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**SENATE BILL 5616**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senator Valdez

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 greater public  
8 will also 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, advisory committee, board, commission, council, or other  
23 similar entity tasked with examining policies or issues that directly  
24 and 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) "Statutory entity" means any statutorily created or  
33 statutorily mandated multimember task force, work group, advisory  
34 committee, board, commission, council, or other similar entity,  
35 whether independent of an agency or within an agency, tasked with  
36 examining policies or issues directly and tangibly affecting a  
37 particular underrepresented population. "Statutory entity" does not  
38 include legislative select committees or other statutorily created  
39 legislative entities composed 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 individuals from underrepresented populations who  
11 have direct lived experience with the identified issue or issues that  
12 the statutory entity is tasked with examining as follows:

13 (i) If two or fewer underrepresented populations are directly and  
14 tangibly affected by the specific issue or issues that the statutory  
15 entity is tasked with examining, at least two representatives from  
16 each directly impacted underrepresented population must be appointed  
17 to the statutory entity; and

18 (ii) If there are three or more underrepresented populations  
19 directly and tangibly affected by the specific issue or issues that  
20 the statutory entity is tasked with examining, at least one person  
21 representing each directly impacted underrepresented population must  
22 be appointed to the statutory entity; and

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

27 (2) If the membership requirements under subsection (1) of this  
28 section require that additional members be appointed to statutory  
29 entities created on or after the effective date of this section, or  
30 to existing statutory entities for which new appointments are being  
31 made on or after the effective date of this section, the office of  
32 equity shall be the appointing authority for the additional members.  
33 The additional members shall be voting members of the statutory  
34 entity.

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

38 (4) To promote inclusion and education around the requirements in  
39 subsection (1) of this section, the chief clerk of the house of

1 representatives and the secretary of the senate must include in any  
2 relevant training material or guidance provided to members of the  
3 legislature or legislative staff information that:

4 (a) Describes the requirements of subsection (1) of this section;

5 (b) Strongly encourages the inclusion of people with direct lived  
6 experience as participants and subject matter experts in committee  
7 work sessions;

8 (c) Describes best practices for providing access to the  
9 legislature and the types of accommodations that are available to  
10 provide full access to public meetings and other public legislative  
11 events for people with direct lived experience; and

12 (d) Describes any findings made by the office of equity under  
13 section 5 of this act.

14 (5) Nothing in this section restricts additional membership of  
15 statutory entities.

16 NEW SECTION. **Sec. 4.** (1) All statutory entities must report to  
17 the office of equity by August 30, 2024, and August 30, 2025, for  
18 state fiscal years 2024 and 2025 respectively:

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

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

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

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

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

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

38 (v) The number of members from an underrepresented population who  
39 have direct lived experience who qualified for stipends under RCW

1 43.03.220, the number of those who requested stipends to support  
2 their participation in the statutory entity, and the number who  
3 received stipends.

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

5 (a) Compile and analyze the information received from statutory  
6 entities under this section; and

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

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

12 (ii) Recommendations for improving the process;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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