

HOUSE BILL REPORT

ESSB 6570

As Reported by House Committee On:
State Government & Tribal Affairs

Title: An act relating to private businesses in state-owned housing provided under Title 77 RCW or chapter 79A.05 RCW.

Brief Description: Regarding private business activities in state-owned housing provided by the department of fish and wildlife or the parks and recreation commission.

Sponsors: Senate Committee on Government Operations & Elections (originally sponsored by Senators Fairley, Roach, Benton and Oemig; by request of Parks and Recreation Commission).

Brief History:

Committee Activity:

State Government & Tribal Affairs: 2/22/08, 2/26/08 [DPA].

Brief Summary of Engrossed Substitute Bill
(As Amended by House Committee)

- Allows for state employees and their families to conduct private business activities in state-owned housing under specified conditions without violating ethics laws.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass as amended. Signed by 7 members: Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Kretz, Lias, Miloscia and Ormsby.

Staff: Marsha Reilly (786-7135).

Background:

The Ethics in Public Service Act precludes a state officer or employee from using their positions to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons. The law also prohibits a state officer or state employee to employ or use any person, money, or property under the officer's or employee's

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official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

The Washington Department of Fish and Wildlife (WDFW) and the Washington State Parks and Recreation Commission (Commission) provides housing to some of their employees to allow for optimal management of their resources. The WDFW manages approximately 800,000 acres that provide habitat and migration routes to wild species as well as a variety of recreational opportunities to the state's citizens. It also operates numerous boat ramps and other access areas in Washington. The Commission acquires, operates, enhances, and protects a diverse system of recreational, cultural, historical, and natural sites and manages 120 state parks and other recreational areas.

Summary of Amended Bill:

The WDFW and the Commission may approve private business activity in state-owned housing provided that:

- a private business activity policy be adopted and the policy be approved by the Executive Ethics Board;
- the private business activity is conducted by the resident state employee, while off duty, or by the employee's spouse who is also approved for residency;
- the private business activity policy does not allow business activity that negatively impacts the agency's operations;
- the private business activity complies with local, state, and federal laws; and
- approvals for the private business activity are in writing by the agency director or a designee.

A state employee, does not violate the state ethics laws pertaining to use of position for special privileges or use of person, money, or property for private benefit or gain if the state employee or the employee's spouse or child complies with the provisions of the act.

Amended Bill Compared to Engrossed Substitute Bill:

The amendment clarifies that a state employee does not violate ethics laws if the employee or the employee's spouse or child complies with the provisions of the bill.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) The Washington State Parks supports this agency request legislation. The bill changes the law to change the lives of employees who work and reside on public property. The WDFW supports the bill. The agency has over 200 residences utilized by state employees to conduct business in our wildlife areas and hatcheries. The bill provides a reasonableness for our employees while constraining the agencies to best business practices. The Washington Federation of State Employees supports the bill. The only substantive change was to include children of employees so that they would be able to sell, for example, Girl Scout cookies or raffle tickets for the Boy Scouts. The bill is important to our members, especially those that live in remote areas where job opportunities are more limited.

(Opposed) None.

Persons Testifying: Rex Derr, Washington State Parks; Ron Warren, Department of Fish and Wildlife; and Alia Griffing, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying: None.