

SENATE BILL REPORT

E2SHB 1541

As Reported by Senate Committee On:
State Government & Elections, March 24, 2023

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: 3/7/23, 83-12.

Committee Activity: State Government & Elections: 3/21/23, 3/24/23 [DPA-WM, w/oRec].

Brief Summary of Amended 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.
- Requires reports on information including the effectiveness of the membership requirements under the act.
- Requires the creation and distribution of education materials, such as a toolkit on best practices, to support meaningful engagement.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.
Signed by Senators Hunt, Chair; Valdez, Vice Chair; Hasegawa and Kuderer.

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.

Minority Report: That it be referred without recommendation.

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

Staff: Samuel Brown (786-7470)

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.

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 2SSB 5793, 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 Amended Bill: Membership Requirements. Each task force, work group, or advisory committee established in statute beginning January 1, 2025, to examine and report to the Legislature on policies which directly and tangibly affect one or more underrepresented populations (statutory entity) must:

- include at least three individuals who have direct lived experience with the issue being examined; and
- reflect the diversity of people with direct lived experience with the issue being

examined.

Members of statutory entities may not be denied accommodations such as auxiliary aids, interpreters, and communication partners of their choosing to assist in their participation in the entity's activities. 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 the Office or another statutory commission, board, or committee to make the additional appointments. 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

Definitions. 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.

Additional Resources. By November 30, 2024, the Office must develop a toolkit that includes:

- best practices for identifying, recruiting, and appropriately and meaningfully engaging with underrepresented individuals with direct lived experience;
- information on how to plan the work of a statutory entity using the principles of universal design;
- best practices for onboarding all statutory entity members, including with accessing compensation authorized by law; and
- a list of state entities for appointing authorities to consult with when making appointments to statutory entities.

The Statute Law Committee must include information about the act's membership requirements in the Bill Drafting Guide.

Reports. By July 1, 2024, the Office must consult state boards and commissions that support the participation of underrepresented populations in policymaking processes, and may consult with other relevant state agencies or offices, to identify and report to the Legislature on:

- barriers to access and meaningful participation in stakeholder engagement by people from underrepresented populations with direct lived experience;
- tools to support access and meaningful participation in stakeholder engagement;

- modifications to stakeholder engagement processes that would promote increased access and opportunities for participation in policymaking; and
- any recommended changes that would promote increased access to and participation in the policymaking process.

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 that the statutory entity is tasked with examining;
- anonymous aggregate demographic information of members related to disability status, age, race, gender, sexual orientation, ethnicity, 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.

EFFECT OF STATE GOVERNMENT & ELECTIONS COMMITTEE AMENDMENT(S):

Members of statutory entities may not be denied accommodations such as auxiliary aids, interpreters, and communication partners of their choosing to assist in their participation in the entity's activities. Entities examining an issue affecting multiple particular underrepresented populations are subject to the act's requirements. Other nonsubstantive drafting changes.

Appropriation: The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

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: *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: 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: No one.