

# SENATE BILL REPORT

## SB 5119

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As Reported By Senate Committee On:  
Government Operations & Elections, February 10, 2005

**Title:** An act relating to requiring a review of the local government whistleblower program.

**Brief Description:** Requiring a review of the local government whistleblower program.

**Sponsors:** Senators Parlette, Roach, Mulliken, Honeyford, Johnson, Carrell, Stevens, Oke, Deccio, Schoesler and Berkey.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 1/24/05, 2/10/05 [DPS-WM].  
Ways & Means: 3/1/05.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 5119 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Roach, Ranking Minority Member; Kline, Mulliken and Pridemore.

**Staff:** Genevieve Pisarski (786-7488)

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### SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Steve Jones (786-7440)

**Background:** The Local Government Whistleblower Act, chapter 42.41 RCW, was enacted in 1992 to encourage employees of local government to report improper governmental action and to protect them from retaliation. It is similar to chapter 42.40 RCW, which applies to employees of state government and was adopted in 1982.

The act requires each local government to adopt a policy and procedures for reporting and investigating improper governmental action. It also prohibits retaliation against the whistleblower and provides for relief, such as reinstatement and back pay. If a local government fails to adopt policies and procedures under the act, employees can submit reports to the county prosecutor. A local government is exempt from the act if it adopts a local whistleblower program that meets the intent of the act.

**Summary of Substitute Bill:** The Joint Legislative Audit and Review Committee (JLARC) must review a sample of local whistleblower programs to see if they are effectively implementing the local government whistleblower act. JLARC must issue a final report by December 1, 2006, and provide recommendations for improvements.

**Substitute Bill Compared to Original Bill:** JLARC is directed to review a sample of local programs, rather than the entire local government whistleblower program.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The state whistleblower act has been reviewed twice since its adoption, but the local one has never been reviewed. There are indications that some of the reporting and investigation mechanisms are not working as intended and warrant a closer look. The scope of the bill does need to be narrowed to just a sample of local governments to make it feasible in respect to fiscal impact.

**Testimony Against:** None.

**Who Testified:** PRO: Senator Parlette, prime sponsor.