

HOUSE BILL REPORT

HB 2057

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

Title: An act relating to special privileges.

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 History:

Committee Activity:

State Government & Tribal Relations: 2/20/19, 2/22/19 [DP].

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.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass. Signed by 9 members: Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton, Dolan, Hudgins, Mosbrucker and Smith.

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:

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- 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 activities 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.

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 people not under the jurisdiction of an ethics board who are 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.

Staff Summary of Public Testimony:

(In support) It is shameful that this bill is necessary because some people have used their office to gain sexual advantages from others. Hopefully, this can be solved in a bipartisan manner. While the Legislature has made big strides, more work remains to be done. There is no provision in the Ethics Act to prohibit harassment, sexual harassment, and discrimination, and that is a glaring omission that puts staff and anyone that legislators interact with at risk. The Legislature's meetings have been extensive, and the Code of Conduct is a good step. But staff members need a place to report sexual harassment that is independent from their superiors, who are often connected to the abuser. This bill is a critical piece to advancing the work to end sexual harassment in the workplace by allowing the Ethics Board to issue sanctions.

(Opposed) None.

Persons Testifying: Representative Harris, prime sponsor; Rebecca Johnson; Carrie Tellefson; and Lindsey Grad.

Persons Signed In To Testify But Not Testifying: None.