

SENATE BILL REPORT

SB 5793

As of January 19, 2022

Title: An act relating to stipends for low-income or underrepresented community members of state boards, commissions, councils, committees, and other similar groups.

Brief Description: Concerning stipends for low-income or underrepresented community members of state boards, commissions, councils, committees, and other similar groups.

Sponsors: 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.

Brief Summary of Bill

- Authorizes stipends and reimbursement of other expenses for eligible individuals participating in a group formed by a state office, agency, board, commission or other similar entity.
- Requires the Office of Financial Management to establish model policies for stipends, reimbursements, and compensation for members of part-time groups.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Staff: Melissa Van Gorkom (786-7491)

Background: The Office of Financial Management (OFM) sets allowances for subsistence, lodging, and travel expenses for elective and appointive officials and state employees. Part-time groups are identified as class one through class five for setting any additional compensation or allowances:

- class one includes part-time groups which are established by the executive,

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- legislative, or judicial branch to participate in state government and which functions primarily in an advisory, coordinating, or planning capacity;
- class two groups include agricultural commodity boards or commissions;
 - class three includes part-time 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;
 - class four includes part-time 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 requires service from its members representing significant demand on their time that is normally in excess of 100 hours of meeting time per year; and
 - class five includes part-time 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.

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

Summary of Bill: Agencies, boards, commissions, and other similar groups may provide a stipend, not to exceed \$200, for each day an eligible member attends an official meeting or performs statutorily prescribed duties approved by the chairperson of the group. Allowances for child and adult care reimbursement, lodging, and travel expenses may also be provided to eligible individuals in addition to stipend amounts. Stipends and reimbursements do not count as income or assets when calculating an individual's eligibility for state benefits and do not create an employment relationship with the state.

Unless they are employed by a federal, state, or local government agency and are otherwise receiving compensation from such government for their participation, the following are eligible for stipends:

- any member of a group formed by a state office, agency, board, commission, or other similar entity if they are low income or part of an underrepresented demographic that will be directly or disproportionately impacted by decisions made by the group; and
- individuals with lived experience who are not otherwise compensated for their attendance at meetings to support their participation in class one groups when the

agency determines such participation is desirable to implement principles of equity.

Agencies, boards, commissions and other similar groups must take reasonable measures to ensure the process for seeking and securing stipends is accessible to those who are eligible.

OFM must establish model policies for stipends, reimbursements, and compensation for members of part-time groups. OFM must establish a work group of state agencies to provide feedback and recommendations for the model policies.

The following definitions apply:

- "low-income" means an individual whose income is not more than 400 percent of the federal poverty level, adjusted for family size; and
- "group" means a board, commission, council, committee, or other similar group.

Appropriation: None.

Fiscal Note: Requested on January 10, 2022.

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: 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: 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 Sardinas, 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: No one.