
**State Government Operations &
Accountability Committee**

HB 1051

Brief Description: Modifying provisions governing ethics complaints.

Sponsors: Representatives Murray and Ericksen; by request of Legislative Ethics Board.

Brief Summary of Bill

- Allows an ethics board or its staff, no longer just the staff, to issue an order of dismissal of an investigation on certain grounds.
- Amends procedures for the review of a dismissal to be applicable when the dismissal is made by staff.
- The Attorney General will only investigate complaints of ethics violations by a legislator or statewide elected official (other than the attorney general) regarding use of public resources for political campaigns if requested to do so by the appropriate ethics board.

Hearing Date: 1/25/05

Staff: James Allen (786-7114).

Background:

The Legislative Ethics Board, the Executive Ethics Board and the Commission on Judicial Conduct (Commission), as well as the Attorney General (AG), have broad powers to enforce ethics laws.

Ethics Boards

Both the Legislative and Executive Ethics Boards are empowered to: issue advisory opinions; investigate, hear, and determine complaints by any person; impose sanctions, including reprimands and monetary penalties; recommend suspension or removal to the appropriate legislative entity, or recommend prosecution to the appropriate authority; and establish criteria regarding the levels of civil penalties appropriate for different types of violations.

The boards' powers to impose monetary penalties include the greater of: (a) civil penalties of up to \$5,000 per violation; or (b) three times the economic value of anything received in violation of the

ethics rules. The boards are also authorized to order violators to pay the damages sustained by the state as a result of the violation and costs, including reasonable investigative costs.

The Commission on Judicial Conduct was established under Article IV, Section 31 of the Washington Constitution. The Commission has the duty to enforce the ethics rules with respect to state officers and employees of the judicial branch.

Attorney General

Upon determining that an ethics board is "clearly erroneous" in not taking action against a violator, the AG may bring civil action in superior court for recovering amounts that the board could have recovered.

The AG also investigates all complaints that allege a violation by a legislator or statewide elected official, other than the AG, in the use of public resources for political campaigns. In these cases, the AG recommends action to the appropriate ethics board.

Use of Public Resources for Political Campaigns

It is a violation of ethics law for any state officer or state employee to authorize the use of public facilities, directly or indirectly, for election campaigns or ballot propositions. Agency facilities include, but are not limited to, stationery, postage, machines and equipment, use of state employees during working hours, vehicles, office space, publications of the agency, and agency clientele.

Summary of Bill:

A state ethics board or its staff, no longer just the staff, may issue an order of dismissal of an investigation based on the following findings:

- Any violation that may have occurred is not within the board's jurisdiction;
- The complaint is obviously unfounded or frivolous; or
- Any violation that may have occurred does not constitute a material violation because it was inadvertent and minor or has been cured, and that further proceedings would not serve the purposes of the ethics statutes.

If the staff issues the dismissal order, the written notice to the complainant must include a statement of the complainant's right to appeal to the ethics board and provide the complainant with the choice to request a review of the staff's action by the ethics board.

Complaints that allege a violation in the use of public resources for political campaigns by a legislator or a statewide elected official (other than the AG), are no longer investigated by the AG unless requested by the appropriate ethics board.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.