

DCU Opinion Number O-00-1

Date: March 31, 2000

From: Parker Cann, Director

Subject: “Spouses” as Used in RCW 31.12.365(2) includes Spousal Equivalents such as Domestic Partners

Issue

The question has arisen whether the term “spouses” as used in RCW 31.12.365(2) is limited to individuals that are legally married or whether it also includes spousal equivalents such as domestic partners. RCW 31.12.365(2) states:

Directors and members of committees may receive reimbursement for reasonable expenses incurred on behalf of themselves and their spouses in the performance of the director’s and committee members’ duties.

The broader definition would allow credit unions to reimburse credit union directors and committee members for expenses incurred on behalf of themselves and their spouse (including domestic partners) in the performance of their duties as directors or committee members. The term “spouse” was added to this section in 1997. Washington Laws of 1997, Chapter 397, Section 25.

Analysis

The term “spouse” is not defined in Chapter 31.12 RCW. The dictionary defines spouse as “a marriage partner,” connoting a legal marriage. Webster’s II New College Dictionary, 1995. However, having been directly involved in the drafting of Chapter 397, I believe that one of the objects of the bill was to update Chapter 31.12 RCW to conform with then current credit union practices. I have been told that, prior to the time the bill was drafted, some credit unions routinely reimbursed directors/committee members for expenses incurred by them and their domestic partners in performance of the director’s/committee member’s duties. We are aware of no compelling policy reason why the term spouse in this context should not include spousal equivalents such as domestic partners.

Conclusion

As used in RCW 31.12.365(2), the term “spouse” includes (1) legally married spouses; and (2) spousal equivalents such as domestic partners. If inclined to do so, credit unions may reimburse directors and committee members for expenses incurred by them and their legally married spouses and spousal equivalents in the performance of their duties as directors/committee members. In such instance, we will leave it up to each credit union to reasonably define “spousal equivalent.”