

HOUSE BILL REPORT

SHB 1159

As Passed Legislature

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.
Conference Committee Report adopted;
Passed Legislature, March 9, 1994, 96-0.

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, senior manager, or local official encouraging coworkers to behave in a hostile manner towards the whistleblower.

Local government officials and employees are prohibited from directly or indirectly using their official authority or influence to threaten, intimidate, or coerce an employee to interfere with the employee's right to report improper governmental action.

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.