

HOUSE BILL REPORT

HB 1583

As Passed Legislature

Title: An act relating to local government whistleblower reporting.

Brief Description: Changing whistleblower provisions.

Sponsors: Representatives L. Thomas, Backlund, Huff, Chappell, Wolfe, Buck and Kessler; by request of State Auditor.

Brief History:

Committee Activity:

Government Operations: 3/1/95 [DP].

Floor Activity:

Passed House: 3/8/95, 96-0.

Senate Amended.

House Concurred.

Passed Legislature.

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass. Signed by 15 members: Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Staff: Bill Lynch (786-7092).

Background: It is unlawful for any local government official or employee to retaliate against a local government employee who in good faith reports improper governmental action in accordance with the local government's procedures for reporting such information. "Improper governmental action" is defined as an action undertaken in the performance of the employee's duties that is a violation of law, is an abuse of authority, endangers the public health or safety, or is a gross waste of public funds.

By January 1, 1993, each local government was required to adopt policies and procedures for handling whistleblower complaints. The policies must identify to

whom the reports must be made. The prosecuting attorney must be listed as one of the people to whom a report may be made.

A person who reports improper governmental activity must follow the procedures adopted by the local government in order to receive the protections provided by law. Some local governments have not adopted whistleblower policies.

Summary of Bill: If a local government has failed to adopt procedures for reporting improper governmental activity, an employee may report alleged improper governmental action directly to the county prosecuting attorney.

If the prosecuting attorney or an employee of the prosecuting attorney participated in the alleged improper governmental activity, a local government employee may report the activity to the State Auditor. The local government must pay the costs incurred by the State Auditor in conducting these investigations through the municipal revolving account.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: Some local governments have not yet adopted whistleblower policies. This will provide those employees with whistleblower protections. Local governments are directed to adopt these policies if it is discovered during an audit that the policies are not in place.

Testimony Against: None.

Testified: Representative Thomas, prime sponsor; and Brian Sonntag and Linda Sheler, State Auditors Office.