

HOUSE BILL REPORT

ESB 5513

As Reported by House Committee On:
State Government & Tribal Affairs

Title: An act relating to establishing a state government efficiency hotline.

Brief Description: Establishing a state government efficiency hotline.

Sponsors: Senators Kilmer, Holmquist, Hobbs, Marr, Oemig, Hatfield, McAuliffe and Rasmussen.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 3/23/07, 3/27/07 [DP].

Brief Summary of Engrossed Bill

- Requires the State Auditor to establish a state government efficiency hotline.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 9 members: Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green, Kretz, McDermott, Miloscia and Ormsby.

Staff: Colleen Kerr (786-7168).

Background:

The State Auditor (Auditor) is statutorily required to investigate improper governmental activity under the State Employee Whistleblower Protection Act (Act). Under this Act, state employees are encouraged to report suspected improper governmental action. Improper governmental action is defined as any action by an employee undertaken in the performance of the employee's official duties which is:

- a gross waste of public funds or resources;
- in violation of federal or state law or rule, if the violation is not merely technical or of a minimum nature; or
- of substantial and specific danger to the public health or safety.

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 Auditor operates the Washington State Whistleblower Program (Program) in fulfillment of its duties under the Act. Through the Program any state employee, including temporary employees, and certain local government employees may report suspected improper governmental action by completing the form provided by the Auditor or by writing a letter; each allegation of improper government action must be noted separately. Pursuant to statute, the Auditor is then authorized to determine whether to investigate. In making this evaluation, there is a five-step investigative process: intake, preliminary investigation, full investigation, draft and final report, and plan of resolution.

The Auditor also operates the Constituent Referral Program. Citizens who observe what they believe to be illegal or inappropriate activities by government employees or agencies may report those activities through a general 1-800 phone number or to file a complaint through the Auditor's web page. Under statute, the Auditor is authorized to examine and report on financial statements and legal compliance as it relates to financial matters. The audit process is designed to determine whether government entities are properly reporting to the public the amount of revenue they are receiving and expenditures they are making. If there is a determination that an issue is audit-related, it will be referred to an audit team for examination. If the complaint is not within the Auditor's statutory jurisdiction, the Auditor will provide assistance in contacting the appropriate agency.

Summary of Bill:

Within existing funds, the State Auditor (Auditor) must establish a toll-free telephone line for public employees and members of the public to recommend measures to improve efficiency in state and local government and to report waste, inefficiency, abuse, efficiency or outstanding achievement by state and local agencies, public employees, or persons under contract with state and local agencies.

The State Auditor is required to:

- prepare and make available information explaining the purpose of the hotline;
- designate staff to be responsible for processing the recommendations from the hotline;
- conduct an initial review of each recommendation;
- decide which recommendations require further examination;
- prepare a written determination of the results of the investigation;
- make public the conclusions of this determination and distribute the conclusions to the affected agencies; and
- provide an annual overview and update of hotline investigations to the appropriate legislative committees.

The identity of the person making the recommendation is confidential, unless that person signs a written waiver or until the investigation is complete. All documents related to the report and investigation must also be kept confidential until the completion of the investigation.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Everyone in this state participates as a citizen and a consumer and it is important to constantly receive feedback, but difficult to find the best avenue to do so. At last years National Conference of State Legislators, Oregon discussed its citizen hotline as an efficiency and accountability best practice. Last year this bill passed the House and died on the Senate calendar.

The State Auditor supports this bill. It would provide an important tool in implementing the objectives of I-900 and undertaking performance audits.

(Opposed) None.

Persons Testifying: Senator Kilmer, prime sponsor; and Linda Long, Office of the State Auditor.

Persons Signed In To Testify But Not Testifying: None.