

# FINAL BILL REPORT

## ESSB 5785

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### FULL VETO

Synopsis as Enacted

**Brief Description:** Revising the definition of official duties of state officers.

**Sponsors:** Senate Committee on Government Operations & Security (originally sponsored by Senators Rivers, Nelson, Dangel, Hatfield, Pearson, Fain, Lias and Hobbs).

**Senate Committee on Government Operations & Security**  
**House Committee on State Government**

**Background:** In 1994 the Legislature enacted the Ethics in Public Service Act (Ethics Act), establishing new and revised ethics rules, consolidating them in a single RCW chapter, and applying the new chapter to all state officials and employees of the executive, legislative, and judicial branches of state government. The Ethics Act created the Executive Ethics Board and Legislative Ethics Board and expanded the authority of the Commission on Judicial Conduct. Each of these ethics boards have broad powers to enforce the Ethics Act, and may investigate and initiate complaints regarding the conduct of state government employees.

Each of these ethics board's activities fall under four broad categories: (1) providing training and educational materials; (2) issuing rules or policies limiting conduct in specified circumstances; (3) issuing advisory opinions; and (4) investigating, hearing, and determining complaints.

Generally, a state officer or state employee may not do any of the following in conflict with the proper discharge of official duties:

- have a direct or indirect interest, financial or otherwise;
- engage in a business, transaction, or professional activity; or
- incur an obligation of any nature.

Limitations are also placed on gifts of a non-influential nature. The Ethics Act defines "official duty" as a duty within the specific scope of employment of the state officer or state employee as defined by the officer's or employee's agency or by statute or the state Constitution.

State officer generally refers to elected state officials, including the Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Superintendent of Public Instruction, Commissioner of Public Lands, and Insurance Commissioner. In the Ethics Act, "state officer" means every person holding a position of public trust in or under an executive,

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legislative, or judicial office of the state. This definition includes: Superior Court judges; Court of Appeals judges; Supreme Court Justices; members of the Legislature; the Secretary of the Senate and the Chief Clerk of the House of Representatives; the Governor; the Lieutenant Governor; the Secretary of State, the state Treasurer, the state Auditor, the Superintendent of Public Instruction, and Insurance Commissioner; the Attorney General; the Commissioner of Public Lands; chief executive officers of state agencies; members of boards, commissions, or committees with authority over one or more state agencies or institutions; and employees of the state who are engaged in supervisory, policymaking, or policy-enforcing work. In the Ethics Act, state officer also includes any person exercising or undertaking to exercise the powers or functions of a state officer.

**Summary:** The definition of "official duty" for a state officer holding an elective office is amended to mean those duties prescribed in the state Constitution, state statutes, or agency rules, legislatively funded or mandated authority and responsibilities, activities described in an agency's publicly released strategic plan or similar document, and tasks or actions directly related to carrying out the state officer's other official duties.

**Votes on Final Passage:**

Senate	45	3	
House	67	30	(House amended)
Senate	46	1	(Senate concurred)

**Effective:**