
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1541

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 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" and "lived experience" has the
31 meaning provided in RCW 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 entities 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 decision making.

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 5 of
38 this act, except for appointing authorities from the legislative
39 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, beginning January 1, 2025, upon completion of its
8 work and by the same date that the statutory entity's final report is
9 due to the legislature, each statutory entity must report the
10 following information to the 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.** (1) By July 1, 2024, the office of equity
17 must:

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

22 (i) Barriers to access and meaningful participation in
23 stakeholder engagement by people from underrepresented populations
24 who have direct lived experience;

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

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

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

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

37 (2) By November 30, 2024, the office of equity must develop a
38 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, members of the legislature,
5 the secretary of the senate, and the chief clerk of the house of
6 representatives.

7 (b) The toolkit must include:

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

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

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

19 (iv) Best practices for onboarding all statutory entity members
20 including how to support underrepresented individuals with direct
21 lived experience in accessing compensation in accordance with chapter
22 43.03 RCW; and

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

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

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

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

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

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

34 NEW SECTION. **Sec. 6.** This act applies prospectively only and
35 not retroactively. This act only applies to statutory entities, as
36 defined in section 2 of this act, created on or after January 1,
37 2025.

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

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

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

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

--- END ---