

# SENATE BILL REPORT

## SB 6570

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As Reported By Senate Committee On:  
Government Operations & Elections, January 28, 2008

**Title:** An act relating to private businesses in state-owned housing provided under Title 77 RCW or chapter 79A.05 RCW.

**Brief Description:** Regarding private business activities in state-owned housing provided by the department of fish and wildlife or the parks and recreation commission.

**Sponsors:** Senators Fairley, Roach, Benton and Oemig; by request of Parks and Recreation Commission.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 1/24/08, 1/28/08 [DPS].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 6570 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Kline, McDermott, Pridemore and Swecker.

**Staff:** Cindy Calderon (786-7784)

**Background:** All state employees are bound by state ethics outlined in the Public Service Act (the Act). The Act addresses conflicts of interest, improper use of state resources, compensation for outside activities, gifts, and creates the executive ethics board (Board). The Board is composed of five members. The Board enforces the law, promulgates interpretive rules, adopts rules and policies governing the conduct of business by the Board, and provides advisory opinions.

State officers and state employees may not use any person, money, or property under their official control or direction for the private benefit or gain of the officer, employee, or another. State officers and state employees may not use his or her position to secure special privileges for himself or herself, or his or her spouse.

**Summary of Bill (Recommended Substitute):** The Department of Fish and Wildlife (Department) and the Parks and Recreation Commission (Commission) are authorized to approve private business activity in state-owned housing for off-duty employees and their spouses. The Department and the Commission are required to adopt a private business activity policy subject to approval by the Board. The policy may only authorize private business

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activities by the resident state employee while the employee is off duty or the employee's spouse who is approved for residency.

Activity may not negatively impact agency operations. Private business activity is defined as those activities that do not negatively impact the agency's operation. Negative impacts include, but is not limited to: negative impacts to visitors' services or access; in-person visits to state-owned housing for the purposes of transacting business; the incurrence of additional expenses by the state; and an appearance of state endorsement of the private business activity.

**EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Recommended Substitute):** Changed the fish and wildlife commission to the Department of the Fish and Wildlife with respect to requiring the agency to adopt a private business activity policy.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

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

**Staff Summary of Public Testimony on Original Bill:** PRO: We ask you to support this bill. This is an agency request bill approved by the governor's office. It asks for a change in state law to provide a reasonable normalcy for persons and their families who reside in agency housing. We have over 200 houses that employees live in. This bill offers them normal freedoms and also constrains and limits us to best business practices in our agency. The federation does not think it should be a violation if something is sold on e-bay using their own personal computer within their own residence or if they use their own personal cell phone within their personal residence to book a photography date to photograph a wedding. There are a number of limitations built into this bill; the Federation believes the series of hoops to jump through will sufficiently limit business activity and allow employees and spouses to engage in what is often just hobbies. Passage of this bill will not result in store-fronts popping up in our state parks. This bill gives the opportunity for employees and spouses to supplement their income without fear of violating the state law and agency policy. Many of our parks are in rural areas and that makes it hard to find employment outside of the home. Computer based businesses and hobby based businesses allows our employees to save for retirement, send their kids to college, and maintain an adequate lifestyle.

**Persons Testifying:** PRO: Rex Derr, Washington State Parks; Ron Warren, Washington Department of Fish and Wildlife; Alia Griffins, Don Hall, Washington Federation of State Employees.