

SENATE BILL REPORT

SB 6293

As Reported By Senate Committee On:
Government Operations & Elections, February 07, 2008

Title: An act relating to ethics board penalties and costs.

Brief Description: Removing limit on ethics board penalties and costs.

Sponsors: Senator Fairley; by request of Attorney General.

Brief History:

Committee Activity: Government Operations & Elections: 1/29/08, 2/7/08 [DP, w/oRec].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, McDermott and Pridemore.

Minority Report: That it be referred without recommendation.

Signed by Senators Roach, Ranking Minority Member; Benton.

Staff: Khalia Gibson (786-7460)

Background: There are three ethics boards in Washington: the Legislative Ethics Board, the Executive Ethics Board, and the Commission on Judicial Conduct.

The Legislative Ethics Board has jurisdiction over all members and employees of the Legislature. The Executive Ethics Board has jurisdiction over all state employees and officers. The Commission on Judicial Conduct has jurisdiction over state officers and employees of the judicial branch.

All three ethics boards receive complaints from any source regarding violations of state ethics laws. Once a complaint is received, the ethics board is required to investigate complaints made by any person, or on its own motion, and impose appropriate sanctions.

If an ethics board finds that a violation has occurred, the alleged violator may have to pay a total penalty cost of more than \$500. Based on this penalty, the board may give the person the option to have an administrative law judge conduct the hearing. The board may also provide for retaining an administrative law judge on its own initiative.

The ethics board may not require the payment of more than \$500 in penalties in any case where an administrative law judge is not used, and the board did not give the alleged violator an option to have an administrative law judge decide the case.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: Repeals the language that prohibits the payment of more than \$500 in cases where an administrative law judge is not used, and the board did not give the alleged violator the option to do so.

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.

Staff Summary of Public Testimony: PRO: If the amount is less than \$500, there is a narrow adjudicative process. Imposing a \$500 cap is a small slap on the hand for suits that are brought by special interest groups. The overall process is governed by the Administrative Procedures Act, regardless if an administrative law judge is used. In the past, the administrative law judge was the gatekeeper; currently all ethics board members have expertise. The amount of the penalty often does not match the complexity of the case, and most cases deal with the use of state resources. Administrative law judges are used for two reasons, to clarify procedural issues, or they can hear the case in general. In both instances, the ethics hearings board makes the final decision on the claim. There are no due process issues affected by the bill.

Persons Testifying: PRO: Melanie DeLeon, Executive Ethics Board; Joe Zedalis, National Association of Insurance and Financial Advisors.