
SENATE BILL 5616

State of Washington

68th Legislature

2023 Regular Session

By Senators Valdez, Frame, Hasegawa, Hunt, Kuderer, Lias, Lovelett, Nguyen, Nobles, Stanford, and C. Wilson

Read first time 01/30/23. Referred to Committee on State Government & Elections.

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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