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HOUSE BILL 2119

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State of Washington

65th Legislature

2017 Regular Session

By Representatives Stambaugh, Van Werven, and Shea

Read first time 02/16/17. Referred to Committee on State Govt,  
Elections & IT.

1 AN ACT Relating to establishing ethics boards decision-making  
2 timelines; and amending RCW 42.52.430 and 42.52.360.

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

4 **Sec. 1.** RCW 42.52.430 and 1994 c 154 s 213 are each amended to  
5 read as follows:

6 (1) If the ethics board determines there is reasonable cause  
7 under RCW 42.52.420 that a violation of this chapter or rules adopted  
8 under it occurred, a public hearing on the merits of the complaint  
9 shall be held.

10 (2) The ethics board shall designate the location of the hearing.  
11 The case in support of the complaint shall be presented at the  
12 hearing by staff of the ethics board.

13 (3) The respondent shall file a written answer to the complaint  
14 and appear at the hearing in person or otherwise, with or without  
15 counsel, and submit testimony and be fully heard. The respondent has  
16 the right to cross-examine witnesses.

17 (4) Testimony taken at the hearing shall be under oath and  
18 recorded.

19 (5) If, based upon a preponderance of the evidence, the ethics  
20 board finds that the respondent has violated this chapter or rules

1 adopted under it, the board shall file an order stating findings of  
2 fact and enforcement action as authorized under this chapter.

3 (6) If, upon all the evidence, the ethics board finds that the  
4 respondent has not engaged in an alleged violation of this chapter or  
5 rules adopted under it, the ethics board shall state findings of fact  
6 and shall similarly issue and file an order dismissing the complaint.

7 (7) If the board makes a determination that there is not  
8 reasonable cause to believe that a violation has been or is being  
9 committed or has made a finding under subsection (6) of this section,  
10 the attorney general shall represent the officer or employee in any  
11 action subsequently commenced based on the alleged facts in the  
12 complaint.

13 (8) The board shall make its determination within the forty-five  
14 day period following the closure of a public hearing.

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

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

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

24 (a) With respect to compliance with RCW 42.52.030, 42.52.110,  
25 42.52.130, 42.52.140, and 42.52.150, the administrative process shall  
26 be consistent with and adhere to no less than the current standards  
27 in regulations of the United States public health service and the  
28 office of the secretary of the department of health and human  
29 services in Title 42 C.F.R. Part 50, Subpart F relating to promotion  
30 of objectivity in research.

31 (b) With respect to compliance with RCW 42.52.040, 42.52.080, and  
32 42.52.120, the administrative process shall include a comprehensive  
33 system for the disclosure, review, and approval of outside work  
34 activities by university research employees while assuring that such  
35 employees are fulfilling their employment obligations to the  
36 university.

37 (c) With respect to compliance with RCW 42.52.160, the  
38 administrative process shall include a reasonable determination by  
39 the university of acceptable private uses having de minimis costs to

1 the university and a method for establishing fair and reasonable  
2 reimbursement charges for private uses the costs of which are in  
3 excess of de minimis.

4 (3) The executive ethics board shall:

5 (a) Develop educational materials and training;

6 (b) Adopt rules and policies governing the conduct of business by  
7 the board, and adopt rules defining working hours for purposes of RCW  
8 42.52.180 and where otherwise authorized under chapter 154, Laws of  
9 1994;

10 (c) Issue advisory opinions;

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

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

14 (f) Recommend to the appropriate authorities suspension, removal  
15 from position, prosecution, or other appropriate remedy; (~~and~~)

16 (g) Establish criteria regarding the levels of civil penalties  
17 appropriate for violations of this chapter and rules adopted under  
18 it; and

19 (h) Make its determination, with respect to RCW 42.52.430, within  
20 the forty-five day period following the closure of a public hearing.

21 (4) The board may:

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

25 (b) Administer oaths and affirmations;

26 (c) Examine witnesses; and

27 (d) Receive evidence.

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

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

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

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