

# SENATE BILL REPORT

## ESSB 6009

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As Passed Senate, February 11, 2012

**Title:** An act relating to ethics in public service.

**Brief Description:** Regarding ethics in public service.

**Sponsors:** Senate Committee on Government Operations, Tribal Relations & Elections (originally sponsored by Senators Carrell, Schoesler, Becker, Morton, Fain, Holmquist Newbry, Swecker, Delvin, Hill and Roach).

**Brief History:**

**Committee Activity:** Government Operations, Tribal Relations & Elections: 1/30/12, 1/31/12 [DPS].

Passed Senate: 2/11/12, 48-0.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 6009 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Benton, Chase, Nelson and Roach.

**Staff:** Sharon Swanson (786-7447)

**Background:** In 1993 the Legislature created the Commission on Ethics in Government and Campaign Practices (Commission.) The Commission issued a detailed report recommending enactment of new ethics rules governing state officials and state employees. The Commission recommended that new or revised ethics rules be adopted; the new rules be consolidated into a single code of ethics; the new code apply to all state officials and employees of the executive, legislative, and judicial branches of state government; and that each branch have its own ethics commission which would hear and determine complaints, impose sanctions, recommend disciplinary action, and issue advisory opinions.

**Summary of Engrossed Substitute Bill:** After the filing of any complaint, the appropriate ethics board shall investigate the allegations contained in the complaint but may also, at the discretion of the investigating ethics board, investigate other potential ethics violations

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discovered during the course of its investigation when the employee is not subject to the civil service laws.

Agency staff may assist ethics board staff in carrying out an investigation, but in all cases ethics board staff must oversee the investigation. Agency staff with actual or apparent conflicts of interest because of a relationship with the persons under investigation must disclose the relationship. If a conflict of interest is determined to exist, the agency designates an independent employee with no conflict of interest to assist the ethics board with its investigation.

If an investigation involves an exempt employee under the civil service laws, the Office of the Attorney General (AG) may conduct the investigation. At the discretion of the AG, a contract investigator may be used to assist or conduct an investigation.

Each agency designates an ethics advisor or advisors to provide informal ethics advice to state officers and employees and to ensure uniformity in the agency's operation with respect to the ethics in public service law.

Every state officer must attend ethics training within 60 days of taking office and every three years thereafter.

A person must have completed ethics training in the prior 24 months before they can accept outside employment. Ethics training should be coordinated with other mandatory training such as sexual harassment training, but not less than every three years. Persons in regulatory or contracting positions subject to RCW 42.52.150(4) must be provided specialized or enhanced ethics training.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony as Heard in Committee:** OTHER: Some of the issues with the bill may be addressed in the substitute. Section 3 of the bill requires the Executive Ethics Board to do things that it can and does already do. Perhaps the schedule for training can be amended to allow for more than 30 days after a person starts. Ninety days is more feasible. Also, providing training every two years conflicts with current sexual harassment training which now occurs every three years. If training timelines could dovetail that would help. The Federation of State Employees has concerns and continues to work the bill with the prime sponsor.

**Persons Testifying:** OTHER: Melanie de Leon, Executive Ethics Board; Matt Zuvich, WA Federation of State Employees; Kim Herman, WA State Housing Finance Commission.