

2 **HB 2449** - S COMM AMD

3 By Committee on State & Local Government

4 NOT ADOPTED 3/3/00

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 42.52.420 and 1994 c 154 s 212 are each amended to
8 read as follows:

9 (1) After the filing of any complaint, except as provided in RCW
10 42.52.450, the staff of the appropriate ethics board shall investigate
11 the complaint. The investigation shall be limited to the ((alleged
12 facts)) allegations contained in the complaint.

13 (2) The results of the investigation shall be reduced to writing
14 and the staff shall either make a determination ((shall be made)) that
15 the complaint should be dismissed pursuant to section 2 of this act, or
16 recommend to the board that there is or that there is not reasonable
17 cause to believe that a violation of this chapter or rules adopted
18 under it has been or is being committed.

19 ((A copy of the written)) (3) The board's determination on
20 reasonable cause shall be provided to the complainant and to the person
21 named in such complaint.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.52 RCW
23 to read as follows:

24 (1) Based on the investigation conducted under RCW 42.52.420, and
25 subject to rules issued by each board, the staff of the appropriate
26 ethics board may issue an order of dismissal based on any of the
27 following findings:

28 (a) Any violation that may have occurred is not within the
29 jurisdiction of the board;

30 (b) The complaint is obviously unfounded or frivolous; or

31 (c) Any violation that may have occurred does not constitute a
32 material violation because it was inadvertent and minor, or has been
33 cured, and, after consideration of all of the circumstances, further
34 proceedings would not serve the purposes of this chapter.

1 (2) Written notice of the determination under subsection (1) of
2 this section shall be provided to the complainant, respondent, and the
3 board. The written notice to the respondent shall include a statement
4 of the respondent's right to appeal to the board under subsection (3)
5 of this section.

6 (3) In the event that a complaint is dismissed under this section,
7 the complainant may request that the board review the action.
8 Following review, the board shall:

9 (a) Affirm the staff dismissal;

10 (b) Direct the staff to conduct further investigation; or

11 (c) Issue a determination that there is reasonable cause to believe
12 that a violation has been or is being committed.

13 (4) The board's decision under subsection (3) of this section shall
14 be reduced to writing and provided to the complainant and the
15 respondent."

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19 On page 1, line 1 of the title, after "complaints;" strike the
20 remainder of the title and insert "amending RCW 42.52.420; and adding
21 a new section to chapter 42.52 RCW."

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