
SENATE BILL 5485

State of Washington

68th Legislature

2023 Regular Session

By Senators Shewmake, Randall, Lovick, Trudeau, Cleveland, Frame, Hasegawa, Hunt, Keiser, Lias, Lovelett, Nguyen, Nobles, Saldaña, Valdez, and C. Wilson

Read first time 01/20/23. Referred to Committee on State Government & Elections.

1 AN ACT Relating to public employee reimbursement for child and
2 adult dependent care expenses; amending RCW 42.52.160, 43.03.050, and
3 42.24.090; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that access to
6 child care and adult dependent care is critical for allowing parents
7 and other caregivers to actively participate in the workforce, but
8 finding and paying for such care can be a barrier to these employees
9 being able to travel for work. The legislature has worked to reduce
10 the costs of daily child care for families in Washington, but
11 reimbursable expenses for work-related travel, such as plane tickets,
12 mileage, lodging, and meals, often do not include care-related
13 necessities, such as infant child care during the day for a parent
14 attending a conference or additional evening care for a parent who
15 spends a night away because of work-related travel. These barriers
16 can make it expensive for parents and caretakers to travel for work,
17 which can limit their promotion and advancement opportunities.
18 Furthermore, the legislature finds that child care and other
19 dependent care challenges are a barrier that disproportionately
20 impacts women, which has the potential to further exacerbate existing

1 wage gaps and limit upward economic mobility for women, particularly
2 for women of color.

3 (2) The legislature finds that under current law, public
4 employees may be reimbursed for child care and adult dependent care
5 expenses incurred as a result of official travel for work purposes.
6 However, the legislature also believes that it would be helpful to
7 clarify the law to ensure that all government employers in Washington
8 understand that such reimbursements are permissible and do not
9 violate the ethics act.

10 **Sec. 2.** RCW 42.52.160 and 2022 c 37 s 2 are each amended to read
11 as follows:

12 (1) No state officer or state employee may employ or use any
13 person, money, or property under the officer's or employee's official
14 control or direction, or in his or her official custody, for the
15 private benefit or gain of the officer, employee, or another.

16 (2) This section does not prohibit the use of public resources to
17 benefit others as part of a state officer's or state employee's
18 official duties. It is not a violation of this section for a
19 legislator or an appropriate legislative staff designee to engage in
20 activities listed under RCW 42.52.070(2).

21 (3) This section does not prohibit de minimis use of state
22 facilities to provide employees with information about (a) medical,
23 surgical, and hospital care; (b) life insurance or accident and
24 health disability insurance; or (c) individual retirement accounts,
25 by any person, firm, or corporation administering such program as
26 part of authorized payroll deductions pursuant to RCW 41.04.020.

27 (4) As used in this section, "private benefit or gain" does not
28 include the payment of or reimbursement for reasonable and necessary
29 travel and subsistence expenses, including child care or adult
30 dependent care expenses, for elected and appointed officials and
31 state employees while engaged on official business away from their
32 designated posts of duty.

33 (5) The appropriate ethics boards may adopt rules providing
34 exceptions to this section for occasional use of the state officer or
35 state employee, of de minimis cost and value, if the activity does
36 not result in interference with the proper performance of public
37 duties.

1 **Sec. 3.** RCW 43.03.050 and 2022 c 245 s 5 are each amended to
2 read as follows:

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

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

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

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

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

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

28 **Sec. 4.** RCW 42.24.090 and 1995 c 301 s 73 are each amended to
29 read as follows:

30 (1)(a) No claim for reimbursement of any expenditures by officers
31 or employees of any municipal corporation or political subdivision of
32 the state for transportation, lodging, meals or any other purpose
33 shall be allowed by any officer, employee or board charged with
34 auditing accounts unless the same shall be presented in a detailed
35 account (~~(: PROVIDED, That, unless)~~), except as provided in this
36 section.

37 (b) Unless otherwise authorized by law, the legislative body of
38 any municipal corporation or political subdivision of the state may
39 prescribe by ordinance or resolution the amounts to be paid officers

1 or employees thereof as reimbursement for the use of their personal
2 automobiles or other transportation equipment in connection with
3 officially assigned duties and other travel for approved public
4 purposes, or as reimbursement to such officers or employees in lieu
5 of actual expenses incurred for lodging, meals or other purposes. The
6 rates for such reimbursements may be computed on a mileage, hourly,
7 per diem, monthly, or other basis as the respective legislative
8 bodies shall determine to be proper in each instance(~~(: PROVIDED,~~
9 ~~That in))~~).

10 (c) In lieu of such reimbursements, payments for the use of
11 personal automobiles for official travel may be established if the
12 legislative body determines that these payments would be less costly
13 to the municipal corporation or political subdivision of the state
14 than providing automobiles for official travel.

15 (2) Whenever an officer or employee is entitled to the payment of
16 or reimbursement for travel expenses, the municipal corporation or
17 political subdivision of the state may also provide reimbursement for
18 reasonable and necessary expenses incurred for child care or adult
19 dependent care that would not be necessary if the person was working
20 from the person's designated post of duty.

21 (3) All claims authorized under this section shall be duly
22 certified by the officer or employee submitting such claims on forms
23 and in the manner prescribed by the state auditor.

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