

HOUSE BILL REPORT

HB 2402

As Reported by House Committee On:
State Government & Tribal Affairs

Title: An act relating to transferring ethics enforcement responsibility.

Brief Description: Transferring ethics enforcement responsibility.

Sponsors: Representatives Hudgins, Hunt and Ormsby.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 1/19/12, 1/26/12 [DP].

Brief Summary of Bill

- Eliminates the Legislative Ethics Board and the Executive Ethics Board and transfers duties to the Public Disclosure Commission.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 7 members: Representatives Hunt, Chair; Appleton, Vice Chair; Darneille, Dunshee, Hurst, McCoy and Miloscia.

Minority Report: Do not pass. Signed by 4 members: Representatives Taylor, Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Alexander and Condotta.

Staff: Marsha Reilly (786-7135).

Background:

In 1993 the Legislature created the Commission on Ethics in Government and Campaign Practices (Commission). The Commission issued a detailed report recommending enactment of new ethics rules governing state officials and state employees, as well as numerous changes to the Public Disclosure Act and to other laws dealing with political campaigns. The Commission recommended that new or revised ethics rules be adopted; the new rules be consolidated into a single code of ethics; the new code apply to all state officials and

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employees of the executive, legislative, and judicial branches of state government; and each branch have its own ethics commission which would hear and determine complaints, impose sanctions, recommend disciplinary action, and issue advisory opinions.

In response to the Commission's recommendation, the Legislature enacted the Ethics in Public Service Act in 1994. The law established new and revised ethics rules; consolidated ethics rules in a single RCW chapter; and applied the new chapter to all state officials and employees of the executive, legislative, and judicial branches of state government. New ethics boards in the executive and legislative branches were created and the authority of the Commission on Judicial Conduct was expanded. Each of these entities, as well as the Attorney General (AG), have broad powers to enforce the ethics chapter.

The Executive Ethics Board is composed of five members, each appointed by the Governor. The members must include: one classified civil service employee; one state officer or state employee in an exempt position; one citizen selected from a list of three persons submitted by the AG; one citizen selected from a list of names of three persons submitted by the State Auditor; and one citizen member selected by the Governor. Members serve a single five-year term. No more than three members may be identified with the same political party. The members would elect a Chair who could be any member of the board. The AG provides staff to the board.

The Legislative Ethics Board is composed of nine members. Two senators, one from each caucus, appointed by the President of the Senate, and two representatives, one from each caucus, appointed by the Speaker of the House of Representatives serve on the board, as well as five citizen members. Four citizen members are selected by the Governor, one each from a list of three individuals submitted by each of the four legislative caucuses. One citizen member is selected by three of the four other citizen members of the board. Legislative members serve two-year terms, and citizen members serve four-year terms.

The Public Disclosure Commission (PDC) is composed of five members appointed by the Governor with the consent of the Senate. No more than three members may be identified with the same political party. Members of the PDC are prohibited from participating in political activities through holding office, supporting a candidate or proposition, making contributions to a candidate or proposition, participating in any election campaign, and lobbying. The PDC enforces campaign finance laws, including lobbying activities, use of public resources for campaigns, and disclosure of personal financial affairs of state officers.

Summary of Bill:

The Executive and Legislative Ethics Boards are each eliminated and their responsibilities for enforcement are transferred to the PDC. The composition of the PDC is changed from five members to seven members under the same appointment procedures.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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

Staff Summary of Public Testimony:

(In support) There are a number of proposals to increase efficiencies and streamline dual responsibilities of state agencies. Ethics laws are not being changed, just the agency enforcing them. This better utilizes the PDC.

(Opposed) None.

Persons Testifying: Representative Hudgins, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.