

SENATE BILL REPORT

SB 5046

As Passed Senate, February 23, 2005

Title: An act relating to ethics complaints.

Brief Description: Modifying provisions governing ethics complaints.

Sponsors: Senators Regala and Johnson; by request of Legislative Ethics Board.

Brief History:

Committee Activity: Government Operations & Elections: 1/25/05 [DP].

Passed Senate: 2/23/05, 46-0.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Haugen, Kline, McCaslin, Mulliken and Pridemore.

Staff: Mac Nicholson (786-7445)

Background: The legislative ethics board and the executive ethics board enforce the Ethics in Public Service Act against their respective members and employees. The ethics boards, or any person, may file with the appropriate ethics board a complaint alleging a violation of the ethics act. The staff of the appropriate ethics board must investigate all complaints. Current law gives the ethics boards the authority, through the rule making process, to allow board staff to dismiss a complaint if the alleged violation is not within the jurisdiction of the board; if the complaint is obviously unfounded or frivolous; or if the violation was inadvertent and minor and further proceedings would not serve the purposes of the ethics act.

All complaints alleging that a legislator or statewide elected official violated the prohibition on the use of public resources for political campaigns must be investigated by the attorney general. The attorney general bills the respective ethics board for the cost of any investigation.

Summary of Bill: The ethics boards are given the authority to issue rules allowing the board to dismiss complaints if the alleged violation is not within the jurisdiction of the board; if the complaint is obviously unfounded or frivolous; or if the violation was inadvertent and minor and further proceedings would not serve the purposes of the ethics act. If the complaint is dismissed by staff, the written notice to the complainant must include a statement of the right to appeal.

Complaints alleging that a legislator or statewide elected official violated the prohibition on the use of public resources for political campaigns are investigated by the attorney general if requested by the appropriate ethics board.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: This bill would save the ethics board some money by allowing in house investigations of certain complaints, rather than referring them all out to the attorney general. The bill also gives the board itself the same power that the board's staff has regarding dismissals of certain complaints.

Testimony Against: None.

Who Testified: Senator Johnson; Mike O'Connell, Legislative Ethics Board.