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SENATE BILL 5046

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State of Washington                      59th Legislature                      2005 Regular Session

By Senators Regala and Johnson; by request of Legislative Ethics Board

Read first time 01/12/2005.      Referred to Committee on Government Operations & Elections.

1            AN ACT Relating to ethics complaints; and amending RCW 42.52.425  
2 and 42.52.450.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 42.52.425 and 2000 c 211 s 2 are each amended to read  
5 as follows:

6            (1) Based on the investigation conducted under RCW 42.52.420 or  
7 42.52.450, and subject to rules issued by each board, the board or the  
8 staff of the appropriate ethics board may issue an order of dismissal  
9 based on any of the following findings:

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

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

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

17            (2) Written notice of the determination under subsection (1) of  
18 this section shall be provided to the complainant, respondent, and the

1 board. The written notice to the complainant shall include a statement  
2 of the complainant's right to appeal to the board under subsection (3)  
3 of this section if the dismissal order was issued by staff.

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

- 7 (a) Affirm the staff dismissal;
- 8 (b) Direct the staff to conduct further investigation; or
- 9 (c) Issue a determination that there is reasonable cause to believe  
10 that a violation has been or is being committed.

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

14 **Sec. 2.** RCW 42.52.450 and 1994 c 154 s 215 are each amended to  
15 read as follows:

16 (1) If a complaint alleges a violation of RCW 42.52.180 by a  
17 legislator or statewide elected official other than the attorney  
18 general, the attorney general shall, if requested by the appropriate  
19 ethics board, conduct the investigation under RCW 42.52.420 and  
20 recommend action (~~(to the appropriate ethics board)~~).

21 (2) If a complaint alleges a violation of RCW 42.52.180 by the  
22 attorney general, the state auditor shall conduct the investigation  
23 under RCW 42.52.420 and recommend action to the appropriate ethics  
24 board.

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