

HOUSE BILL REPORT

HB 2028

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

Title: An act relating to transferring executive ethics responsibilities to the public disclosure and ethics commission.

Brief Description: Transferring executive ethics responsibilities to the public disclosure and ethics commission.

Sponsors: Representatives Hudgins, Hunt, Appleton, Reykdal, McCoy and Darneille.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 3/31/11, 4/6/11 [DP].

Brief Summary of Bill

- Eliminates the Executive Ethics Board and transfers its responsibilities and authority to the Public Disclosure Commission.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 6 members: Representatives Hunt, Chair; Appleton, Vice Chair; Darneille, Dunshee, Hurst and McCoy.

Minority Report: Do not pass. Signed by 5 members: Representatives Taylor, Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Alexander, Condotta and Miloscia.

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

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.

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 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, have broad powers to enforce the ethics chapter.

The Executive Ethics Board (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 Attorney General; 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 Attorney General provides staff to the Board.

Summary of Bill:

The Board is eliminated, and its responsibilities and authority to enforce the ethics laws are transferred to the Public Disclosure Commission (PDC). The PDC is renamed the Public Disclosure and Ethics Commission.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for sections 14 through 17, relating to recodification of chapter 42, 17A, which take effect January 1, 2012.

Staff Summary of Public Testimony:

(In support) A number of consolidations are being considered to find savings. This bill moves the responsibility of the Board to the PDC. It is a good nexus. The structure is in place and funding remains the same regardless of the number of complaints. This is a good bill. The Attorney General has not provided adequate resources, support, or priority to the Board. The Board cannot keep up with the number of complaints. Educating state

employees is a full-time job. Many Board rulings are nonsensical, including the illegal search of a state employee's home. This bill will solve the problems and save the state money. The PDC staff can take over easily.

(Opposed) The Attorney General is opposed to the bill. There will not be a cost savings. The PDC polices election campaigns and activities. What are the people paying for and what do they get for what they pay? Investigators will handle fewer investigations. The two boards and staff are distinct and unique. By combining functions, you impair functions. The PDC is all about politics, elections, and disclosure. Its board is made up of people qualified to adjudicate those issues. It has a huge number of persons under its jurisdiction, and they process about 90,000 documents per year. The Board ensures that citizens trust government employees, that the employees do not use their offices for private gain, and that they advance the public's interest and not their own. The Board and its employees have an expertise in ethics. It partners with state agencies, reviews policies and contracts, and enhances the ethical behavior of all employees.

Persons Testifying: (In support) Representative Hudgins, prime sponsor; and Rob Kavanaugh.

(Opposed) Mike Connelly, Executive Ethics Board; and Brian Moran, Office of the Attorney General.

Persons Signed In To Testify But Not Testifying: None.