
SECOND SUBSTITUTE SENATE BILL 5793

State of Washington

67th Legislature

2022 Regular Session

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

READ FIRST TIME 02/07/22.

1 AN ACT Relating to allowing compensation for lived experience on
2 boards, commissions, councils, committees, and other similar groups;
3 amending RCW 28A.300.802, 43.03.050, and 43.03.060; reenacting and
4 amending RCW 43.03.220; adding a new section to chapter 43.03 RCW;
5 and creating a new section.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

3 (1) Any part-time board, commission, council, committee, or other
4 similar group which is established by the executive, legislative, or
5 judicial branch to participate in state government and which
6 functions primarily in an advisory, coordinating, or planning
7 capacity shall be identified as a class one group. Unless otherwise
8 identified in law, all newly formed and existing groups are a class
9 one group.

10 (2) Absent any other provision of law to the contrary, no money
11 beyond the customary reimbursement or allowance for expenses may be
12 paid by or through the state to members of class one groups for
13 attendance at meetings of such groups, except as provided in this
14 subsection.

15 (a) Subject to available funding, an agency may provide a stipend
16 to individuals who are low income or have lived experience to support
17 their participation in class one groups when the agency determines
18 such participation is desirable in order to implement the principles
19 of equity described in RCW 43.06D.020, provided that the individuals
20 are not otherwise compensated for their attendance at meetings.

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

24 (c) Individuals eligible for stipends under this section are
25 eligible for reasonable allowances for child and adult care
26 reimbursement, lodging, and travel expenses as provided in RCW
27 43.03.050 and 43.03.060 in addition to stipend amounts.

28 (d) Nothing in this subsection creates an employment
29 relationship, or any membership or qualification in any state or
30 other publicly supported retirement system, for this or any other
31 title due to the payment of a stipend, lodging and travel expenses,
32 or child care expenses provided under this section where such a
33 relationship, membership, or qualification did not already exist.

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

37 ~~(3) ((a) No person designated as a member of a class one board,~~
38 ~~commission, council, committee, or similar group may receive an~~
39 ~~allowance for subsistence, lodging, or travel expenses if the~~
40 ~~allowance cost is funded by the state general fund. Exceptions may be~~

1 ~~granted under RCW 43.03.049.)~~) Class one groups, when feasible, shall
2 use an alternative means of conducting a meeting that does not
3 require travel while still maximizing member and public participation
4 and may use a meeting format that requires members to be physically
5 present at one location only when necessary or required by law.

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

10 (5) For purposes of this section, "low income" means an
11 individual whose income is not more than 400 percent of the federal
12 poverty level, adjusted for family size.

13 **Sec. 3.** RCW 28A.300.802 and 2011 1st sp.s. c 21 s 53 are each
14 amended to read as follows:

15 In addition to any board, commission, council, committee, or
16 other similar group established by statute or executive order, the
17 superintendent of public instruction may appoint advisory groups on
18 subject matters within the superintendent's responsibilities or as
19 may be required by any federal legislation as a condition to the
20 receipt of federal funds by the federal department. The advisory
21 groups shall be constituted as required by federal law or as the
22 superintendent may determine.

23 Members of advisory groups under the authority of the
24 superintendent may be paid their travel expenses in accordance with
25 RCW 43.03.050 and 43.03.060.

26 Except as provided in this section or as authorized by RCW
27 43.03.220, members of advisory groups under the authority of the
28 superintendent are volunteering their services and are not eligible
29 for compensation. A person is eligible to receive compensation in an
30 amount not to exceed one hundred dollars for each day during which
31 the member attends an official meeting of the group or performs
32 statutorily prescribed duties approved by the chairperson of the
33 group if the person (1) occupies a position, normally regarded as
34 full-time in nature, as a certificated employee of a local school
35 district; (2) is participating as part of their employment with the
36 local school district; and (3) the meeting or duties are performed
37 outside the period in which school days as defined by RCW 28A.150.030
38 are conducted. The superintendent may reimburse local school
39 districts for substitute certificated employees to enable members to

1 meet or perform duties on school days. A person is eligible to
2 receive compensation from federal funds in an amount to be determined
3 by personal service contract for groups required by federal law.

4 **Sec. 4.** RCW 43.03.050 and 2011 1st sp.s. c 21 s 61 are each
5 amended to read as follows:

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

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

28 (3) The director of financial management may prescribe reasonable
29 allowances to cover reasonable expenses for meals, coffee, and light
30 refreshment served to elective and appointive officials and state
31 employees regardless of travel status at a meeting where: (a) The
32 purpose of the meeting is to conduct official state business or to
33 provide formal training to state employees or state officials; (b)
34 the meals, coffee, or light refreshment are an integral part of the
35 meeting or training session; (c) the meeting or training session
36 takes place away from the employee's or official's regular workplace;
37 and (d) the agency head or authorized designee approves payments in
38 advance for the meals, coffee, or light refreshment. In order to

1 prevent abuse, the director may regulate such allowances and
2 prescribe additional conditions for claiming the allowances.

3 (4) Upon approval of the agency head or authorized designee, an
4 agency may serve coffee or light refreshments at a meeting where: (a)
5 The purpose of the meeting is to conduct state business or to provide
6 formal training that benefits the state; and (b) the coffee or light
7 refreshment is an integral part of the meeting or training session.
8 The director of financial management shall adopt requirements
9 necessary to prohibit abuse of the authority authorized in this
10 subsection.

11 (5) The director of financial management shall prescribe
12 reasonable allowances to cover reasonable and necessary child and
13 adult care expenses incurred by members of a class one board,
14 commission, council, committee, or similar group while attending an
15 official meeting or performing statutorily prescribed duties approved
16 by the chairperson of the group.

17 (6) The schedule of allowances prescribed by the director under
18 the terms of this section and any subsequent increases in any maximum
19 allowance or special allowances for areas of higher than usual costs
20 shall be reported to the ways and means committees of the house of
21 representatives and the senate at each regular session of the
22 legislature.

23 ~~((+6))~~ (7) No person designated as a member of a class one
24 through class three or class five board, commission, council,
25 committee, or similar group may receive an allowance for subsistence,
26 lodging, or travel expenses if the allowance cost is funded by the
27 state general fund(~~(. Exceptions may be granted)~~), unless authorized
28 under RCW 43.03.220 or granted an exception under RCW 43.03.049.

29 **Sec. 5.** RCW 43.03.060 and 2011 1st sp.s. c 21 s 62 are each
30 amended to read as follows:

31 (1) Whenever it becomes necessary for elective or appointive
32 officials or employees of the state to travel away from their
33 designated posts of duty while engaged on official business, and it
34 is found to be more advantageous or economical to the state that
35 travel be by a privately-owned vehicle rather than a common carrier
36 or a state-owned or operated vehicle, a mileage rate established by
37 the director of financial management shall be allowed. The mileage
38 rate established by the director shall not exceed any rate set by the
39 United States treasury department above which the substantiation

1 requirements specified in Treasury Department Regulations section
2 1.274-5T(a)(1), as now law or hereafter amended, will apply.

3 (2) The director of financial management may prescribe and
4 regulate the specific mileage rate or other allowance for the use of
5 privately-owned vehicles or common carriers on official business and
6 the conditions under which reimbursement of transportation costs may
7 be allowed. The reimbursement or other payment for transportation
8 expenses of any employee or appointive official of the state shall be
9 based on the method deemed most advantageous or economical to the
10 state.

11 (3) The mileage rate established by the director of financial
12 management pursuant to this section and any subsequent changes
13 thereto shall be reported to the ways and means committees of the
14 house of representatives and the senate at each regular session of
15 the legislature.

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

22 NEW SECTION. Sec. 6. A new section is added to chapter 43.03
23 RCW to read as follows:

24 (1) An agency exercising its authority to provide stipends under
25 RCW 43.03.220(2) must report to the Washington state office of equity
26 not later than August 30, 2023, as follows:

27 (a) A brief description of the groups for which stipends have
28 been made available;

29 (b) An accounting of the stipends provided; and

30 (c) An analysis of whether and how the availability of stipends
31 has reduced barriers to participation and increased the diversity of
32 group participants.

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

34 (a) Compile and analyze the information received from agencies
35 under this section;

36 (b) Consult with stakeholder communities; and

37 (c) Prepare a report to the governor and legislature by August
38 30, 2024. The report must include an overall evaluation of the
39 stipend process authorized in RCW 43.03.220(2), recommendations for

1 improving the process, and recommendations to further decrease
2 barriers to participation and increase the diversity of group
3 applicants.

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