

# SENATE BILL REPORT

## SB 5796

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As of February 21, 2017

**Title:** An act relating to written correspondence regarding ethics complaints.

**Brief Description:** Concerning written correspondence regarding ethics complaints.

**Sponsors:** Senators Zeiger, Miloscia, Keiser and Hasegawa.

**Brief History:**

**Committee Activity:** State Government: 2/17/17.

**Brief Summary of Bill**

- Requires certain documents and correspondence of ethics boards to be provided by registered or certified mail, or other delivery service requiring notice of receipt to the sender.

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### SENATE COMMITTEE ON STATE GOVERNMENT

**Staff:** Samuel Brown (786-7470)

**Background:** In 1994, the Legislature enacted the Ethics in Public Service Act (Ethics Act), establishing new and revised ethics rules, consolidating them in a single RCW chapter, and applying the new chapter to all state officials and employees of the executive, legislative, and judicial branches of state government. The Ethics Act created the Executive Ethics Board (EEB) and Legislative Ethics Board (LEB), collectively referred to as the Boards, and expanded the authority of the Commission on Judicial Conduct. Each of these Boards have broad powers to enforce the Ethics Act, and may investigate and initiate complaints regarding the conduct of state government employees.

The EEB is composed of five members, each appointed by the Governor. The members must include the following: 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 Attorney General; one citizen selected from a list of three persons submitted by the State Auditor; and one citizen 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

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members elect a chair who could be any member of the board. The Office of the Attorney General (AGO) provides staff to the board.

LEB has nine members, consisting of two members of the Senate, two members of the House of Representatives, and five citizen members. The citizen members include the following: one citizen member chosen by the Governor from a list of three individuals submitted by each of the four legislative caucuses; and one citizen member selected by three of the four other citizen members of the LEB. Non-legislative members serve a single five-year term. The LEB hires its own staff.

Any person may file a complaint with a Board alleging violations of the ethics law. An investigation is limited to the assertions made in the complaint. The staff of a Board may issue an order of dismissal based on the complaint not being within the Board's jurisdiction, the complaint being unfounded or frivolous, or the complaint alleging violations that do not constitute material violations of the ethics laws. If the staff issues an order of dismissal, the order may be appealed to the Board.

If the investigation results in a determination of reasonable cause that a violation occurred, the Board must hold a public hearing regarding the merits of the complaint. The staff of the Board must present the case in support of the complaint. The respondent must file a response to the complaint and may appear in-person at the hearing and submit testimony. If the Board finds, upon a preponderance of evidence, that the respondent has violated ethics laws, an enforcement action may be taken. If the Board finds that the respondent has not violated the law, it must file an order dismissing the complaint.

**Summary of Bill:** The following Board documents must be provided by registered or certified mail, or other delivery service requiring notice of receipt to the sender:

- complaints, when provided to the person named in the complaint;
- determinations of reasonable cause;
- staff and board notices of dismissal of a claim; and
- written correspondence regarding ethics investigations conducted by the Attorney General.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: This would address a situation where a legislator did not receive correspondence regarding a complaint against the legislator.

**Persons Testifying:** PRO: Senator Hans Zeiger, Prime Sponsor.

**Persons Signed In To Testify But Not Testifying:** No one.