

SENATE BILL REPORT

2SSB 5793

As Amended by House, March 3, 2022

Title: An act relating to allowing compensation for lived experience on boards, commissions, councils, committees, and other similar groups.

Brief Description: Allowing compensation for lived experience on boards, commissions, councils, committees, and other similar groups.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Wilson, C., Trudeau, Das, Dhingra, Hasegawa, Lovelett, Nguyen, Nobles and Saldaña; by request of Attorney General).

Brief History:

Committee Activity: State Government & Elections: 1/19/22, 1/21/22 [DPS-WM, DNP].
Ways & Means: 2/04/22, 2/07/22 [DP2S, DNP, w/oRec].

Floor Activity: Passed Senate: 2/10/22, 31-18.
Passed House: 3/3/22, 67-31.

Brief Summary of Second Substitute Bill

- Authorizes stipends and reimbursement of other expenses for eligible individuals participating in class one groups.
- Requires agencies issuing stipends to report to the Office of Equity by August 30, 2023.
- Requires the Office of Equity to compile agency responses and report to the Governor and Legislature by August 30, 2024.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5793 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa.

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: Do not pass.

Signed by Senators Wilson, J., Ranking Member; Hawkins.

Staff: Melissa Van Gorkom (786-7491)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5793 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig, Carlyle, Conway, Dhingra, Hasegawa, Hunt, Keiser, Mullet, Pedersen, Van De Wege and Wellman.

Minority Report: Do not pass.

Signed by Senators Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun, Gildon, Wagoner and Warnick.

Minority Report: That it be referred without recommendation.

Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Muzzall and Rivers.

Staff: Amanda Cecil (786-7460)

Background: Class One Groups. Part-time groups are identified as class one through class five for setting any additional compensation or allowances. Class one groups include part-time groups which are established by the executive, legislative, or judicial branch to participate in state government and which functions primarily in an advisory, coordinating, or planning capacity. Absent any other provision of law, no money beyond customary reimbursement or allowances for expenses may be paid to members of class one groups for attendance at meetings.

No person designated as a member of a class one group may receive an allowance for subsistence, lodging, or travel expenses if the cost is funded by the State General Fund. Exceptions may be granted for the critically necessary work of an agency if approved by the head of the executive branch agency, the Chief Justice of the Supreme Court, the House Chief Clerk or the Secretary of Senate, as appropriate. Groups using funds from sources other than State General Fund are encouraged to reduce travel, lodging, and other costs associated with conducting the business of the group. All classes are directed, if feasible, to use methods of conducting meetings that do not require members to travel while still maximizing member and public participation.

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:

- 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;
- equity requires the elimination of systemic barriers that have been deeply entrenched in systems of inequality and oppression; and
- equity achieves procedural and outcome fairness, promoting dignity, honor, and respect for all people.

Office of Financial Management. The Office of Financial Management (OFM) sets allowances for subsistence, lodging, and travel expenses for elective and appointive officials and state employees.

Summary of Second Substitute Bill: Unless otherwise identified in law, all newly formed and existing groups are a class one group.

Subject to available funding, an agency may provide a stipend, not to exceed \$200, to individuals who are low income or have lived experience to support their participation in class one groups when the agency determines such participation is desirable to implement principles of equity, provided that the individuals are not otherwise compensated for their attendance at meetings. The restriction for allowances of members in a class one group if the cost is funded by the state general fund is removed. Allowances for child and adult care reimbursement, lodging, and travel expenses may be provided to eligible individuals in addition to stipend amounts. Agencies must work to minimize the impact of stipends and reimbursements on public assistance eligibility and benefit amounts as allowed by federal and state law to the greatest extent possible. Stipends and reimbursements do not create an employment relationship with the state.

The director of the OFM must prescribe reasonable allowances to cover reasonable and necessary child and adult care expenses.

An agency who issues stipends must report to the Office no later than August 30, 2023.

The report must include:

- a brief description of the groups for which stipends were made available;
- an accounting of the stipends provided; and
- an analysis of whether and how the availability of stipends has reduced barriers to participation and increased diversity of group participants.

The Office must compile and analyze the information received from agencies, consult with stakeholders, and prepare a report to the Governor and the Legislature by August 30, 2024.

The report must include:

- an overall evaluation of the stipend process and recommendations to improve the process; and
- recommendations to further decrease barriers to participation and increase the

diversity of group applicants.

"Low-income" is defined as an individual whose income is not more than 400 percent of the federal poverty level, adjusted for family size.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill (State Government & Elections):

The committee recommended a different version of the bill than what was heard. PRO: The work for individuals in these groups is often voluntary and they don't know the impact that the cost of time and travel will have for their participation in meetings. The bill will provide a stipend, childcare and travel reimbursement , when it is appropriate to provide, thanks to folks who have continued for years to serve on groups which help us create equitable policies for the state. Providing compensation will help more people have the opportunity to participate in these groups moving forward. We want them to contribute and share their perspectives. None of the important policies of the state would be possible without the voices of the community. Having these voices at the table is the greatest form of participatory government. This bill complements the work that we are doing to ensure that folks are participating and able to speak for themselves rather than having others speak for them. We can and should do more to ensure that they don't shoulder the burden for participating in these meetings. There are some aspects of the bill that we would like to continue to work on.

People are often asked to share their story but are not supported in doing so. At times I went without housing to serve the community. It is frustrating to be an expert in the area and the only one at the table not being paid to participate. Pay to play structures have huge costs, personal and financial. \$200 is not enough, it takes a lot of time to listen to the community. All barriers must be removed. Staffing and tech assistance is important in addition to paying people. We know that when barriers to participation are reduced, we better understand the needs of the community. The people most impacted can best describe the challenges and will know whether the proposed solutions will work. Many of our members are low income and live on social security, this stipend would help self-advocates travel and have childcare while they participate in the work group. They need to have the ability to participate in the beginning of the process and should be compensated for their participation.

OTHER: The concept of providing a stipend is something that has been discussed for years and is funded in the Governor's budget this year. It is a key strategy in helping to diversify

our boards and commissions and it is important to ensure that individuals are engaged in the process. Concerns are that there are other statutes that may need to be amended to allow for stipends and reimbursements to be provided by agencies. We are not sure that an agency can forecast if the group will work on issues that directly or disproportionately impact certain communities when the appointments are made and may not be able to determine what individuals are underrepresented since a definition is not provided. Instead eligibility should be for individuals with community expertise who are not compensated for their attendance when the agency determines that participation is needed to implement the principles of equity. Would prefer that the Equity Office, rather than OFM, convene the work group and establish the model policies.

Persons Testifying (State Government & Elections): PRO: Senator Claire Wilson, Prime Sponsor; Laurie Lippold, Partners for Our Children; Marcy Bowers, Statewide Poverty Action Network; Drayton Jackson; Kristin Wiggins, Perigee Fund; Jessica Renner, Self Advocates in Leadership (SAIL); Joyce Bruce, WA State Attorney General's Office; Marcy Bowers, Statewide Poverty Action Network; Darya Farivar, Disability Rights WA; Paula Sardinias, WA Build-Back Black Alliance; Samantha Fogg, Seattle Council PTSA; Jessica Renner, Self Advocates in Leadership (SAIL); Tracy Turner; MERCEDES WHITE CALF, The NAYA Action Fund; Lillian Williamson; Sebrena Burr, Seattle Council PTSA.

OTHER: RaShelle Davis, Governor's Office.

Persons Signed In To Testify But Not Testifying (State Government & Elections): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: This bill provides community members that have lived experience the ability to participate in public engagement. This bill does not require any agency to provide stipends. The Attorney General's Office anticipates stipends will be provided within existing resources. The voice of people with lived experience needs to be heard and respected. Providing compensation allows people to participate. Many people with lived experience are low income and live on social security. Providing a stipend will allow these people to travel and participate and add value. Individuals with lived experience are often the only people at the table not being paid. Those with the most relevant experience are less able to participate because of child and adult care, travel costs, and lost work time. This says to marginalized communities, we see you, we hear you, and you're valued. Stipends will raise the bar and provide for more consistent and engaged participation. This bill goes a long way to improve representative democracy.

Persons Testifying (Ways & Means): PRO: Jessica Renner, Self Advocates in Leadership (SAIL); Samantha Fogg, Seattle Council PTSA; Paula Sardinias, WA Build-Back Black Alliance (WBBA); Rhonda "Ronni" Batchelor ; Shawn Latham, Allies in Advocacy; Sebrena Burr, Seattle Council PTSA; Megan Pirie; Joyce Bruce, WA State Attorney

General's Office; Drayton Jackson; Laura Van Tosh, Self employed; Cindi Laws, Health Care for All Washington.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.

EFFECT OF HOUSE AMENDMENT(S):

- Clarifies that, unless an exception is granted, only members of class one groups that are eligible to receive a stipend may receive an allowance funded by the State General Fund.
- Defines "lived experience" as direct personal experience in the subject matter being addressed by the class one group.
- Requires the Office develop uniform equity-driven guidelines by December 1, 2022, after consultation with stakeholders, on the issuance of stipends and allowances to provide for consistent application of the law.
- Requires agencies exercising the authority to provide stipends and allowances to members of class one groups to adhere to the guidelines established by the Office.
- Adds a requirement for agencies that provide stipends and allowances to members of class one groups to submit a second report to the Office by August 30, 2024. The two reports required of such agencies must cover data from state fiscal years 2023 and 2024, respectively.
- Modifies what must be included in the agency reports to the Office.
- Removes the requirement for the Office to consult with stakeholder communities.
- Changes the date by which the Office must report to the Governor and Legislature from August 30, 2024, to December 1, 2024.
- Includes a cross-reference in the Washington Public Employees' Retirement System (PERS) statute to prohibit members of a class one group who receive a stipend or allowance as authorized under the act from qualifying for service credits under the PERS due to the payment of such stipend or allowances.