

SENATE BILL REPORT

ESHB 1360

As Reported By Senate Committee On:
Government Operations, April 1, 1997

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

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

Sponsors: House Committee on Government Administration (originally sponsored by Representatives K. Schmidt, Scott, Zellinsky and Schoesler).

Brief History:

Committee Activity: Government Operations: 3/20/97, 4/1/97 [DPA].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass as amended.

Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Swanson.

Staff: Diane Smith (786-7410)

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 Amended Bill: Washington State Patrol officers may engage in private off-duty law enforcement employment while in uniform. This type of employment is subject to guidelines adopted by the chief of the Washington State Patrol. The use of the Washington State Patrol officer's uniform is considered to be de minimis.

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. The officer must give written notice to his or her off-duty employer of this limitation on liability prior to engaging in the off-duty employment.

Amended Bill Compared to Substitute Bill: The use of the uniform in off-duty employment is given legal de minimis status. The state's limitation on liability for the officer's tortious conduct while employed off-duty must be communicated in writing to the employer.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This only applies to the uniform, not the patrol car. It is a matter of supply and demand with troopers receiving relatively far less salary than other law enforcement officers. It is expensive for the Patrol to have to keep training new troopers as they cycle into higher paying law enforcement jobs. Local law enforcement has been allowing off-duty uniformed employment for decades. There is more work out there than current off-duty law enforcement personnel can handle.

Testimony Against: This is a bill generated by special interests who want to use the state name and logo for private gain. Why not let state auditors and teachers use public property to supplement their meager incomes as well? There is potential misrepresentation in allowing a uniformed trooper to be hired to protect private business interests like traffic control and security. The uniform means official business which is not really the case. The public should not be subsidizing private business.

Testified: PRO: Representative Karen Schmidt, prime sponsor; Mike Patrick, WSCPO; Bill Ford, WSPLA; Bill Hanson, Troopers Association.