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SENATE BILL 6104

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State of Washington

65th Legislature

2018 Regular Session

By Senators Ranker, Carlyle, Wellman, Palumbo, Keiser, Nelson, Rolfes, McCoy, Kuderer, and Hasegawa

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1 AN ACT Relating to defending scientific information and research;  
2 adding a new section to chapter 18.235 RCW; adding a new section to  
3 chapter 43.21A RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds and declares the  
6 following:

7 (1) Current law does not provide adequate guidance and clarity  
8 for persons employed by, or representing, governmental organizations  
9 to determine the circumstances under which they may properly seek to  
10 protect the public interest by reporting improper governmental  
11 activity to appropriate enforcement, regulatory, or oversight bodies.

12 (2) There are new efforts underway to limit the freedom of  
13 scientists and other professionals working for the federal government  
14 to report improper government activity, as well as to restrict or  
15 prohibit their freedom to publish scientific information and to  
16 freely associate with other parties.

17 (3) The purposes of sections 2 and 3 of this act are, to the  
18 maximum extent feasible under state law, to ensure that scientists  
19 and other professionals working for the federal government may report  
20 improper governmental activity and to continue to make scientific and

1 other information open to the public without fear of losing their  
2 professional licenses or credentials.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.235  
4 RCW to read as follows:

5 (1) The definitions in this subsection apply throughout this  
6 section unless the context clearly requires otherwise:

7 (a) "Employee" means a person on the payroll of any federal  
8 agency, the state, its subdivisions, special districts, the governing  
9 boards of the state universities, the regional universities, The  
10 Evergreen State College, and the community and technical colleges, or  
11 any other tax-financed entity who works in environmental sciences or  
12 fields related to climate change.

13 (b) "Improper governmental activity" means conduct by a  
14 governmental organization or by its agent that meets one or more of  
15 the following actions:

16 (i) It constitutes the use of the organization's official  
17 authority or influence by the agent to commit a crime, fraud, or  
18 other serious and willful violation of law;

19 (ii) It involves the agent's willful misuse of public funds,  
20 willful breach of fiduciary duty, or willful or corrupt misconduct in  
21 office; or

22 (iii) It involves the agent's willful omission to perform his or  
23 her official duty.

24 (c) "Scientific or technical research" means the results of  
25 scientific activities related to environmental sciences or climate  
26 change including, but not limited to, the analysis, synthesis,  
27 compilation, or translation of scientific information and data into  
28 formats used in official decision-making processes or publications.

29 (2) A licensing entity may not take disciplinary action,  
30 including disbarment, suspension, loss of credential, registration,  
31 or other professional privilege, against a public employee or  
32 employee of a governmental contractor, subcontractor, or grantee in  
33 connection with actions taken by that person to:

34 (a) Report improper governmental activity, provided that the  
35 person takes one of the following actions:

36 (i) Urges reconsideration of the matter while explaining its  
37 likely consequences to the organization;

38 (ii) Refers the matter to a higher authority in the organization,  
39 including, if warranted by the seriousness of the matter, referral to

1 the highest internal authority that can act on behalf of the  
2 organization; or

3 (iii) Refers the matter to the law enforcement agency charged  
4 with responsibility over the matter or to any other governmental  
5 agency or official charged with overseeing or regulating the matter  
6 if all of the following have occurred:

7 (A) The person has taken both actions described in (a)(i) and  
8 (ii) of this subsection without the matter being resolved;

9 (B) The person reasonably believes that the highest internal  
10 authority that can act on behalf of the organization has already,  
11 directly or indirectly, participated in the improper governmental  
12 activity;

13 (C) The referral is warranted by the seriousness of the  
14 circumstances and is not otherwise prohibited by law; and

15 (D) Further action is required in order to prevent or rectify  
16 substantial harm to public health, safety, the environment, or the  
17 public interest or to the governmental organization resulting from  
18 the improper governmental activity; or

19 (b) Communicate the results of or information about scientific or  
20 technical research in a scientific or a public forum or with the  
21 media.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.21A  
23 RCW to read as follows:

24 The director shall ensure that all scientific information and  
25 other data relating to environmental quality and climate change that  
26 is otherwise in the public domain is protected against censorship or  
27 destruction by the federal government.

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