
HOUSE BILL 2105

State of Washington

65th Legislature

2017 Regular Session

By Representatives Stambaugh and Shea

Read first time 02/14/17. Referred to Committee on State Govt,
Elections & IT.

1 AN ACT Relating to enhancing public engagement with the
2 legislative and executive ethics boards; and amending RCW 42.52.320
3 and 42.52.360.

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

5 **Sec. 1.** RCW 42.52.320 and 1994 c 154 s 202 are each amended to
6 read as follows:

7 (1) The legislative ethics board shall enforce this chapter and
8 rules adopted under it with respect to members and employees of the
9 legislature.

10 (2) The legislative ethics board shall:

11 (a) Develop educational materials and training with regard to
12 legislative ethics for legislators and legislative employees;

13 (b) Issue written advisory opinions upon the written request of
14 any person or upon its own motion;

15 (c) Adopt rules or policies governing the conduct of business by
16 the board, and adopt rules defining working hours for purposes of RCW
17 42.52.180 and where otherwise authorized under chapter 154, Laws of
18 1994;

19 (d) Investigate, hear, and determine complaints by any person or
20 on its own motion;

21 (e) Impose sanctions including reprimands and monetary penalties;

1 (f) Recommend suspension or removal to the appropriate
2 legislative entity, or recommend prosecution to the appropriate
3 authority; and

4 (g) Establish criteria regarding the levels of civil penalties
5 appropriate for different types of violations of this chapter and
6 rules adopted under it.

7 (3) The board may:

8 (a) Issue subpoenas for the attendance and testimony of witnesses
9 and the production of documentary evidence relating to any matter
10 under examination by the board or involved in any hearing;

11 (b) Administer oaths and affirmations;

12 (c) Examine witnesses; and

13 (d) Receive evidence.

14 (4) Subject to RCW 42.52.540, the board has jurisdiction over any
15 alleged violation that occurred before January 1, 1995, and that was
16 within the jurisdiction of any of the boards established under
17 chapter 44.60 RCW. The board's jurisdiction with respect to any such
18 alleged violation shall be based on the statutes and rules in effect
19 at (~~{the}~~) the time of the violation.

20 **Sec. 2.** RCW 42.52.360 and 2013 c 190 s 3 are each amended to
21 read as follows:

22 (1) The executive ethics board shall enforce this chapter and
23 rules adopted under it with respect to statewide elected officers and
24 all other officers and employees in the executive branch, boards and
25 commissions, and institutions of higher education.

26 (2) The executive ethics board shall enforce this chapter with
27 regard to the activities of university research employees as provided
28 in this subsection.

29 (a) With respect to compliance with RCW 42.52.030, 42.52.110,
30 42.52.130, 42.52.140, and 42.52.150, the administrative process shall
31 be consistent with and adhere to no less than the current standards
32 in regulations of the United States public health service and the
33 office of the secretary of the department of health and human
34 services in Title 42 C.F.R. Part 50, Subpart F relating to promotion
35 of objectivity in research.

36 (b) With respect to compliance with RCW 42.52.040, 42.52.080, and
37 42.52.120, the administrative process shall include a comprehensive
38 system for the disclosure, review, and approval of outside work
39 activities by university research employees while assuring that such

1 employees are fulfilling their employment obligations to the
2 university.

3 (c) With respect to compliance with RCW 42.52.160, the
4 administrative process shall include a reasonable determination by
5 the university of acceptable private uses having de minimis costs to
6 the university and a method for establishing fair and reasonable
7 reimbursement charges for private uses the costs of which are in
8 excess of de minimis.

9 (3) The executive ethics board shall:

10 (a) Develop educational materials and training;

11 (b) Adopt rules and policies governing the conduct of business by
12 the board, and adopt rules defining working hours for purposes of RCW
13 42.52.180 and where otherwise authorized under chapter 154, Laws of
14 1994;

15 (c) Issue written advisory opinions upon the written request of
16 any person or upon its own motion;

17 (d) Investigate, hear, and determine complaints by any person or
18 on its own motion;

19 (e) Impose sanctions including reprimands and monetary penalties;

20 (f) Recommend to the appropriate authorities suspension, removal
21 from position, prosecution, or other appropriate remedy; and

22 (g) Establish criteria regarding the levels of civil penalties
23 appropriate for violations of this chapter and rules adopted under
24 it.

25 (4) The board may:

26 (a) Issue subpoenas for the attendance and testimony of witnesses
27 and the production of documentary evidence relating to any matter
28 under examination by the board or involved in any hearing;

29 (b) Administer oaths and affirmations;

30 (c) Examine witnesses; and

31 (d) Receive evidence.

32 (5) The board shall not delegate to the board's executive
33 director its authority to issue advisories, advisory letters, or
34 opinions.

35 (6) Except as provided in RCW 42.52.220, the executive ethics
36 board may review and approve agency policies as provided for in this
37 chapter.

1 (7) This section does not apply to state officers and state
2 employees of the judicial branch.

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