

HOUSE BILL REPORT

HB 2449

As Amended by the Senate

Title: An act relating to ethics board staff review of ethics complaints.

Brief Description: Revising provisions relating to ethics board staff review of ethics complaints.

Sponsors: Representatives Pennington, Constantine and Mitchell.

Brief History:

Committee Activity:

State Government: 1/26/00, 2/1/00 [DP].

Floor Activity:

Passed House: 2/8/00, 97-0.

Senate Amended.

Passed Senate: 3/3/00, 46-0.

Brief Summary of Bill

- Allows ethics board staff to issue orders of dismissal after investigating ethics complaints.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 8 members: Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Staff: Jim Morishima (786-7191).

Background:

A variety of statutory provisions relating to ethics in public service were enacted in 1994, including restrictions on mailings by legislators, and limitations on gifts for state officials and employees. The Legislative Ethics Board and the Executive Ethics Board enforce these provisions. After the filing of a complaint, the staff of the ethics boards investigate and determine whether there is reasonable cause to believe that a

violation has occurred. If the board determines that reasonable cause exists, it must conduct a public hearing on the merits. If the board determines, by a preponderance of the evidence, that a violation has occurred, it may impose sanctions against the violator.

Summary of Bill:

After the filing of a complaint and investigation, the staff of the ethics boards may either: 1) issue an order of dismissal; or 2) recommend to the appropriate board that there is reasonable cause to believe that a violation has occurred.

The staff may only issue an order of dismissal if it believes that:

- the violation is not within the jurisdiction of the board;
- the complaint is obviously unfounded or frivolous; or
- the violation was inadvertent and minor.

An order of dismissal may be appealed to the appropriate ethics board. After hearing such an appeal, the board must:

- affirm the dismissal;
- order further investigation; or
- issue a determination that there is reasonable cause to believe that a violation has occurred.

EFFECT OF SENATE AMENDMENT(S): When notice is provided to the complainant that an order of dismissal has been issued, the complainant must also be informed that he or she may appeal the order.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill will improve the existing ethics board process by allowing the ethics board staff to tell a person filing a claim regarding conduct that is clearly not an ethics violation that the complaint is inappropriate.

Testimony Against: None.

Testified: Representative Dow Constantine; and Chuck Savage, Director, Common Cause of Washington State.