

HOUSE BILL REPORT

2SSB 5793

As Reported by House Committee On:

State Government & Tribal Relations

Appropriations

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 & Tribal Relations: 2/17/22, 2/21/22 [DPA];

Appropriations: 2/24/22, 2/28/22 [DPA(APP w/o SGOV)].

Brief Summary of Second Substitute Bill

(As Amended By Committee)

- Authorizes stipends and reimbursement of expenses such as child care and travel for eligible members of class one groups.
- Requires agencies issuing stipends to eligible members of class one groups to report to the Office of Equity (Office) by August 30, 2023, and August 30, 2024, on data for fiscal years 2023 and 2024, respectively.
- Requires the Office to establish uniform guidelines that agencies must follow when issuing stipends or reimbursements to eligible members of class one groups.
- Requires the Office to analyze information in the agency reports and report to the Governor and Legislature by December 1, 2024.

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.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass as amended. Signed by 4 members: Representatives Valdez, Chair; Lekanoff, Vice Chair; Dolan and Gregerson.

Minority Report: Do not pass. Signed by 3 members: Representatives Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Graham.

Staff: Desiree Omli (786-7105).

Background:

Compensation and Reimbursements.

Certain members of part-time government boards, commissions, committees, or similar groups may receive compensation for each day the member attends an official meeting of the group or performs statutorily prescribed duties. In addition to compensation, the Office of Financial Management (OFM) sets allowances for subsistence, lodging, and travel expenses for elective and appointive officials and state employees. For the purpose of setting compensation or allowances, part-time groups are identified as class one through class five.

Class one includes 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.

Class two groups include agricultural commodity boards or commissions. With certain conditions, each member of a class two group is eligible to receive compensation not to exceed \$100 for each day that a member attends an official meeting or performs a duty approved by the chairperson of the group.

Class three includes groups which have rulemaking authority, perform quasi-judicial functions, have responsibility for the administration or policy direction of a state agency or program, or perform regulatory or licensing functions with respect to a specific profession, occupation, business, or industry. With certain conditions, each member of a class three group is eligible to receive compensation not to exceed \$50 for each day that a member attends an official meeting or performs a duty approved by the chairperson of the group.

Class four includes groups that have rulemaking authority, perform quasi-judicial functions, or have responsibility for the administration or policy direction of a state agency or program; have duties deemed by the Legislature to be of overriding sensitivity and importance to the public welfare and operation of state government; and require service from their members representing significant demand of their time that is normally in excess

of 100 hours of meeting time per year. With certain conditions, each member of a class four group is eligible to receive compensation not to exceed \$100 for each day that a member attends an official meeting or performs a duty approved by the chairperson of the group.

Class five groups include commissions that have rulemaking authority, perform quasi-judicial functions, have responsibility for the policy direction of a health profession credentialing program, and perform regulatory and licensing functions with respect to a licensed health care profession. With certain conditions, each member of a class five group is eligible to receive compensation not to exceed \$250 for each day that a member attends an official meeting or performs a duty approved by the chairperson of the group.

No person designated as a member of a class one through three group or class five 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.

Office of Equity.

The Office of Equity (Office) was established in 2020 for the purpose of promoting access to equity opportunities and resources that reduce disparities and improve outcomes statewide across state government. The work of the Office must be guided by the following principles of equity:

1. 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.
2. Equity requires the elimination of systemic barriers that have been deeply entrenched in systems of inequality and oppression.
3. Equity achieves procedural and outcome fairness, promoting dignity, honor, and respect for all people.

Summary of Amended Bill:

Compensation and Reimbursements.

Unless otherwise specified in law, all newly formed and existing groups are a class one group.

Subject to available funding, members of a class one group who are low-income or have lived experience are eligible to receive a stipend to support their participation in the group when the agency determines that such participation is desirable to implement the principles of equity. A person qualifies as low-income if their income is not more than 400 percent of the federal poverty level, adjusted for family size. A person has "lived experience" if they have direct personal experience in the subject matter being addressed by the class one

group. The stipend may not be more than \$200 for each day that the member attends an official meeting or performs statutorily prescribed duties. An individual may not receive a stipend if they are otherwise compensated for their attendance at meetings.

The prohibition on reimbursements paid for by the State General Fund is removed for members of class one groups who are eligible to receive a stipend. Eligible members of a class one group may receive reasonable allowances for child and adult care reimbursement, lodging, and travel expenses in addition to the stipend. The OFM must prescribe reasonable allowances for such expenses incurred by members of a class one group while attending an official meeting or performing statutorily prescribed duties.

By December 1, 2022, the Office must develop uniform equity-driven guidelines that agencies must follow when issuing stipends and allowances to eligible members of class one groups. In developing the guidelines, the Office must consult with stakeholders.

Agencies must, to the greatest extent possible, minimize the impact of stipends and reimbursements on public assistance eligibility and benefit amounts. The provision of stipends and reimbursements alone does not create an employment relationship and any membership or qualification in any publicly supported retirement system where such a relationship did not already exist.

Reports.

Each agency that provides a stipend to eligible members of a class one group must provide two reports to the Office: the first due by August 30, 2023, and the second due by August 30, 2024. The reports must include the following for its respective fiscal year:

- number of members receiving a stipend or allowance;
- aggregate demographic information of members of class one groups including race, ethnicity, income, and geographic representation by county;
- the amount of stipends distributed;
- the amount of allowances distributed;
- an analysis of whether and how the availability of stipends has reduced barriers to participation and increased diversity of group participants; and
- an analysis of whether the provision of stipends and allowances resulted in more applications and willingness to participate.

By December 1, 2024, the Office must compile and analyze the information received from agencies, consult with stakeholders, and prepare a report to the Governor and the Legislature that includes:

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

Amended Bill Compared to Second Substitute Bill:

It is clarified 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.

"Lived experience" is defined as direct personal experience in the subject matter being addressed by the class one group.

The Office must develop uniform guidelines by December 1, 2022, after consultation with stakeholders, on the issuance of stipends and allowances to provide for consistent application of the law. Agencies exercising the authority to provide stipends and allowances to members of class one groups are required to adhere to the guidelines established by the Office.

Agencies that provide stipends and allowances to members of class one groups must to submit a second report to the Office, due by August 30, 2024. The two reports required of such agencies must cover data from state fiscal years 2023 and 2024, respectively.

The items that must be included in the agency reports to the Office are modified. Agencies must report on:

- the number of members receiving a stipend or allowance;
- aggregate demographic information of members of class one groups including race, ethnicity, income, and geographic representation;
- the amount of stipends and allowances distributed, rather than the accounting of stipends provided; and
- an analysis of whether the provision of stipends and allowances resulted in more applications and willingness to participate, in addition to the analysis of whether and how the availability of stipends and allowances has reduced barriers to participation.

The date by which the Office must report to the Governor and Legislature is changed from August 30, 2024, to December 1, 2024.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available. New fiscal note requested on February 22, 2022.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Many people are unable to serve on state work groups or other similar groups because of the lack of child care, elder care, finances, or other needed accommodations. For someone who is low-income, taking time off work and away from their family is

extremely difficult, especially if they do not have paid time off. This policy will allow for greater participation and representation of people with lived experiences. People with direct experience dealing with the issues being discussed by state groups have valuable expertise and wisdom that will lead to better policies if they are at the table to share their experiences and ideas. It is important to mitigate barriers to ensure that representatives from communities that are most impacted by the state's decision on a matter are at the table. Many times, the only person in the room with actual experience dealing with the subject matter being discussed is the only one not getting paid for their time and participation. It is imperative that the state pays for a person's time and participation when their contributions to the group lead to better government.

(Opposed) None.

Persons Testifying: Senator Claire Wilson, prime sponsor; Samantha Fogg, Seattle Council Parent Teacher Student Association; Darya Farivar, Disability Rights Washington; RaShelle Davis, Office of the Governor; Joyce Bruce, Washington State Attorney General's Office; Megan Pirie, Family Engagement Framework Workgroup; Amy Roark, Poverty Reduction Steering Committee; Paula Sardinas, Washington Build-Back Black Alliance; and Maureen Maples.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on State Government & Tribal Relations. Signed by 26 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Chopp, Cody, Dolan, Fitzgibbon, Frame, Hansen, Harris, Hoff, Jacobsen, Johnson, J., Lekanoff, Pollet, Ryu, Senn, Springer, Steele, Stonier, Sullivan and Tharinger.

Minority Report: Do not pass. Signed by 1 member: Representative Rude.

Minority Report: Without recommendation. Signed by 6 members: Representatives Chambers, Assistant Ranking Minority Member; Boehnke, Caldier, Chandler, Dye and Schmick.

Staff: David Pringle (786-7310).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On State Government & Tribal Relations:

The House Appropriations Committee recommendation includes a cross-reference in the

Washington Public Employees' Retirement System (PERS) statute to prohibit members of a class one group appointed on or after the effective date of the Act and who receive a stipend or allowance as authorized in the Act from qualifying for service credits under the PERS due to the payment of such stipend or allowances.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is an opportunity to increase community volunteers' ability to share their experiences for the development of state policies. Agencies are not required to provide stipends, it is optional, and the \$200 amount is a ceiling. This is a key step forward to diversify our boards and commissions. The League of Women Voters believes that as much citizen involvement as possible is the best result. Providing a small amount of compensation will allow many who cannot participate now to aid in the development of public policy. As the barriers to participation are reduced, more people can serve on boards and task forces. The best time to influence policy is at the beginning. It is wrong that those with lived experience are the only ones on these boards not being paid. Many people with disabilities or with child care responsibilities cannot participate in work groups, this bill would change that.

(Opposed) None.

Persons Testifying: Joyce Bruce, Office of the Attorney General; Cynthia Stewart, League of Women Voters of Washington; Samantha Fogg, Seattle Council of Parent Teacher Student Association; Sophia Danenberg; and Jessica Renner, Self Advocates in Leadership.

Persons Signed In To Testify But Not Testifying: None.