

# HOUSE BILL REPORT

## SHB 1159

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As Amended by Senate

**Title:** An act relating to improper governmental action.

**Brief Description:** Disclosing improper governmental action.

**Sponsors:** By House Committee on Local Government (originally sponsored by Representatives H. Myers, Edmondson, Ludwig, Scott, Campbell, Kremen, Rayburn and Johanson.)

**Brief History:**

Reported by House Committee on:  
Local Government, February 4, 1993, DPS;  
Passed House, February 19, 1993, 95-0;  
Passed House, January 19, 1994, 94-0;  
Amended by Senate.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

**Staff:** Bill Lynch (786-7092).

**Background:** The Legislature enacted a local government "whistleblower" program during the 1992 session to provide protections to local government employees who report improper governmental action to proper authorities. The protections provided to local government employees are similar to the protections provided to state government employees under the state whistleblower program.

Both the state and the local government whistleblower programs prohibit retaliatory action from being taken against the employee who disclosed information concerning the improper governmental action. "Retaliatory action" is defined under the state government whistleblower legislation to specifically include a supervisor or superior who encourages coworkers to behave in a hostile manner towards the whistleblower. There is no similar specific prohibition contained in the local government whistleblower statutes.

A state government employee is prohibited under the state whistleblower law from using his or her official influence or authority to attempt to influence or coerce another employee from reporting improper governmental action. There is no similar prohibition contained in the local government whistleblower statutes.

**Summary of Bill:** The definition of "retaliatory action" under the local government "whistleblower" statutes is amended to include a supervisor or superior encouraging coworkers to behave in a hostile manner towards the whistleblower.

Local government employees are prohibited from directly or indirectly using or attempting to use their official authority or influence for the purpose of influencing or coercing another employee from reporting improper governmental action.

**EFFECT OF SENATE AMENDMENT(S):** The language which would prohibit local governments from coercing their employees into not reporting wrongdoing is removed. Retaliatory actions include hostile actions by another employee toward the whistleblower that were encouraged by a senior manager or official.

**Fiscal Note:** Not requested.

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

**Testimony For:** None.

**Testimony Against:** This may already be covered under existing law. This will require local governments to revise their procedures.

**Witnesses:** Glen Rice, city of Yakima; Kathy Coffey, Yakima Valley Visitors and Conference Bureau; Mike McElrath, Yakima Hotel Motel Association; and Becky Bogard, Washington State Hotel Motel Association.

**VOTE ON FINAL PASSAGE:**

Yeas 94; Excused 4

Excused: Representatives R. Johnson, Leonard, Mastin, Riley