

HOUSE OF REPRESENTATIVES

Olympia Washington

BilAnalysis

BilNo. HB 2484

Determining Violations of Public Disclosure Law
Brief title

Hrg Date: 1/28/98

Reps. Lisk/Appelwick
Sponsor

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BACKGROUND:

State voters approved Initiative 276 in 1972. Initiative 276 prohibited the use of public facilities for campaign purposes, required campaign expenditures to be reported, required public officials to report their financial affairs, required persons lobbying the Legislature and state agencies to register and report their expenditures, required public records to be open for public inspection and copying, and created the Public Disclosure Commission (PDC) as the agency to receive these reports and enforce these provisions.

Additional provisions were later added to this chapter of laws, including Initiative Measure 134, which was approved by state voters in 1992, that restricted political advertising and campaign contributions.

1. Public Disclosure Commission.

The PDC receives these campaign, financial and lobbying reports; investigates whether any violations of public disclosure laws have occurred; enforces public disclosure laws; and prepares annual reports on the effectiveness of public disclosure laws and any resulting action taken by law enforcement agencies.

If the PDC determines that an apparent violation of public disclosure laws has occurred, it may either:

- o Report the apparent violation to the Attorney General or other appropriate law enforcement authorities;
- o Investigate the apparent violation and if it determines that a violation has occurred, the PDC may issue an order directing that a person cease and desist from certain actions or may issue civil fines not to exceed \$1,000 for a single violation or not to exceed \$2,500 if multiple violations have occurred.

An order issued by the PDC may be appealed to superior court.

If a court determines that a violation of these provisions has occurred, it may impose a civil penalty of not to exceed \$10,000 for each violation.

2. Office of Administrative Hearings.

The Office of Administrative Hearings is established to provide administrative law judges who preside over hearings for state agencies that are required before an order may be issued if officials of the agency are not authorized to make final decisions. Orders by an administrative law judge may become final a party to a proceeding may petition the agency head to review the order.

SUMMARY:

The PDC may no longer determine if a violation of public disclosure law has occurred and may refer an apparent violation to appropriate law enforcement agencies or may petition an administrative law judge to determine if a violation has occurred.

If an administrative law judge determines that a violation of public disclosure law has occurred, the PDC may issue and enforce an order under its existing authorities.

FISCAL NOTE: Not requested.

EFFECTIVE DATE: Ninety days after adjournment of session in which bill passed.