

1 6111-S AMS SMIL S4969.2

2 SSB 6111 - S AMD
3 By Senator L. Smith

4 NOT ADOPTED 2/12/94 - ROLL CALL 14-31

5 On page 3, line 28, after "conduct" strike all material through
6 "executive ethics board" on line 29 and insert "and the citizens'
7 commission on governmental ethics"

8 SSB 6111 - S AMD
9 By Senator

10

11 On page 18, after line 15, strike all material through "chapter."
12 on page 22, line 22 and insert the following:

13 "NEW SECTION. **Sec. 201.** CITIZENS' COMMISSION ON GOVERNMENTAL
14 ETHICS. (1) The citizens' commission on governmental ethics is
15 created.

16 (2) The commission shall be composed of thirteen members, selected
17 as follows:

18 (a) The secretary of state shall select nine of the thirteen
19 members by lot from among those registered voters eligible to vote at
20 the general election held in November 1993, and thereafter from among
21 those registered voters eligible to vote at the time of the selection.
22 One member shall be selected from each congressional district. The
23 secretary of state shall notify persons selected. If a selected person
24 declines appointment to the commission, the secretary of state shall
25 select a new person. The secretary of state shall forward the names of
26 persons selected to the governor who shall appoint these persons to the
27 commission. The secretary of state shall establish policies and
28 procedures for conducting the selection by lot. The policies and
29 procedures shall include, but not be limited to, those for notifying
30 persons selected and for providing a new selection for a congressional
31 district if a person selected from the district declines appointment to
32 the commission.

1 (b) The governor shall appoint (i) one person who is a former judge
2 and who is retired from the Washington state judicial system and (ii)
3 one person who is a former member of the state legislature.

4 (c) The lieutenant governor shall appoint (i) one person who is a
5 former judge and who is retired from the Washington state judicial
6 system and (ii) one person who is a former member of the state
7 legislature.

8 (3) No person shall be eligible to serve on the commission who has
9 been convicted of a felony or gross misdemeanor.

10 (4) Persons appointed to the commission as former members of the
11 state legislature shall not have an identification with the same
12 political party.

13 (5) Except for initial members and members completing partial
14 terms, members of the commission shall serve five-year terms. Each
15 member of the commission shall serve for the term of his or her
16 appointment and until his or her successor is appointed.

17 (6) Terms of initial commission members shall be staggered as
18 follows:

19 (a) The member selected by lot from the first congressional
20 district shall serve a one-year term; the members selected by lot from
21 the second and third congressional districts shall each serve a two-
22 year term; the members selected by lot from the fourth and fifth
23 congressional districts shall each serve a three-year term; the members
24 selected by lot from the sixth and seventh congressional districts
25 shall each serve a four-year term; and the members selected by lot from
26 the eighth and ninth congressional districts shall each serve a five-
27 year term.

28 (b) The former judge and former member of the state legislature
29 appointed by the governor shall each serve a two-year term.

30 (c) The former judge and former member of the state legislature
31 appointed by the lieutenant governor shall each serve a five-year term.

32 (7) Any member of the commission may be removed by the governor,
33 but only upon grounds of incapacity, incompetence, neglect of duty, or
34 misconduct in office or for a disqualifying change of residence.

35 (8) Upon a vacancy in any position on the commission, a successor
36 shall be selected and appointed to fill the unexpired term. The
37 selection and appointment shall be concluded within thirty days of the
38 date the position becomes vacant and shall be conducted in the same
39 manner as originally provided. A vacancy shall not impair the powers

1 of the remaining members to exercise all of the powers of the
2 commission.

3 (9) Except as provided otherwise in this section, the commission
4 shall be solely responsible for its own organization, operation, and
5 action. Members of the commission shall annually elect a chairperson
6 from among the nine members selected by lot by the secretary of state.

7 (10) Seven members of the commission shall constitute a quorum.

8 (11) Except as provided in section 213 of this act, the attorney
9 general shall provide staff assistance to the commission.

10 (12) Members of the commission shall receive no compensation for
11 their services, but shall be eligible to receive a subsistence
12 allowance and travel expenses pursuant to RCW 43.03.050 and 43.03.060.

13 NEW SECTION. **Sec. 202.** AUTHORITY OF CITIZENS' COMMISSION ON
14 GOVERNMENTAL ETHICS. (1) The citizens' commission on governmental
15 ethics shall hear all matters related to the statutes, rules, and
16 policies that establish standards of ethical conduct for members and
17 employees of the state legislature, state-wide elected officers, and
18 all other officers and employees in the executive branch, boards and
19 commissions, and institutions of higher education. Subject to the
20 limitations in section 222 of this act, the citizens' commission on
21 governmental ethics has jurisdiction over matters involving any alleged
22 violation occurring before January 1, 1995, based on the statutes,
23 rules, and policies in effect at the time of the violation.

24 (2) The citizens' commission on governmental ethics shall:

25 (a) Develop educational materials and training;

26 (b) Adopt rules or policies, including but not limited to defining
27 working hours;

28 (c) Issue advisory opinions;

29 (d) Investigate, hear, and determine complaints by any person or on
30 its own motion;

31 (e) Impose sanctions including reprimands and monetary penalties;

32 (f) Recommend to the appropriate authorities suspension, removal
33 from position, prosecution, or other appropriate remedy; and

34 (g) Establish criteria regarding the levels of civil penalties
35 appropriate for violations of this chapter and rules and policies
36 adopted under it.

37 (3) The citizens' commission on governmental ethics may:

1 (a) Issue subpoenas for the attendance and testimony of witnesses
2 and the production of documentary evidence relating to any matter under
3 examination by the citizens' commission on governmental ethics or
4 involved in any hearing;

5 (b) Administer oaths and affirmations;

6 (c) Examine witnesses; and

7 (d) Receive evidence.

8 (4) The citizens' commission on governmental ethics may review and
9 approve agency policies as provided for in this chapter.

10 (5) This section does not apply to state officers and state
11 employees of the judicial branch.

12 NEW SECTION. **Sec. 203.** TRANSFER OF JURISDICTION TO CITIZENS'
13 COMMISSION ON GOVERNMENTAL ETHICS. On the effective date of this
14 section, any complaints or other matters under investigation or
15 consideration by the boards of legislative ethics in the house of
16 representatives and the senate operating pursuant to chapter 44.60 RCW
17 shall be transferred to the citizens' commission on governmental
18 ethics. All files, including but not limited to minutes of meetings,
19 investigative files, records of proceedings, exhibits, and expense
20 records, shall be transferred to the citizens' commission on
21 governmental ethics pursuant to their direction and the citizens'
22 commission on governmental ethics shall assume full jurisdiction over
23 all pending complaints, investigations, and proceedings.

24 NEW SECTION. **Sec. 204.** POLITICAL ACTIVITIES OF MEMBERS OF
25 CITIZENS' COMMISSION ON GOVERNMENTAL ETHICS. No member of the
26 citizens' commission on governmental ethics may (1) hold or campaign
27 for partisan elective office other than the position of precinct
28 committeeperson, or any full-time nonpartisan office; (2) be an officer
29 of any political party or political committee as defined in chapter
30 42.17 RCW other than the position of precinct committeeperson; (3)
31 permit his or her name to be used, or make contributions, in support of
32 or in opposition to any state candidate or state ballot measure; or (4)
33 lobby or control, direct, or assist a lobbyist except that such member
34 may appear before any committee of the legislature on matters
35 pertaining to this chapter.

1 NEW SECTION. **Sec. 205.** APPOINTMENT OF INITIAL MEMBERS OF
2 CITIZENS' COMMISSION ON GOVERNMENTAL ETHICS. The members of the
3 citizens' commission on governmental ethics shall be appointed no later
4 than October 1, 1994. Notwithstanding the authority granted to the
5 commission by section 202 of this act, until January 1, 1995, the
6 authority of the commission shall be limited to conducting meetings and
7 incurring expenses solely for administrative and organizational
8 purposes.

9 This section shall expire January 1, 1995.

10 NEW SECTION. **Sec. 206.** AUTHORITY OF COMMISSION ON JUDICIAL
11 CONDUCT. The commission on judicial conduct shall enforce this chapter
12 and rules and policies adopted under it with respect to state officers
13 and employees of the judicial branch and may do so according to
14 procedures prescribed in Article IV, section 31 of the state
15 Constitution. In addition to the sanctions authorized in Article IV,
16 section 31 of the state Constitution, the commission may impose
17 sanctions authorized by this chapter."

18 Renumber the remaining sections consecutively and correct any
19 internal references accordingly.

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21 By Senator

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23 On page 28, beginning on line 4, strike all of section 224

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