
**State Government & Tribal Affairs
Committee**

ESSB 6009

Brief Description: Regarding ethics in public service.

Sponsors: Senate Committee on Government Operations, Tribal Relations & Elections (originally sponsored by Senators Carrell, Schoesler, Becker, Morton, Fain, Holmquist Newbry, Swecker, Delvin, Hill and Roach).

Brief Summary of Engrossed Substitute Bill

- Makes changes to the conduct of ethics investigations.
- Adds requirements for ethics training.
- Requires agencies to designate ethics advisors.

Hearing Date: 2/20/12

Staff: Marsha Reilly (786-7135).

Background:

The Legislative Ethics Board, the Executive Ethics Board, and the Commission on Judicial Conduct help enforce state ethics law. Any person may file a complaint with an ethics board alleging violations of the ethics law. An investigation is limited to the assertions made in the complaint. The staff of an ethics board may issue an order of dismissal based on the complaint not being within the ethic 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 appropriate ethics board.

If the investigation results in a determination of reasonable cause that a violation occurred, the ethics board must hold a public hearing regarding the merits of the complaint. The staff of the appropriate ethics 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

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the ethics board finds, upon a preponderance of evidence, that the respondent has violated ethics laws, an enforcement action may be taken. If the ethics board finds that the respondent has not violated the law, it shall file an order dismissing the complaint.

Summary of Bill:

Revisions are made to the law regarding investigations of ethics complaints. Investigations are no longer limited to the allegations contained in the complaint and may include violations discovered during the course of the investigation, except when the the investigation concerns a civil service employee or someone covered by a collective bargaining agreement. Agency staff that do not have a conflict of interest with the person under investigation may assist ethics board staff in an investigation. An ethics board may request the assistance of the Office of the Attorney General (AG) when the investigation involves employees exempt from civil service or collective bargaining agreements. If the AG approves the request, the AG has the discretion to use a contracted investigator. If contracted investigators are used, the investigation is limited to 90 days, with an extension of an additional 90 days upon approval of the AG.

Agencies must designate one or more ethics advisors for purposes of providing informal ethics advice and ensuring agency uniformity with ethics laws. Ethics advisors must receive regular, scheduled training from the appropriate ethics board, may seek informal and formal advice from the ethics board, and may service as the contact point within an agency to assist with ethics investigations or coordinate ethics trainings and updates. All state officers and employees must attend ethics training within 60 days of taking office or employment. Beginning January 1, 2013, ethics training is required at a minimum of every three years. State officers and employees of a regulatory agency or agency employees involved in the acquisition of goods or services must be provided specialized or enhanced ethics training every three years.

In addition to conditions under existing law, a state officer or state employee may be exempted from the prohibition of receiving any thing of economic value under a contract or grant outside of his or her official duties if the officer or employee meets the existing conditions and has attended an approved ethics training within the past 24 months.

A definition for "ethics" is provided, and means adherence to the standards as set forth in the ethics in public service act.

Appropriation: None.

Fiscal Note: Available.

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