

SENATE BILL REPORT

SB 6104

As of February 8, 2018

Title: An act relating to defending scientific information and research.

Brief Description: Defending scientific information and research.

Sponsors: Senators Ranker, Carlyle, Wellman, Palumbo, Keiser, Nelson, Rolfes, McCoy, Kuderer and Hasegawa.

Brief History:

Committee Activity: Energy, Environment & Technology: 1/24/18.

Brief Summary of Bill

- Prohibits a licensing entity from taking disciplinary action against an employee who takes certain actions.
- Requires the Department of Ecology (Ecology) to protect scientific information from censorship or destruction by the federal government.

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TECHNOLOGY

Staff: Angela Kleis (786-7469)

Background: The Department of Licensing (DOL) licenses certain businesses and professions, and may investigate complaints or reports of unprofessional conduct, hold administrative hearings, discipline, and fine licensees. In 2002, the Legislature consolidated disciplinary procedures for licensed businesses and professions under DOL in the Uniform Regulation of Business and Professions Act (Act). The Act provides standardized procedures for the regulation of businesses and professions and the enforcement of laws.

Summary of Bill: A licensing entity may not take disciplinary action against a public employee or an employee of a governmental contractor, subcontractor, or grantee if the employee reports improper government activity or communicates information about scientific or technical research in a scientific or a public forum or with the media.

A licensing entity may not take disciplinary action when an employee reports improper governmental activity provided that the employee takes actions such as:

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- urging reconsideration of the matter while explaining its consequences to the organization;
- referring the matter to a higher authority in the organization; or
- referring the matter to law enforcement or the government agency with responsibility over the matter.

An employee may refer the matter to law enforcement or the government agency, after urging reconsideration of the matter and referring the matter to a higher authority, and:

- the employee believes that the highest internal authority that can act on behalf of the organization has already, directly or indirectly, participated in the improper governmental activity;
- the referral is warranted by the seriousness of the circumstance and is not otherwise prohibited by law; and
- further action is required in order to prevent or rectify substantial harm to public health, safety, the environment, or the public interest or to the governmental organization resulting from the improper governmental activity.

The director of Ecology must ensure that all publicly available scientific information and other data relating to environmental quality and climate change is protected against censorship or destruction by the federal government.

Definitions are provided and include:

1. Employee means a person on the payroll of any federal agency, the state, its subdivisions, special districts, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, or any other tax-financed entity who works in environmental sciences or fields related to climate change.
2. Improper governmental activity means conduct by a governmental organization or by its agent that meets one or more of the following actions:
 - a. it constitutes the use of the organization's official authority or influence by the agent to commit a crime, fraud, or other serious and willful violation of law;
 - b. it involves the agent's willful misuse of public funds, willful breach of fiduciary duty, or willful or corrupt misconduct in office; or
 - c. it involves the agent's willful omission to perform his or her official duty.
3. Scientific or technical research means the results of scientific activities related to environmental sciences or climate change including, but not limited to, the analysis, synthesis, compilation, or translation of scientific information and data into formats used in official decision-making processes or publications.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: Reports indicate instances of government attempts to restrict or prohibit science. This bill is an attempt to protect science and facts as well as state and federal employees that come forward as whistleblowers on these issues.

OTHER: We agree that scientific data should be free from censorship and that public employees should be able to share information with the public without fear of retribution. We actively engage in creating and disseminating scientific data free from bias in efforts to inform public policy. There are safeguards in place to foster data credibility and data transparency. We recommend clarifying the type of scientific data the director is responsible for protecting.

Persons Testifying: PRO: Senator Kevin Ranker, Prime Sponsor.

OTHER: Carol Smith, Ecology; Tim Quinn, Washington Department of Fish & Wildlife.

Persons Signed In To Testify But Not Testifying: No one.