

HOUSE BILL REPORT

HB 1360

As Reported By House Committee On:

Government Administration

Title: An act relating to private employment for Washington state patrol officers.

Brief Description: Allowing state patrol officers to engage in private employment.

Sponsors: Representatives K. Schmidt, Scott, Zellinsky and Schoesler.

Brief History:

Committee Activity:

Government Administration: 2/5/97, 2/11/97 [DPS].

HOUSE COMMITTEE ON GOVERNMENT ADMINISTRATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives D. Schmidt, Chairman; D. Sommers, Vice Chairman; Scott, Ranking Minority Member; Doumit; Dunn; Dunshee; Murray; Reams; Smith; L. Thomas; Wensman and Wolfe.

Staff: Bronwyn Mauldin (786-7093).

Background: No state employee or officer may use any person, money, or property under his or her official control or direction for private benefit or gain by the employee, officer, or any other person. In the case of Washington State Patrol officers, this property includes uniforms and automobiles. An ethics board may adopt rules to allow occasional exceptions to this prohibition.

There is no express authority for, or prohibition against, Washington State Patrol officers engaging in off-duty law enforcement employment for private benefit.

Summary of Substitute Bill: Washington State Patrol officers may engage in private off-duty law enforcement employment. This type of employment is subject to rules adopted by the Executive Ethics Board and guidelines adopted by the chief of the Washington State Patrol. The ethics board is authorized to allow state patrol officers to use persons, money, or property under their official control or direction in the course of private law enforcement employment, as long as it does not interfere with the proper performance of public duties. Executive Ethics Board rules must allow long-term private employment under the conditions set by the board.

The state is immune from liability for actions taken by Washington State Patrol officers while the officers are engaged in private off-duty law enforcement employment. If a person attempts to sue the state for such actions, that suit must be dismissed.

Substitute Bill Compared to Original Bill: The original bill required only the Executive Ethics Board to adopt rules for off-duty law enforcement and did not include a requirement for guidelines by the chief of the Washington State Patrol. It also did not contain any protection for the state from tort liability.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill would allow state troopers to supplement their incomes, which are among the lowest for law enforcement officers in Washington. It would allow state troopers to do what many police officers and deputy sheriffs in Washington already do. The Washington State Patrol already contracts out with private firms and other state agencies to provide off-duty law enforcement.

Testimony Against: There were concerns with the original bill regarding the state's liability for actions taken by troopers while engaged in off-duty employment, and with which body should be making rules regulating their off-duty employment.

Testified: Representative Karen Schmidt, prime sponsor; Annette Sandberg, Washington State Patrol (with concerns); Stu Halsan and Bill Ford, Washington State Patrol Lieutenants Associations (pro); Rick Jensen and Mark Soper, Washington State Patrol Troopers Association (pro); and Mike Patrick, Washington State Council of Police Chiefs (pro).