

2 **SB 5439** - S AMD TO S AMD (S-2310.1) - 266
3 By Senators Spanel, Long, Patterson, Kline, Johnson and
4 McCaslin

5 ADOPTED 3/17/99

6 On page 3, after line 4, insert the following: "(6) This chapter
7 does not apply to persons subject to the jurisdiction of chapter 42.52
8 RCW."

9 On page 9, after line 2, insert the following:

10 "NEW SECTION. Sec. 13. A new section is added to chapter 42.52 RCW
11 to read as follows:

12 (1) No state officer or state employee may:

13 (a) Knowingly present or cause to be presented to an agency a false
14 claim for payment or approval;

15 (b) Knowingly make, use, or cause to be made or used, a false
16 record or statement to get a false claim paid or approved;

17 (c) Conspire to get a false claim allowed or paid;

18 (d) Have in their possession, custody, or control property or money
19 used, or to be used, by an agency and knowingly deliver, or cause to be
20 delivered, less property than the amount for which the person received
21 a certificate or receipt;

22 (e) Authorize to make or deliver a document certifying receipt of
23 property used, or to be used, by an agency and make or deliver the
24 receipt knowing that material information on the receipt is false;

25 (f) Knowingly buy, or receive as security for an obligation or
26 debt, public property from an officer or employee of an agency, who
27 lawfully may not sell or pledge the property; or

28 (g) Knowingly make, use, or cause to be made or used a false record
29 or statement to conceal, avoid, or decrease an obligation to pay or
30 transmit property to an agency.

31 (2) For the purposes of this section:

32 (a) "Claim" means a request or demand, whether under a contract or
33 otherwise, for money or property which is made to a government employee
34 or official, contractor, grantee, or other recipient if a governmental
35 entity provides any portion of the money or property which is requested
36 or demanded, or if a governmental entity will reimburse such employee,

1 official, contractor, grantee, or other recipient for any portion of
2 the money or property which is requested or demanded.

3 (b) "False claim" means any claim that contains or is based upon a
4 materially incorrect fact, statement, representation, or record.

5 (c) "Knowing" and "knowingly" mean that a person, with respect to
6 information, and with or without specific intent to defraud:

7 (i) Has actual knowledge of the information; or

8 (ii) Acts in deliberate ignorance of or in reckless disregard of the
9 truth or falsity of the information.

10 (3) As to state officers and state employees, this section operates
11 to the exclusion of ch___, Laws of 1999 (SSB 5439)."

12 Renumber the remaining section consecutively and correct any
13 internal references accordingly.

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EFFECT: Makes submission of a false claim by a state officer or
state employee a violation of the state ethics act subject to the
jurisdiction of the state ethics boards, and the commission on
judicial conduct.