

Chapter 43.18A RCW
MEMBERSHIP OF STATUTORY ENTITIES—DIRECT LIVED EXPERIENCE

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RCW 43.18A.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Direct lived experience" has the meaning provided in RCW 43.03.220.

(2)(a) "Statutory entity" means a multimember task force, work group, or advisory committee, that is:

(i) Temporary;

(ii) Established by legislation;

(iii) Established for the specific purpose of examining a particular policy or issue directly and tangibly affecting a particular underrepresented population; and

(iv) Required to report to the legislature on the policy or issue it is tasked with examining.

(b) "Statutory entity" does not include legislative select committees or other statutorily created legislative entity composed of only legislative members.

(3) "Underrepresented population" means 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 for participating in policy making processes. [2024 c 283 s 2.]

Findings—Intent—2024 c 283: See note following RCW 43.18A.020.

RCW 43.18A.020 Statutory entity membership requirements—Appointment of members. (1) The membership of any statutory entity must:

(a) Include at least three individuals from underrepresented populations who have direct lived experience with the identified policy or issue that the statutory entity is tasked with examining; and

(b) Reflect, to the greatest extent possible, the diversity of people with direct lived experience with the identified issue or issues, including members who reside in urban and rural communities, and with differing cultural and economic circumstances.

(2) If compliance with subsection (1) of this section requires that additional members be appointed to statutory entities created on or after January 1, 2025, the identified appointing authority for the statutory entity must be the appointing authority for the additional members. If there are multiple appointing authorities for one

statutory entity, they may collectively defer to one of the appointing authorities, a statutory state commission, board, or committee, or the office of equity, to appoint any additional members as needed. The additional members shall be voting members of the statutory entity.

(3) When making appointments to a statutory entity, appointing authorities:

(a) May consult with the office of equity; and

(b) Must consult with the relevant state entities identified in the toolkit created by the office of equity pursuant to section 117, chapter 475, Laws of 2023, except for appointing authorities from the legislative branch.

(4) The statute law committee must include in any published bill drafting guide reference to the requirements in subsection (1) of this section.

(5) Nothing in this section may be construed to restrict additional membership of statutory entities. [2024 c 283 s 3.]

Effective date—2024 c 283 ss 3 and 4: "Sections 3 and 4 of this act take effect January 1, 2025." [2024 c 283 s 9.]

Findings—Intent—2024 c 283: "(1) The legislature recognizes that underrepresented populations are often left out of the policy decisions that affect them most. People with direct lived experience with a particular issue are experts in their own lives and experience and are best equipped to find solutions to those issues. The legislature finds that when underrepresented populations are included in policy decision making around issues that directly affect them, the solutions put forward make a greater positive impact on those it seeks to help. As such, the legislature finds that people with direct lived experience should be included in policy decision making around issues that directly impact them.

(2) The legislature finds that certain populations are almost entirely unrepresented in policy making yet are disproportionately impacted by government decisions. For example, self-advocates with developmental disabilities and other marginalized groups are routinely left out of decision making about policies that directly impact them and frequently have their voices substituted for others. The adverse impacts of injustices perpetrated based on race, color, gender, religion, disability, immigration status, language, culture, and other categories are not distinct and isolated, but instead overlap and accumulate and therefore have a cumulative effect on an individual. Access is an equity issue and by addressing barriers to participation for underrepresented populations, the public will also benefit. A governing body that makes decisions about these communities cannot do so effectively and equitably without the participation and contribution of those from these underrepresented populations who have direct lived experience with the issues being addressed in the policy-making decisions.

(3) The legislature recognizes the importance of allies and finds that advocacy efforts should be led by people with direct lived experience. It is not the intention of the legislature to restrict the membership of statutory entities. Instead, the intent is to create space for those historically excluded from policy decision making.

(4) Therefore, the legislature intends to ensure meaningful participation from people with direct lived experience on each statutorily created or statutorily mandated multimember task force,

work group, or advisory committee, tasked with examining and reporting to the legislature on policies or issues that directly and tangibly affect historically underrepresented communities. When people with direct lived experience have a seat at the table, Washington thrives." [2024 c 283 s 1.]

RCW 43.18A.030 Reports. (1) Except as provided in subsection (2) of this section, upon completion of its work and by the same date that the statutory entity's final report is due to the legislature, each statutory entity must report the following information to the office of equity:

- (a) A brief description of the statutory entity's purpose; and
- (b) The underrepresented population directly and tangibly impacted by its work, including:

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

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

- (iii) An analysis of whether and how implementation of the requirements in RCW 43.18A.020 reduced barriers to participation in policy-making decisions by members of underrepresented populations;

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

- (v) The number of members from an underrepresented population who have direct lived experience who qualified for stipends under RCW 43.03.220, the number of those who requested stipends to support their participation in the statutory entity, and the number who received stipends.

(2) Statutory entities administered by the legislature must collect the information described in subsection (1) of this section and provide the information to the secretary of the senate and the chief clerk of the house of representatives but are not required to report the information to the office of equity.

(3) (a) By October 31, 2026, and each October 31st thereafter, the Washington state office of equity must analyze the information received under subsection (1) of this section and, as part of its annual report due to the legislature under RCW 43.06D.040, provide:

- (i) An overall evaluation of the process required by RCW 43.18A.020;

- (ii) Recommendations for improving the process;

- (iii) Recommendations to further decrease barriers to participation; and

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

- (b) The data that the office of equity must analyze for the report required under (a) of this subsection must include at a minimum the data received from statutory entities by the end of the prior fiscal year. [2024 c 283 s 4.]

Effective date—2024 c 283 ss 3 and 4: See note following RCW 43.18A.020.

Findings—Intent—2024 c 283: See note following RCW 43.18A.020.

RCW 43.18A.900 Application—2024 c 283. This act applies prospectively only and not retroactively. This act only applies to statutory entities, as defined in RCW 43.18A.010, created on or after January 1, 2025. [2024 c 283 s 5.]

Findings—Intent—2024 c 283: See note following RCW 43.18A.020.

RCW 43.18A.901 Short title—2024 c 283. This act may be known and cited as the nothing about us without us act. [2024 c 283 s 6.]

Findings—Intent—2024 c 283: See note following RCW 43.18A.020.