

2SSB 5793 - H COMM AMD

By Committee on Appropriations

ADOPTED 03/03/2022

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that equitable
4 public policy discussions should include individuals directly
5 impacted by that policy. In order to do so, the legislature supports
6 removing barriers to that participation. The legislature finds that
7 asking community members with lower financial means to volunteer
8 their time and expertise while state employees and representatives of
9 advocacy organizations receive compensation from their respective
10 agency or organization for their time and experience ultimately
11 hinders full and open public participation. As a result, the
12 legislature finds that removing financial barriers for those
13 individuals fosters increased access to government and enriches
14 public policy discussions and decisions, ultimately leading to more
15 equitable and sustainable policy outcomes.

16 **Sec. 2.** RCW 43.03.220 and 2011 1st sp.s. c 21 s 55 and 2011 c 5
17 s 902 are each reenacted and amended to read as follows:

18 (1) Any part-time board, commission, council, committee, or other
19 similar group which is established by the executive, legislative, or
20 judicial branch to participate in state government and which
21 functions primarily in an advisory, coordinating, or planning
22 capacity shall be identified as a class one group. Unless otherwise
23 identified in law, all newly formed and existing groups are a class
24 one group.

25 (2) Absent any other provision of law to the contrary, (~~no money~~
26 ~~beyond the customary reimbursement or allowance for expenses may be~~
27 ~~paid by or through the state to members of class one groups for~~
28 ~~attendance at meetings of such groups)) a stipend may be provided to
29 a member of a class one group in accordance with this subsection.~~

30 (a) Subject to available funding, an agency may provide a stipend
31 to individuals who are low income or have lived experience to support

1 their participation in class one groups when the agency determines
2 such participation is desirable in order to implement the principles
3 of equity described in RCW 43.06D.020, provided that the individuals
4 are not otherwise compensated for their attendance at meetings.

5 (b) Stipends shall not exceed \$200 for each day during which the
6 member attends an official meeting or performs statutorily prescribed
7 duties approved by the chairperson of the group.

8 (c) Individuals eligible for stipends under this section are
9 eligible for reasonable allowances for child and adult care
10 reimbursement, lodging, and travel expenses as provided in RCW
11 43.03.050 and 43.03.060 in addition to stipend amounts.

12 (d) Nothing in this subsection creates an employment
13 relationship, or any membership or qualification in any state or
14 other publicly supported retirement system, for this or any other
15 title due to the payment of a stipend, lodging and travel expenses,
16 or child care expenses provided under this section where such a
17 relationship, membership, or qualification did not already exist.

18 (e) As allowable by federal and state law, state agencies will
19 minimize, to the greatest extent possible, the impact of stipends and
20 reimbursements on public assistance eligibility and benefit amounts.

21 (3) ~~((a) No)~~ Except for members who qualify for a stipend under
22 subsection (2) of this section, no person designated as a member of a
23 class one board, commission, council, committee, or similar group may
24 receive an allowance for subsistence, lodging, or travel expenses if
25 the allowance cost is funded by the state general fund. Exceptions
26 may be granted under RCW 43.03.049. Class one groups, when feasible,
27 shall use an alternative means of conducting a meeting that does not
28 require travel while still maximizing member and public participation
29 and may use a meeting format that requires members to be physically
30 present at one location only when necessary or required by law.

31 ~~((b))~~ (4) Class one groups that are funded by sources other
32 than the state general fund are encouraged to reduce travel, lodging,
33 and other costs associated with conducting the business of the group
34 including use of other meeting formats that do not require travel.

35 (5) Agencies exercising their authority to provide stipends and
36 allowances under this section must follow the guidelines established
37 by the office of equity pursuant to section 3 of this act.

38 (6) For purposes of this section:

1 (a) "Lived experience" means direct personal experience in the
2 subject matter being addressed by the board, commission, council,
3 committee, or other similar group.

4 (b) "Low income" means an individual whose income is not more
5 than 400 percent of the federal poverty level, adjusted for family
6 size.

7 NEW SECTION. Sec. 3. A new section is added to chapter 43.03
8 RCW to read as follows:

9 (1) By December 1, 2022, the office of equity shall develop
10 uniform equity-driven guidelines for agencies on the issuance of
11 stipends and allowances authorized under RCW 43.03.220 to provide for
12 consistent application of the law. In developing the guidelines, the
13 office of equity shall consult with stakeholders including, but not
14 limited to, state agencies and impacted communities. The guidelines
15 for providing allowances must include the reasonable allowances as
16 prescribed by the office of financial management under RCW 43.03.050.

17 (2) Agencies exercising their authority under RCW 43.03.220 to
18 provide stipends or allowances to members of class one groups shall
19 adhere to the guidelines established under subsection (1) of this
20 section.

21 **Sec. 4.** RCW 28A.300.802 and 2011 1st sp.s. c 21 s 53 are each
22 amended to read as follows:

23 In addition to any board, commission, council, committee, or
24 other similar group established by statute or executive order, the
25 superintendent of public instruction may appoint advisory groups on
26 subject matters within the superintendent's responsibilities or as
27 may be required by any federal legislation as a condition to the
28 receipt of federal funds by the federal department. The advisory
29 groups shall be constituted as required by federal law or as the
30 superintendent may determine.

31 Members of advisory groups under the authority of the
32 superintendent may be paid their travel expenses in accordance with
33 RCW 43.03.050 and 43.03.060.

34 Except as provided in this section or as authorized by RCW
35 43.03.220, members of advisory groups under the authority of the
36 superintendent are volunteering their services and are not eligible
37 for compensation. A person is eligible to receive compensation in an
38 amount not to exceed one hundred dollars for each day during which

1 the member attends an official meeting of the group or performs
2 statutorily prescribed duties approved by the chairperson of the
3 group if the person (1) occupies a position, normally regarded as
4 full-time in nature, as a certificated employee of a local school
5 district; (2) is participating as part of their employment with the
6 local school district; and (3) the meeting or duties are performed
7 outside the period in which school days as defined by RCW 28A.150.030
8 are conducted. The superintendent may reimburse local school
9 districts for substitute certificated employees to enable members to
10 meet or perform duties on school days. A person is eligible to
11 receive compensation from federal funds in an amount to be determined
12 by personal service contract for groups required by federal law.

13 **Sec. 5.** RCW 43.03.050 and 2011 1st sp.s. c 21 s 61 are each
14 amended to read as follows:

15 (1) The director of financial management shall prescribe
16 reasonable allowances to cover reasonable and necessary subsistence
17 and lodging expenses for elective and appointive officials and state
18 employees while engaged on official business away from their
19 designated posts of duty. The director of financial management may
20 prescribe and regulate the allowances provided in lieu of subsistence
21 and lodging expenses and may prescribe the conditions under which
22 reimbursement for subsistence and lodging may be allowed. The
23 schedule of allowances adopted by the office of financial management
24 may include special allowances for foreign travel and other travel
25 involving higher than usual costs for subsistence and lodging. The
26 allowances established by the director shall not exceed the rates set
27 by the federal government for federal employees. However, during the
28 2003-05 fiscal biennium, the allowances for any county that is part
29 of a metropolitan statistical area, the largest city of which is in
30 another state, shall equal the allowances prescribed for that larger
31 city.

32 (2) Those persons appointed to serve without compensation on any
33 state board, commission, or committee, if entitled to payment of
34 travel expenses, shall be paid pursuant to special per diem rates
35 prescribed in accordance with subsection (1) of this section by the
36 office of financial management.

37 (3) The director of financial management may prescribe reasonable
38 allowances to cover reasonable expenses for meals, coffee, and light
39 refreshment served to elective and appointive officials and state

1 employees regardless of travel status at a meeting where: (a) The
2 purpose of the meeting is to conduct official state business or to
3 provide formal training to state employees or state officials; (b)
4 the meals, coffee, or light refreshment are an integral part of the
5 meeting or training session; (c) the meeting or training session
6 takes place away from the employee's or official's regular workplace;
7 and (d) the agency head or authorized designee approves payments in
8 advance for the meals, coffee, or light refreshment. In order to
9 prevent abuse, the director may regulate such allowances and
10 prescribe additional conditions for claiming the allowances.

11 (4) Upon approval of the agency head or authorized designee, an
12 agency may serve coffee or light refreshments at a meeting where: (a)
13 The purpose of the meeting is to conduct state business or to provide
14 formal training that benefits the state; and (b) the coffee or light
15 refreshment is an integral part of the meeting or training session.
16 The director of financial management shall adopt requirements
17 necessary to prohibit abuse of the authority authorized in this
18 subsection.

19 (5) The director of financial management shall prescribe
20 reasonable allowances to cover reasonable and necessary child and
21 adult care expenses incurred by eligible members of a class one
22 board, commission, council, committee, or similar group, who are
23 authorized under RCW 43.03.220 to receive such allowances, while
24 attending an official meeting or performing statutorily prescribed
25 duties approved by the chairperson of the group.

26 (6) The schedule of allowances prescribed by the director under
27 the terms of this section and any subsequent increases in any maximum
28 allowance or special allowances for areas of higher than usual costs
29 shall be reported to the ways and means committees of the house of
30 representatives and the senate at each regular session of the
31 legislature.

32 ~~((6))~~ (7) No person designated as a member of a class one
33 through class three or class five board, commission, council,
34 committee, or similar group may receive an allowance for subsistence,
35 lodging, or travel expenses if the allowance cost is funded by the
36 state general fund(~~(. Exceptions may be granted)~~), unless authorized
37 under RCW 43.03.220 or granted an exception under RCW 43.03.049.

38 **Sec. 6.** RCW 43.03.060 and 2011 1st sp.s. c 21 s 62 are each
39 amended to read as follows:

1 (1) Whenever it becomes necessary for elective or appointive
2 officials or employees of the state to travel away from their
3 designated posts of duty while engaged on official business, and it
4 is found to be more advantageous or economical to the state that
5 travel be by a privately-owned vehicle rather than a common carrier
6 or a state-owned or operated vehicle, a mileage rate established by
7 the director of financial management shall be allowed. The mileage
8 rate established by the director shall not exceed any rate set by the
9 United States treasury department above which the substantiation
10 requirements specified in Treasury Department Regulations section
11 1.274-5T(a)(1), as now law or hereafter amended, will apply.

12 (2) The director of financial management may prescribe and
13 regulate the specific mileage rate or other allowance for the use of
14 privately-owned vehicles or common carriers on official business and
15 the conditions under which reimbursement of transportation costs may
16 be allowed. The reimbursement or other payment for transportation
17 expenses of any employee or appointive official of the state shall be
18 based on the method deemed most advantageous or economical to the
19 state.

20 (3) The mileage rate established by the director of financial
21 management pursuant to this section and any subsequent changes
22 thereto shall be reported to the ways and means committees of the
23 house of representatives and the senate at each regular session of
24 the legislature.

25 (4) No person designated as a member of a class one through class
26 three or class five board, commission, council, committee, or similar
27 group may receive an allowance for subsistence, lodging, or travel
28 expenses if the allowance cost is funded by the state general fund(~~(-~~
29 ~~Exceptions may be granted)~~), unless authorized under RCW 43.03.220 or
30 granted an exception under RCW 43.03.049.

31 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.03
32 RCW to read as follows:

33 (1) An agency exercising its authority to provide stipends under
34 RCW 43.03.220(2) must report to the Washington state office of equity
35 by August 30, 2023, and August 30, 2024, for state fiscal years 2023
36 and 2024 respectively, the following information:

37 (a) A brief description of the groups for which stipends have
38 been made available including:

39 (i) Number of members receiving a stipend or allowance; and

1 (ii) Aggregate demographic information of members of class one
2 groups including race, ethnicity, income, and geographic
3 representation by county;

4 (b) The amount of stipends distributed;

5 (c) The amount of allowances distributed;

6 (d) An analysis of whether and how the availability of stipends
7 and allowances has reduced barriers to participation and increased
8 the diversity of group participants; and

9 (e) An analysis of whether the provision of stipends and
10 allowances resulted in more applications and willingness to
11 participate.

12 (2) The Washington state office of equity shall:

13 (a) Compile and analyze the information received from agencies
14 under this section; and

15 (b) Prepare a report, in compliance with RCW 43.01.036, to the
16 governor and legislature by December 1, 2024. The report must
17 include:

18 (i) An overall evaluation of the stipend process authorized in
19 RCW 43.03.220(2);

20 (ii) Recommendations for improving the process; and

21 (iii) Recommendations to further decrease barriers to
22 participation and increase the diversity of group applicants.

23 **Sec. 8.** RCW 41.40.035 and 1987 c 146 s 1 are each amended to
24 read as follows:

25 (1) No person appointed to membership on any committee, board, or
26 commission on or after July 1, 1976, who is compensated for service
27 on such committee, board, or commission for fewer than ten days or
28 seventy hours in any month, whichever amount is less, shall receive
29 service credit for such service for that month: PROVIDED, That on and
30 after October 1, 1977, appointive and elective officials who receive
31 monthly compensation earnable from an employer in an amount equal to
32 or less than ninety times the state minimum hourly wage shall not
33 receive any service credit for such employment.

34 (2) No person appointed on or after the effective date of this
35 subsection to membership on any committee, board, or commission
36 described in RCW 43.03.220 may receive service credit for service on
37 such committee, board, or commission due to the payment of a stipend
38 or allowance as authorized under RCW 43.03.220.

1 (3) This section does not apply to any person serving on a
2 committee, board, or commission on June 30, 1976, who continued such
3 service until subsequently appointed by the governor to a different
4 committee, board, or commission."

5 Correct the title.

EFFECT: (1) Clarifies that, other than exceptions that may be granted, a member of a class one group may only receive an allowance funded by the state general fund if they otherwise qualify for a stipend.

(2) Defines "lived experience" as direct personal experience in the subject matter being addressed by the class one group.

(3) Requires the Office of Equity to 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.

(4) Requires agencies exercising its authority to provide stipends and allowances to members of class one groups to adhere to the guidelines established by the Office of Equity.

(5) Requires agencies that provide stipends and allowances to members of class one groups to submit a second report to the Office of Equity, due by August 30, 2024, and requires that the two reports cover data from state fiscal years 2023 and 2024.

(6) Modifies what must be included in the agency reports to the Office of Equity.

(7) Changes the date by which the Office of Equity must report to the Governor and Legislature from August 30, 2024, to December 1, 2024.

(8) Includes a cross-reference in the Washington Public Employees' Retirement System (PERS) statute to prohibit members of a class 1 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.

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