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**SUBSTITUTE HOUSE BILL 1541**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** House State Government & Tribal Relations (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 02/14/23.

1 AN ACT Relating to increasing access and representation in  
2 policy-making processes for people with direct lived experience;  
3 adding a new section to chapter 43.06D RCW; adding a new chapter to  
4 Title 43 RCW; and creating a new section.

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 multimember task force, work  
32 group, or advisory committee, that is temporarily established by  
33 statute for the specific purpose of examining a particular policy or  
34 issue directly and tangibly affecting a particular underrepresented  
35 population, and that is required to report to the legislature on that  
36 issue. "Statutory entity" does not include legislative select  
37 committees or other statutorily created legislative entities composed  
38 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, or to existing statutory  
21 entities for which new appointments are being made on or after the  
22 effective date of this section, the existing appointing authority  
23 must be the appointing authority for the additional members. If there  
24 are multiple appointing authorities for one statutory entity, they  
25 may collectively defer to one of the appointing authorities or to the  
26 office of equity to appoint any additional members as needed. The  
27 additional members 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) Describes any findings made by the office of equity under  
9 section 5 of this act.

10 (6) Nothing in this section restricts additional membership of  
11 statutory entities.

12 NEW SECTION. **Sec. 4.** (1) Each entity providing administrative  
13 support to a statutory entity, or if there is none, then each  
14 statutory entity must report to the office of equity by August 30,  
15 2024, and August 30, 2025, for state fiscal years 2024 and 2025  
16 respectively, the following information:

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

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

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

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

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

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

36 (v) The number of members from an underrepresented population who  
37 have direct lived experience who qualified for stipends under RCW  
38 43.03.220, the number of those who requested stipends to support

1 their participation in the statutory entity, and the number who  
2 received stipends.

3 (2) The Washington state office of equity must:

4 (a) Analyze the information received from appointing authorities  
5 or statutory entities under this section; and

6 (b) Prepare a report, in compliance with RCW 43.01.036, to the  
7 governor and legislature by December 1, 2025. The report must  
8 include:

9 (i) An overall evaluation of the process authorized by section 3  
10 of this act;

11 (ii) Recommendations for improving the process;

12 (iii) Recommendations to further decrease barriers to  
13 participation; and

14 (iv) Recommendations to increase the diversity of statutory  
15 entity applicants.

16 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.06D  
17 RCW to read as follows:

18 (1) By December 1, 2023, and every four years thereafter, the  
19 office must:

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

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

28 (ii) Tools to support access and meaningful participation in  
29 stakeholder engagement;

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

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

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

1 (2) The definitions in this subsection apply throughout this  
2 section unless the context clearly requires otherwise.

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

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

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

9 NEW SECTION. **Sec. 6.** This act may be known and cited as the  
10 nothing about us without us act.

11 NEW SECTION. **Sec. 7.** Sections 2 through 4 and 6 of this act  
12 constitute a new chapter in Title 43 RCW.

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