

SENATE BILL REPORT

ESSB 6570

As Amended by House, March 7, 2008

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: Government Operations & Elections: 1/24/08, 1/28/08 [DPS].
Passed Senate: 2/11/08, 48-0.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6570 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Kline, McDermott, Pridemore and Swecker.

Staff: Cindy Calderon (786-7784)

Background: All state employees are bound by state ethics outlined in the Public Service Act (the Act). The Act addresses conflicts of interest, improper use of state resources, compensation for outside activities, gifts, and creates the executive ethics board (Board). The Board is composed of five members. The Board enforces the law, promulgates interpretive rules, adopts rules and policies governing the conduct of business by the Board, and provides advisory opinions.

State officers and state employees may not use any person, money, or property under their official control or direction for the private benefit or gain of the officer, employee, or another. State officers and state employees may not use his or her position to secure special privileges for himself or herself, or his or her spouse.

Summary of Engrossed Substitute Bill: The Department of Fish and Wildlife (Department) and the Parks and Recreation Commission (Commission) are authorized to approve private business activity in state-owned housing for off-duty employees, their spouses, and the employee's children. The Department and the Commission are required to adopt a private

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.

business activity policy subject to approval by the Board. The policy may only authorize private business activities for: the resident state employee while the employee is off duty; an employee's spouse who is approved for residency; and the employee's children.

Activity may not negatively impact agency operations. Private business activity is defined as those activities that do not negatively impact the agency's operation. Negative impacts include, but is not limited to: negative impacts to visitors' services or access; in-person visits to state-owned housing for the purposes of transacting business; the incurrence of additional expenses by the state; and an appearance of state endorsement of the private business activity.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This bill asks for a change in state law to provide a reasonable normalcy for state employees and their families who reside in agency housing. Families will be allowed to engage in hobbies, and supplement their income without fear of violating current laws. This is important given the rural locations they live in and minimal opportunities for employment outside of the home. It should not be a violation for someone to use their own personal computer to sell something or use their phone inside of their residences to conduct business. This bill has a number of safeguards and limitations built into it that will sufficiently limit business activity.

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

House Amendment(s): Clarifies a state employee is presumed to not violate ethics laws if the employee, employee's spouse, or child complies with provisions of the bill.