

1 **2SHB 2845 - H AMDS 908 ADOPTED 2-13-98**

2 By Representative Constantine

3 On page 3, after line 33, insert (4) This chapter does not apply  
4 to persons subject to the jurisdiction of chapter 42.52 RCW.-

5 On page 8, after line 19, insert:

6 NEW SECTION. **Sec. 12.** A new section is added to chapter 42.52  
7 RCW to read as follows:

8 (1) No state officer or state employee may:

9 (a) Knowingly present or cause to be presented to an agency a  
10 false claim for payment or approval;

11 (b) Knowingly make, use, or cause to be made or used, a false  
12 record or statement to get a false claim paid or approved;

13 (c) Conspire to get a false claim allowed or paid;

14 (d) Have in their possession, custody, or control property or  
15 money used, or to be used, by an agency and knowingly deliver, or cause  
16 to be delivered, less property than the amount for which the person  
17 received a certificate or receipt;

18 (e) Authorize to make or deliver a document certifying receipt of  
19 property used, or to be used, by an agency and make or deliver the  
20 receipt knowing that material information on the receipt is false;

21 (f) Knowingly buy, or receive as security for an obligation or  
22 debt, public property from an officer or employee of an agency, who  
23 lawfully may not sell or pledge the property; or

24 (g) Knowingly make, use, or cause to be made or used a false  
25 record or statement to conceal, avoid, or decrease an obligation to pay  
26 or transmit property to an agency.

27 (2) For the purposes of this section:

28 (a) "Claim" means a request or demand, whether under a contract or  
29 otherwise, for money or property which is made to a government employee  
30 or official, contractor, grantee, or other recipient if a governmental  
31 entity provides any portion of the money or property which is requested  
32 or demanded, or if a governmental entity will reimburse such employee,  
33 official, contractor, grantee, or other recipient for any portion of  
34 the money or property which is requested or demanded.

1 (b) "False claim" means any claim that contains or is based upon  
2 a materially incorrect fact, statement, representation, or record. (c)  
3 "Knowing" and "knowingly" mean that a person, with respect to  
4 information, and with or without specific intent to defraud:

5 (i) Has actual knowledge of the information; or

6 (ii) Acts in deliberate ignorance of or in reckless disregard of  
7 the truth or falsity of the information.

8 (3) As to state officers and employees, this section operates to  
9 the exclusion of sections 1 through 11 of this act.-

10 Renumber the remaining sections consecutively and correct the title.

**EFFECT:** Makes submission of a false claim by a state officer or  
employee a violation of the State Ethics Act subject to the  
jurisdiction of the state ethics boards, and the commission on  
judicial conduct