

# SENATE BILL REPORT

## SHB 1319

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As Reported by Senate Committee On:  
Early Learning & K-12 Education, March 27, 2009

**Title:** An act relating to the application of certain ethics provisions to school district employees.

**Brief Description:** Prohibiting school district employees from using public assets for private gain.

**Sponsors:** House Committee on Education (originally sponsored by Representatives Sullivan, Anderson, Miloscia, Dammeier, Hunt, Armstrong, Priest, Orwall, Morrell, Kenney, Simpson and Kelley).

**Brief History:** Passed House: 3/03/09, 97-0.

**Committee Activity:** Early Learning & K-12 Education: 3/19/09, 3/27/09 [DP].

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** Do pass.

Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King, Ranking Minority Member; Brandland, Hobbs, Jarrett, McDermott, Roach and Tom.

**Staff:** Susan Mielke (786-7422)

**Background:** The Ethics in Public Service law prohibits state officers and employees from using state property under their official control or direction for their own, or another's, private benefit or gain. The law defines a "state officer" as a person holding a position of public trust in or under an executive, legislative, or judicial office of the state; and a "state employee" as an individual employed by an agency in any branch of state government. The ethics boards for each of the three branches of state government are authorized to adopt rules providing exceptions for occasional use, of de minimis cost and value, if the activity does not result in interference with the proper performance of public duties.

Use of public resources to benefit others as part of the employee's or officer's "official duties" is not prohibited. The law defines "official duty" as "those duties within the specific scope of employment of the state officer or state employee as defined by the officer's or employee's agency, by statute, or the State Constitution."

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

School district employees are not "state employees" as the term is defined in the Ethics in Public Service law.

**Summary of Bill:** Provisions, similar to the Ethics in Public Service law, are enacted addressing school district employees.

School district employees are prohibited from using property, money, or persons under their official control, direction, or custody, without authorization, for their own, or another's, private benefit or gain. Each school district board of directors may adopt policies permitting occasional use, of de minimis cost and value, if the activity does not interfere with the proper performance of public duties.

The use of public resources to benefit others as part of the employee's official duties is not prohibited. "Official duty" is not defined.

The Office of the Superintendent of Public Instruction is directed to adopt disciplinary guidelines for violations of the law.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on March 11, 2009.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill is intended to exactly replicate the law that prohibits state employees from benefiting from use of state property, only it addresses school employees. This bill arose because on at least one occasion a school employee held an event at a school without the knowledge of the district and without any authorization from the district. The employee charged admission to the event and kept the money. There should be a clear prohibition on such behavior. This bill will provide that clarity. There should be no reason for the agency to estimate such a large cost in the fiscal note for developing disciplinary guidelines for violations of the law.

**Persons Testifying:** PRO: David Westberg, AFL-CIO Joint Council of Stationary Engineers.