

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 5793

67th Legislature
2022 Regular Session

Passed by the Senate March 7, 2022
Yeas 32 Nays 17

President of the Senate

Passed by the House March 3, 2022
Yeas 67 Nays 31

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5793** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5793

AS AMENDED BY THE HOUSE

Passed Legislature - 2022 Regular Session

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, 43.03.060, and 41.40.035;
4 reenacting and amending RCW 43.03.220; adding new sections to chapter
5 43.03 RCW; 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)) a stipend may be provided to
14 a member of a class one group in accordance with this 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~~) Except for members who qualify for a stipend under
38 subsection (2) of this section, no person designated as a member of a
39 class one board, commission, council, committee, or similar group may
40 receive an allowance for subsistence, lodging, or travel expenses if

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

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

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

14 (6) For purposes of this section:

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

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

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

23 (1) By December 1, 2022, the office of equity shall develop
24 uniform equity-driven guidelines for agencies on the issuance of
25 stipends and allowances authorized under RCW 43.03.220 to provide for
26 consistent application of the law. In developing the guidelines, the
27 office of equity shall consult with stakeholders including, but not
28 limited to, state agencies and impacted communities. The guidelines
29 for providing allowances must include the reasonable allowances as
30 prescribed by the office of financial management under RCW 43.03.050.

31 (2) Agencies exercising their authority under RCW 43.03.220 to
32 provide stipends or allowances to members of class one groups shall
33 adhere to the guidelines established under subsection (1) of this
34 section.

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

37 In addition to any board, commission, council, committee, or
38 other similar group established by statute or executive order, the

1 superintendent of public instruction may appoint advisory groups on
2 subject matters within the superintendent's responsibilities or as
3 may be required by any federal legislation as a condition to the
4 receipt of federal funds by the federal department. The advisory
5 groups shall be constituted as required by federal law or as the
6 superintendent may determine.

7 Members of advisory groups under the authority of the
8 superintendent may be paid their travel expenses in accordance with
9 RCW 43.03.050 and 43.03.060.

10 Except as provided in this section or as authorized by RCW
11 43.03.220, members of advisory groups under the authority of the
12 superintendent are volunteering their services and are not eligible
13 for compensation. A person is eligible to receive compensation in an
14 amount not to exceed one hundred dollars for each day during which
15 the member attends an official meeting of the group or performs
16 statutorily prescribed duties approved by the chairperson of the
17 group if the person (1) occupies a position, normally regarded as
18 full-time in nature, as a certificated employee of a local school
19 district; (2) is participating as part of their employment with the
20 local school district; and (3) the meeting or duties are performed
21 outside the period in which school days as defined by RCW 28A.150.030
22 are conducted. The superintendent may reimburse local school
23 districts for substitute certificated employees to enable members to
24 meet or perform duties on school days. A person is eligible to
25 receive compensation from federal funds in an amount to be determined
26 by personal service contract for groups required by federal law.

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

29 (1) The director of financial management shall prescribe
30 reasonable allowances to cover reasonable and necessary subsistence
31 and lodging expenses for elective and appointive officials and state
32 employees while engaged on official business away from their
33 designated posts of duty. The director of financial management may
34 prescribe and regulate the allowances provided in lieu of subsistence
35 and lodging expenses and may prescribe the conditions under which
36 reimbursement for subsistence and lodging may be allowed. The
37 schedule of allowances adopted by the office of financial management
38 may include special allowances for foreign travel and other travel
39 involving higher than usual costs for subsistence and lodging. The

1 allowances established by the director shall not exceed the rates set
2 by the federal government for federal employees. However, during the
3 2003-05 fiscal biennium, the allowances for any county that is part
4 of a metropolitan statistical area, the largest city of which is in
5 another state, shall equal the allowances prescribed for that larger
6 city.

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

12 (3) The director of financial management may prescribe reasonable
13 allowances to cover reasonable expenses for meals, coffee, and light
14 refreshment served to elective and appointive officials and state
15 employees regardless of travel status at a meeting where: (a) The
16 purpose of the meeting is to conduct official state business or to
17 provide formal training to state employees or state officials; (b)
18 the meals, coffee, or light refreshment are an integral part of the
19 meeting or training session; (c) the meeting or training session
20 takes place away from the employee's or official's regular workplace;
21 and (d) the agency head or authorized designee approves payments in
22 advance for the meals, coffee, or light refreshment. In order to
23 prevent abuse, the director may regulate such allowances and
24 prescribe additional conditions for claiming the allowances.

25 (4) Upon approval of the agency head or authorized designee, an
26 agency may serve coffee or light refreshments at a meeting where: (a)
27 The purpose of the meeting is to conduct state business or to provide
28 formal training that benefits the state; and (b) the coffee or light
29 refreshment is an integral part of the meeting or training session.
30 The director of financial management shall adopt requirements
31 necessary to prohibit abuse of the authority authorized in this
32 subsection.

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

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

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

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

15 (1) Whenever it becomes necessary for elective or appointive
16 officials or employees of the state to travel away from their
17 designated posts of duty while engaged on official business, and it
18 is found to be more advantageous or economical to the state that
19 travel be by a privately-owned vehicle rather than a common carrier
20 or a state-owned or operated vehicle, a mileage rate established by
21 the director of financial management shall be allowed. The mileage
22 rate established by the director shall not exceed any rate set by the
23 United States treasury department above which the substantiation
24 requirements specified in Treasury Department Regulations section
25 1.274-5T(a)(1), as now law or hereafter amended, will apply.

26 (2) The director of financial management may prescribe and
27 regulate the specific mileage rate or other allowance for the use of
28 privately-owned vehicles or common carriers on official business and
29 the conditions under which reimbursement of transportation costs may
30 be allowed. The reimbursement or other payment for transportation
31 expenses of any employee or appointive official of the state shall be
32 based on the method deemed most advantageous or economical to the
33 state.

34 (3) The mileage rate established by the director of financial
35 management pursuant to this section and any subsequent changes
36 thereto shall be reported to the ways and means committees of the
37 house of representatives and the senate at each regular session of
38 the legislature.

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

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

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

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

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

16 (ii) Aggregate demographic information of members of class one
17 groups including race, ethnicity, income, and geographic
18 representation by county;

19 (b) The amount of stipends distributed;

20 (c) The amount of allowances distributed;

21 (d) An analysis of whether and how the availability of stipends
22 and allowances has reduced barriers to participation and increased
23 the diversity of group participants; and

24 (e) An analysis of whether the provision of stipends and
25 allowances resulted in more applications and willingness to
26 participate.

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

28 (a) Compile and analyze the information received from agencies
29 under this section; and

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

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

35 (ii) Recommendations for improving the process; and

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

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

3 (1) No person appointed to membership on any committee, board, or
4 commission on or after July 1, 1976, who is compensated for service
5 on such committee, board, or commission for fewer than ten days or
6 seventy hours in any month, whichever amount is less, shall receive
7 service credit for such service for that month: PROVIDED, That on and
8 after October 1, 1977, appointive and elective officials who receive
9 monthly compensation earnable from an employer in an amount equal to
10 or less than ninety times the state minimum hourly wage shall not
11 receive any service credit for such employment.

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

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

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