

SENATE BILL REPORT

SB 5854

As of January 25, 2022

Title: An act relating to ethical performance of faculty duties.

Brief Description: Concerning ethical performance of faculty duties.

Sponsors: Senators Randall, Hunt, Lovick, Nobles and Wilson, C..

Brief History:

Committee Activity: Higher Education & Workforce Development: 1/20/22 [w/oRec-SGE].

State Government & Elections: 1/26/22.

Brief Summary of Bill

- Allows higher education institutions to set administrative processes for activities constituting private uses of state resources at more than de minimis costs to the institution, but which are required as part of a faculty member or research employee's job requirements.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Staff: Samuel Brown (786-7470)

Background: Ethics Act. The Ethics in Public Service Act (Ethics Act) prohibits state officers and state employees from using their public employment for personal gain or private advantage, or creating the appearance of such impropriety. Prohibited activities under the Ethics Act include:

- having financial interests or engaging in business activity that conflicts with the proper discharge of official duties;
- using public resources for private gain;
- receiving gifts or outside compensation for official duties; and
- using one's position to secure special privileges or exemptions for oneself or others,

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except as required to perform duties within the scope of employment.

Research Employees. To encourage scientific research, public universities may develop administrative processes for research employees that apply in place of the obligations imposed by the Ethics Act.

Administrative processes regarding financial interests in transactions, compensation for official duties or nonperformance, honoraria, and gifts must be consistent with federal standards for objectivity in research. Administrative processes regarding the use of state resources for private gain must include a reasonable determination of acceptable private uses having de minimis costs to the university and a method for establishing reimbursement charges for more than de minimis private uses.

Summary of Bill: Public universities and the State Board for Community and Technical Colleges may develop administrative processes for faculty that apply in place of the Ethics Act's prohibition on the use of state resources for private gain. The administrative processes must identify acceptable private uses having more de minimis costs to the institution which must be performed as a part of the faculty member's job requirements, such as publishing scholarship.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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