

HOUSE BILL REPORT

ESSB 5785

As Reported by House Committee On:
State Government

Title: An act relating to the definition of official duties of state officers.

Brief Description: Revising the definition of official duties of state officers.

Sponsors: Senate Committee on Government Operations & Security (originally sponsored by Senators Rivers, Nelson, Danel, Hatfield, Pearson, Fain, Liias and Hobbs).

Brief History:

Committee Activity:

State Government: 3/24/15, 4/1/15 [DPA].

**Brief Summary of Engrossed Substitute Bill
(As Amended by Committee)**

- Changes the definition in the Ethics in Public Employment Act of official duties related to a state elected officer.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass as amended. Signed by 4 members: Representatives S. Hunt, Chair; Bergquist, Vice Chair; Appleton and Gregory.

Minority Report: Do not pass. Signed by 3 members: Representatives Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Hawkins.

Staff: Sean Flynn (786-7124).

Background:

The Legislature enacted the state Ethics in Public Employment Act (Ethics Act) in 1994. The Ethics Act is governed by three bodies: the Executive Ethics Board, the Legislative Ethics Board, and the Commission on Judicial Conduct, that have authority over the state officers and employees within each respective governmental branch.

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.

The Ethics Act generally prohibits state officers and employees from having a financial or other interest, such as engaging in a business, transaction, professional activity, or incurring an obligation that conflicts with the official duties of the officer or employee. The Ethics Act also limits the kind of gifts state officers and employees may receive, and prohibits the use of public resources for private gain of the officer or employee.

The Ethics Act defines a state officer or employee's official duties as those within the specific scope of employment as defined by the officer or employee's agency, by statute, or by the state Constitution. A state employee is anyone employed by an agency in any branch of government, except the superior courts. A state officer means any person holding a position of public trust in an office in any branch of government including: judges; legislators; executive branch elected officers; chief executive officers; members of boards; and commissions with certain governmental authority.

Summary of Amended Bill:

The definition of official duties for state elected officers is changed in the Ethics Act to mean the duties prescribed in the state Constitution or statute, agency rules, authority or responsibility funded or mandated by the Legislature, activities described in an agency's publically released strategic plan or similar document, and tasks or actions directly related to the officer's other official duties.

Amended Bill Compared to Engrossed Substitute Bill:

The amended bill adds activities described in an agency's publically released strategic plan or similar document within the meaning of official duties of a state elected official.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill will maintain transparency and accountability in state government. State officers perform official duties that are not specifically included in statute. These duties are confirmed by legislative and executive approval in proposed budgets. Working on boards or commissions should be included in the official duties of elected officials, even though such work is not authorized in statute.

Elected officials should be able to use their positions to go beyond the narrowly defined statutory authority in order to reach out to assist others and to make a difference. This bill

would eliminate arbitrary distinctions in the work of an elected official and encourages them to go above and beyond in their jobs as state leaders.

(Opposed) None.

Persons Testifying: Senator Rivers, prime sponsor; and Brad Owen, Lieutenant Governor.

Persons Signed In To Testify But Not Testifying: None.