

SENATE BILL REPORT

SB 5504

As Reported by Senate Committee On:
Governmental Operations, February 19, 2013

Title: An act relating to requiring that a state employee be truthful when providing information.

Brief Description: Requiring state employees to be truthful when providing employment-related information.

Sponsors: Senators Roach, Padden, Fain and Tom.

Brief History:

Committee Activity: Governmental Operations: 2/19/13 [DP].

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: Do pass.

Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

Staff: Karen Epps (786-7424)

Background: In 1993, the Legislature created the Commission on Ethics in Government and Campaign Practices (Commission). The Commission issued a detailed report recommending enactment of new ethics rules governing state officials and state employees, as well as numerous changes to the Public Disclosure Act and to other laws dealing with political campaigns. The Commission recommended that new or revised ethics rules be adopted; the new rules be consolidated into a single code of ethics; the new code apply to all state officials and employees of the executive, legislative, and judicial branches of state government; and each branch have its own ethics commission that would hear and determine complaints, impose sanctions, recommend disciplinary action, and issue advisory opinions.

In response to the Commission's recommendation, the Legislature enacted the Ethics in Public Service Act in 1994. The law established new and revised ethics rules; consolidated ethics rules in a single RCW chapter; and applied the new chapter to all state officials and employees of the executive, legislative, and judicial branches of state government. New ethics boards in the executive and legislative branches were created and the authority of the Commission on Judicial Conduct was expanded. Each of these entities, as well as the Attorney General, have broad powers to enforce the ethics chapter.

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 Executive Ethics Board is composed of five members, each appointed by the Governor. The members must include the following: one classified civil service employee; one state officer or state employee in an exempt position; one citizen selected from a list of three persons submitted by the Attorney General; one citizen selected from a list of three persons submitted by the State Auditor; and one citizen member selected by the Governor. Members serve a single five-year term. No more than three members may be identified with the same political party. The members would elect a chair who could be any member of the board. The Attorney General provides staff to the board.

The Legislative Ethics Board is composed of nine members: two senators, one from each caucus, appointed by the President of the Senate; two representatives, one from each caucus, appointed by the Speaker of the House of Representatives serve on the Board; and five citizen members. Four citizen members are selected by the Governor, one each from a list of three individuals submitted by each of the four legislative caucuses. One citizen member is selected by the three Governor-appointed members of the Board. Legislative members serve two-year terms, and citizen members serve four-year terms.

Washington law states that all commissioned, appointed, and elected law enforcement personnel must comply with their oath of office and agency policies regarding the duty to be truthful and honest in the conduct of their official duties.

Summary of Bill: State employees must be truthful and forthright when providing information or answering questions related to the scope of their employment, the performance of their duties, and the operations of the agency at which the state employee is employed. State employees must be truthful when providing information of any kind. A state employee that violates these provisions is subject to disciplinary action under the Ethics in Public Service Act.

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: PRO: The language in this bill comes the State Patrol's manual. If an officer lies, they lose their job. An officer is no good in a court room if they are a liar. God gave us a commandment that says, "thou shalt not bear false witness," and it should be the standard for everyone, including state employees. This bill requires all state employees to be truthful and forthright when providing information or answering questions related to the scope of their employment. The lying in state government needs to stop. There needs to be a higher standard of veracity in state government. As public servants, state employees are serving others and state employees cannot do that when they inject lies.

Persons Testifying: PRO: Senator Roach, prime sponsor.