

---

**State Government & Tribal Relations  
Committee**

---

**HB 2057**

**Brief Description:** Concerning special privileges.

**Sponsors:** Representatives Harris, Ybarra, Wilcox, Jenkins, Eslick, DeBolt, Graham, Chambers, Maycumber, Hoff, Irwin, Schmick, Mosbrucker, Corry, Gildon, Caldier, Dye, Rude, Barkis, Orcutt, Goehner, Volz, Smith, Chopp, Stokesbary, Griffey, Kretz, Dufault, Steele, Bergquist, Shewmake, Van Werven, Thai, Doglio, Leavitt and Pollet.

**Brief Summary of Bill**

- Creates a definition for special privileges under the Ethics in Public Service Act as including, without limitation, securing or seeking to secure unwanted or unwelcome romantic, personal, or sexual attention or favors from staff or any other person.

**Hearing Date:** 2/20/19

**Staff:** Jason Zolle (786-7124).

**Background:**

The Ethics in Public Service Act (Ethics Act) prohibits state officers and state employees from using their public employment for personal gain or private advantage, or at least creating the appearance of such impropriety. Some prohibited activities include:

- having financial interests or engaging in business activity that conflicts with the proper discharge of official duties;
- using public resources for private gain;
- receiving gifts or outside compensation for official duties;
- receiving compensation for certain activity outside one's official duties;
- using public resources for private benefit or political campaigns; and
- using one's position to secure special privileges or exemptions for oneself or others, except as required to perform duties within the scope of employment.

---

*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 is enforced by the state ethics boards. Any person may initiate a complaint, and state employees who file complaints have whistleblower protections. Each branch of government has its own board that investigates, conducts hearings, and—if necessary—issues civil sanctions for its respective employees' violations of these ethics rules. The Attorney General may investigate persons not under the jurisdiction of an ethics board who were involved in unlawful transactions.

The Legislative Ethics Board has found violations of the special privileges provision in the following circumstances:

- a legislator employed as an attorney wrote to private clients and appeared to offer special access to legislators;
- a legislator solicited tickets to a sporting event from lobbyists in a campaign mailer;
- a legislator pressured an agency to take action favorable to a private business owned by family members; and
- a legislator used his position to advocate for a friend involved in a private dispute.

In January 2019 the Legislative Ethics Board issued an opinion that concluded that engaging in inappropriate and harassing communications with a staff person does not constitute using one's position to secure special privileges under the Ethics Act.

State agencies are required to develop and disseminate their own policies to define and prohibit sexual harassment in the workplace. Agencies must also include procedures that describe how the agency will address concerns, including appropriate sanctions and disciplinary action. Employees must also receive training and education to prevent and eliminate sexual harassment. Although the Legislature is not subject to that requirement, each chamber has a policy for respectful or appropriate workplace behavior that prohibits discrimination and harassment based on a person's protected status, abusive or offensive behavior and bullying regardless of the basis for the conduct, and retaliation.

**Summary of Bill:**

A definition of "special privileges" under the Ethics Act is created. Special privileges is defined as including, without limitation, securing or seeking to secure unwanted or unwelcome romantic, personal, or sexual attention or favors from staff or any other person.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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