief Summary of Bill

- Establishes certain membership requirements for task forces, work groups, and advisory committees that report to the Legislature on issues directly and tangibly affecting underrepresented populations.

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## SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

**Majority Report:** Do pass.

Signed by Senators Hunt, Chair; Valdez, Vice Chair; Hasegawa and Kuderer.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Wilson, J., Ranking Member; Dozier and Fortunato.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Greg Vogel (786-7413)

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## SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Amanda Cecil (786-7460)

**Background:** Office of Equity. In 2020 the Legislature created the Office of Equity (Office) to promote access to equitable opportunities and resources that reduce disparities and improve outcomes statewide across all sectors of government. The work of the Office must be guided by the following principles of equity:

- requires developing, strengthening, and supporting policies and procedures that distribute and prioritize resources to those who have been historically and currently marginalized, including tribes;
- requires the elimination of systemic barriers that have been deeply entrenched in systems of inequality and oppression; and
- achieves procedural and outcome fairness, promoting dignity, honor, and respect for all people.

In 2023 legislation was enacted that requires the Office of Equity to:

- consult with certain state boards and commissions to identify issues related to access and meaningful participation in stakeholder engagement; and
- develop a toolkit on best practices for supporting meaningful engagement of underrepresented individuals with direct lived experience participating on statutory entities.

Direct Lived Experience. Various state entities encourage the participation or require the inclusion of people with direct lived experience, individuals from underrepresented communities, and those from vulnerable populations. The Strategic Plan Advisory Group, established by the Children and Youth Behavioral Health Work Group, must include individuals with lived experience receiving behavioral health services or whose family members received such services. Community health advisory boards must be broadly representative of the character of the community, with community members with lived experience in areas such as health care access and quality, health care inequities, and social and economic sectors. The Utility Wildland Fire Prevention Advisory Committee must include two members representing historically marginalized or underrepresented communities. The Governor must appoint at least three members from historically underrepresented communities to the Criminal Justice Training Commission.

In 2022 the Legislature passed legislation allowing agencies to provide stipends up to \$200 to individuals who are low-income or have lived experience to support their participation in class one groups, which function primarily in an advisory, coordinating, or planning capacity, when the agency determines that participation is desirable to implement principles of equity if the individuals are not otherwise compensated for their attendance at meetings.

**Summary of Bill:** Membership Requirements. Each statutory entity created on or after January 1, 2025, must:

- include at least three individuals from underrepresented populations who have direct lived experience with the policy or issue being examined; and
- reflect the diversity of people with direct lived experience with the issue being examined.

A statutory entity is any multimember task force, work group, or advisory committee that is temporarily established by statute for the specific purpose of examining policies directly and tangibly affecting a particular underrepresented population that is required to report to the Legislature on that issue.

Statutory entities do not include legislative select committees or other statutory created legislative entities composed of only legislative members.

An underrepresented population is 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 to participation in policy decision making.

A person with direct lived experience has direct personal experience in the subject matter being addressed by the task force, work group, or advisory committee.

If these requirements necessitate the appointment of additional members, the appointing authority must make those appointments. If there are multiple appointing authorities, they may defer to one of the appointing authorities, the Office or another statutory commission, board, or committee to make the additional appointments. Additional members must be voting members. Appointing authorities may consult with the Office, and for authorities other than the Legislature, must consult with entities identified by the Office in its toolkit when making appointments.

The Statute Law Committee must include in any published bill drafting guide reference to the statutory entity membership requirements.

Reports. Each statutory entity, by the date its report to the Legislature is due, must also report to the Office, or for legislatively administered statutory entities, to the Secretary of the Senate and the Chief Clerk of the House of Representatives, a description of its purpose and the underrepresented population directly and tangibly impacted by its work, including:

- the number of members with direct lived experience with the specific policy or issue that the statutory entity is tasked with examining;

- anonymous aggregate demographic information of members related to disability status, age, race, gender, sexual orientation, ethnicity, income, and geographic representation;
- an analysis of whether the membership requirements under the act reduced barriers to participation in policymaking decisions by members of underrepresented populations;
- an analysis of how participation by members from underrepresented populations with direct lived experience affected the conduct and outcomes of the statutory entity; and
- the number of members from an underrepresented population who have direct lived experience and qualify for the existing statutory stipend of \$200 per day, the number of those who requested stipends, and the number who received the stipend.

Beginning October 31, 2026, the Office must analyze the information provided by statutory entities as of the end of the prior fiscal year and include in its annual report to the Legislature:

- an overall evaluation of the process relating to membership requirements for statutory entities; and
- recommendations for improving the membership process, further decreasing barriers to participation, and increasing the diversity of applicants.

The act may be known as cited as the Nothing About Us Without Us Act.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill contains several effective dates. Please refer to the bill.

**Staff Summary of Public Testimony on Engrossed Second Substitute House Bill (State Government & Elections) (Regular Session 2023):** *The committee recommended a different version of the bill than what was heard.* PRO: This bill is the product of conversations with survivors, veterans, rural community members, and other folks who traditionally haven't had a voice in the political processes. It's a simple concept with a longer implementation so that state agencies will have the resources to support it. Those closest to the problems are closest to the solutions, but we're turned away from decision-making tables. Solutions are best when they center people affected by the issues. Policymakers receive little input from people experiencing the issues being considered. Legislation is frequently drafted that impacts only a small, privileged group of survivors and doesn't take into account what's best for everybody. This will make for more effective governance. We will be able to correct policies that have hurt people because they were made without their input. People with direct lived experience can correct myths and assumptions. No community is a monolith, and workgroups often include the most affected individuals.

All people with disabilities should be at the table instead of being left at the side. Some may not be able to understand everything, but can understand enough. Their participation can be supported. People with disabilities should be involved in decisions about our lives—for most of our lives, doctors, service providers, and parents have been doing that for us. This bill will officially state that there's a place for us, BIPOC people, immigrant and farmworker communities at the table. As a formerly incarcerated person, I'm often in spaces where people are talking about me, but not to me. It's important for people like us to be leading the conversations, not just brought in as tokens at the end. As a former behavioral health patient, being involved in policymaking processes helped my recovery and path to wellness.

Two federal laws passed in the 1980s mandated that current and former patients and advocates serve on mental health advisory boards created to support the direction of resources to the community. Patients have a long history of advocacy work. CAPAA has appointed 21 members to various work groups to bring their community perspectives. We've been doing this for years now.

**Persons Testifying (State Government & Elections):** PRO: Representative Darya Farivar, Prime Sponsor; Ivanova Smith, Self Advocate; Shawn Latham, Allies in Advocacy; Duaa-Rahemaah Williams; Kristin DiBiase, Governor's Committee on Disability Issues and Employment; Laura Van Tosh; Emily Stone, WA State Coalition Against Domestic Violence; Hyeun Park, BIPOC Executive Directors Coalition; Leigh Spruce, Arc of Snohomish County; Eric Matthes, The Arc of King County; Nam Nguyen, Commission on Asian Pacific American Affairs; Kelly Olson, Civil Survival Project.

**Persons Signed In To Testify But Not Testifying (State Government & Elections):** No one.

**Staff Summary of Public Testimony on Bill as Amended by State Government & Elections (Ways & Means) (Regular Session 2023):** PRO: People with direct lived experience should have a voice at the table. This is fiscally responsible policy as it helps target investments to the service that best supports. There are barriers to engagement for people with direct lived experience such as unemployment and childcare costs and this helps to start addressing those. This is funding is included in the House budget.

**Persons Testifying (Ways & Means):** PRO: Ivanova Smith, Self advocates; Kristin DiBiase, Governor's Committee on Disability Issues and Employment; Terique Scott, League of Education Voters.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.

**Staff Summary of Public Testimony (State Government & Elections) (Regular Session 2024):** PRO: If we are going to make important decisions about people's futures, we want

representatives from those groups of people to be part of the problem-solving process. People with lived experiences will provide much needed value. Well-intended legislation without hearing from those directly affected can have unintended consequences for others. We must listen to the diverse group of those affected to find creative solutions and address the problems. We strongly feel that this bill will give people with disabilities a place at the table. We call this democracy in action. A person with lived experience is the expert, and is not only important to any policy group but actually the most important person serving. Everybody, regardless of socioeconomic status or disability, or any other marginalized group should not be left out of any kind of decision making. We all have input and lived experience that can be beneficial to everybody involved.

CON: Our lawmakers should want to include members of communities impacted by their decisions because it's the right thing to do, not because a statute compels them. This bill validates identity politics and will only benefit groups hand selected by the Office of Equity. Public participation in the lawmaking process already exists, why isn't public testimony good enough.

OTHER: The bill emphasizes that certain populations are virtually unrepresented in policy making yet are disproportionately impacted by government decisions. This bill stems from the shared recognition that those closest to the problem are closest to the solution.

**Persons Testifying (State Government & Elections):** PRO: Representative Darya Farivar, Prime Sponsor; Shawn Latham, Self Advocates In Leadership; robert m wardell, self adovates; Leigh Spruce ; Amy Roark; Katrina Johnson, Food lifeline; Em Stone, WA State Coalition Against Domestic Violence; Michael Brunson; Ivanova Smith, Self Advocates in Leadership; Angelique Rodriguez, Policy Assistant at CAIR-Washington.

CON: Teo Morca; Sharon Damoff.

OTHER: Omar Santana-Gomez, Washington State Office of Equity.

**Persons Signed In To Testify But Not Testifying (State Government & Elections):**

OTHER: Eric pratt, America.