

HOUSE BILL REPORT

HB 1179

As Passed House:
March 5, 2011

Title: An act relating to public employees' attendance at informational or educational meetings regarding legislative issues.

Brief Description: Clarifying that public employees may attend informational or educational meetings regarding legislative issues.

Sponsors: Representatives Hunt, Hudgins, Appleton, Lias, Miloscia, McCoy, Reykdal, Goodman, Darneille, Van De Wege, Upthegrove, Ormsby, Billig, Orwall, Green, Kenney, Dickerson, Santos, Frockt, Tharinger and Moscoso.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 1/27/11, 1/31/11 [DP].

Floor Activity:

Passed House: 3/5/11, 97-0.

Brief Summary of Bill

- Clarifies state ethics prohibitions by establishing that: (1) state employees are not prohibited from attending an informational or educational meeting regarding legislative issues while accompanied by a legislator or other elected official; and (2) state facilities, including state-owned or leased buildings, may be used for informational or educational meetings regarding legislative issues.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 10 members: Representatives Hunt, Chair; Taylor, Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Alexander, Condotta, Darneille, Dunshee, Hurst, McCoy and Miloscia.

Staff: Thamas Osborn (786-7129).

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.

State ethics laws and legislative ethics rules prohibit the use of any person, money, or property under a legislator's official control or direction or in his or her official custody for the private benefit or gain of the legislator. However, there are exceptions to this prohibition, and the Legislative Ethics Board has general rules interpreting the exceptions. For example, if there is no actual cost to the state or the cost is de minimis, if there is a public benefit, and if the use does not interfere with the performance of official duties, then infrequent and incidental use of state resources for private benefit may be permissible.

In addition, a legislator may not use or authorize the use of state facilities, directly or indirectly, for the purpose of assisting a campaign for election of a person to office or for the promotion of or opposition to a ballot proposition. Knowing acquiescence by a legislator with the authority to direct, control, or influence the actions of the state officer or state employee using the public resources constitutes a violation. Facilities of an agency include stationery, office space, publications, and use of state employees. Among the exceptions to this prohibition: a legislator may use state facilities for activities that are part of the normal and regular conduct of the office; and he or she may have de minimis use of public facilities incidental to the preparation or delivery of communications.

Summary of Bill:

Exceptions are added to state ethics laws regarding the prohibition against: (1) the use of public facilities by a legislator or state employee for political purposes; and (2) a legislator's use of a state employee for political purposes during the employee's working hours. These new exceptions have the effect of clarifying the scope of state ethics prohibitions by establishing that:

- state employees are not prohibited from attending an informational or educational meeting regarding legislative issues while accompanied by a legislator or other elected official; and
- state facilities, including state-owned or leased buildings, may be used for informational or educational meetings regarding legislative issues.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) In recent years ethics complaints have been made regarding state employees and legislators simultaneously attending educational meetings regarding legislative issues. Similar ethics issues have come up with respect to the use of public facilities for educational meetings that pertain to legislative issues. This bill is needed to clarify that such activities are permissible as long as they are not campaign related and do not involve any lobbying activity. This legislation would serve to allow state employees to attend educational functions involving legislators and those which take place in public facilities.

(With concerns) There is reason to be concerned about legislators and state employees attending meetings in state facilities. The text of the bill is problematic since it does not specifically prohibit campaign activities.

(Opposed) None.

Persons Testifying: (In support) Representative Hunt, prime sponsor; and Dennis Eagle and Jeremy Taylor-Sparks, Washington Federation of State Employees.

(With concerns) Trent England, Evergreen Freedom Foundation.

Persons Signed In To Testify But Not Testifying: None.