

HOUSE BILL REPORT

HB 1319

As Reported by House Committee On:
Education

Title: An act relating to the application of certain ethics provisions to school district employees.

Brief Description: Prohibiting school district employees from using public assets for private gain.

Sponsors: Representatives Sullivan, Anderson, Miloscia, Dammeier, Hunt, Armstrong, Priest, Orwall, Morrell, Kenney, Simpson and Kelley.

Brief History:

Committee Activity:

Education: 2/3/09, 2/13/09 [DPS].

Brief Summary of Substitute Bill

- Prohibits school district employees from using school district property under their official control, direction, or custody, without authorization, for their own, or another's, private benefit or gain.
- Authorizes school district boards of directors to adopt policies providing exceptions for occasional use, of de minimis cost and value, if the activity does not result in interference with the proper performance of public duties.
- Directs the Office of the Superintendent of Public Instruction to adopt disciplinary guidelines for violations.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox, Dammeier, Hunt, Johnson, Liias, Maxwell, Orwall, Santos and Sullivan.

Staff: Cece Clynch (786-7195)

Background:

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.

Under the Ethics in Public Service law, state officers and employees are prohibited from using state property under their official control or direction for their own, or another's, private benefit or gain. As defined in the law, a "state officer" means every person holding a position of public trust in or under an executive, legislative, or judicial office of the state. A "state employee" is an individual who is employed by an agency in any branch of state government. The ethics boards for each of the three branches of state government are authorized to adopt rules providing exceptions for occasional use, of de minimis cost and value, if the activity does not result in interference with the proper performance of public duties.

Use of public resources to benefit others as part of the employee's or officer's "official duties" is not prohibited. "Official duty" is specifically defined in the Ethics in Public Service law as "those duties within the specific scope of employment of the state officer or state employee as defined by the officer's or employee's agency or by statute or the state Constitution."

School districts are municipal corporations, possess all the usual powers of a public corporation, may sue and be sued and transact all business necessary for maintaining the school and protecting the rights of the district, and may enter into such obligations as are authorized by law. School district employees are not "state employees" as the term is defined in the Ethics in Public Service law.

Summary of Substitute Bill:

School district employees are prohibited from using property, money or persons under their official control, direction, or custody, without authorization, for their own, or another's, private benefit or gain. Each school district board of directors may adopt policies permitting occasional use, of de minimis cost and value, if the activity does not interfere with the proper performance of public duties.

Like the similar provision in the Ethics in Public Service law, the use of public resources to benefit others as part of the employee's official duties is not prohibited. "Official duty" is not defined.

The Office of the Superintendent of Public Instruction is directed to adopt disciplinary guidelines for violations of the law.

Substitute Bill Compared to Original Bill:

The word "or" is deleted to make clear that use of persons, money, or property under an employee's control or in his or her official custody for private benefit or gain of the employee or another is disallowed only where such use is without authorization.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) There have been some egregious uses of school facilities for personal gain. This is not an effort to squelch pick-up basketball games or club use of school facilities. Most school districts have rules regarding use of school facilities without authorization but some do not.

(Opposed) None.

Persons Testifying: Representative Sullivan, prime sponsor; and David Westberg, Council of Stationary Engineers.

Persons Signed In To Testify But Not Testifying: None.