
**State Government & Tribal Affairs
Committee**

HB 1256

Brief Description: Concerning state officer's and state employee's ethical conduct with regard to private gain.

Sponsors: Representatives Chase, Appleton, Miloscia, Hunt and Nelson.

Brief Summary of Bill

- Provides that the selling of merchandise or services under the terms of a contract with an official wellness program of a state agency is not a violation of the private benefit or gain provisions of the ethics laws.

Hearing Date: 1/22/09

Staff: Marsha Reilly (786-7135)

Background:

It is a violation of state ethics laws for a state officer or state employee to employ or use any person, money, or property under the officer's or employee's control or direction or in his or her official custody, for his or her private benefit or gain or for the benefit or gain of another. Occasional but limited use of state resources (de minimis exception) is allowed if there is no actual cost to the state or the cost to the state is so small as to be insignificant or negligible. The de minimis exception would also allow for activities that promote organizational effectiveness, even if that activity results in an incidental support of a private organization. That activity, however, may not involve a state agency's endorsement or promotion of a commercial activity such as advertising or selling products. The de minimis exception does not apply to the following uses:

- conducting an outside business;
- political or campaign activities;
- commercial uses (advertising or selling products);

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- lobbying unrelated to official duties;
- solicitation on behalf of other persons (unless approved by agency head); and
- illegal or inappropriate activities.

Summary of Bill:

The selling of merchandise or services under the terms of a contract with an official wellness program of a state agency is not a violation of the private benefit or gain provisions of the ethics laws.

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.