

CERTIFICATION OF ENROLLMENT

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1541

68th Legislature
2024 Regular Session

Passed by the House February 6, 2024
Yeas 83 Nays 14

**Speaker of the House of
Representatives**

Passed by the Senate February 28,
2024
Yeas 40 Nays 9

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1541** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1541

Passed Legislature - 2024 Regular Session

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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