
**State Government & Tribal
Affairs Committee**

ESSB 6570

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 Summary of Engrossed Substitute Bill

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

Hearing Date: 2/22/08

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 laws also prohibit a state officer or state employee to employ or use any person, money, or property under the officer's or employee's 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 to Washington's wild places. 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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of 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, or the employee's spouse, who complies with the act is presumed not to be in violation of state ethics laws pertaining to use of position for special privileges or use of person, money, or property for private benefit or gain.

Senate bill compared to House Bill

The Senate bill was amended to include private business activity conducted by the children of a state employee.

Appropriation: None.

Fiscal Note: Available.

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