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**SENATE BILL 5771**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Liias, Pearson, Dansel, Hatfield, Rivers, Hobbs, and Fain

AN ACT Relating to providing for due process during an ethics investigation; and amending RCW 42.52.420, 42.52.450, and 42.52.350.

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

**Sec.**  RCW 42.52.420 and 2013 c 190 s 4 are each amended to read as follows:

(1) After the filing of any complaint, except as provided in RCW 42.52.450, the staff of the appropriate ethics board shall investigate the complaint. The ethics board may request the assistance of ((~~the office of the attorney general or~~)) a contract investigator in conducting its investigation. The ethics board shall not contract with or request the assistance of the office of the attorney general in conducting an investigation.

(2)(a) The results of the investigation shall be reduced to writing and the staff shall either make a determination that the complaint should be dismissed pursuant to RCW 42.52.425, or recommend to the board that there is or that there is not reasonable cause to believe that a violation of this chapter or rules adopted under it has been or is being committed. The staff shall not discuss the results of the investigation with the board until the ethics board meeting in which staff presents recommendations to the board that there is or is not reasonable cause to believe that a violation of this chapter or rules adopted under it has been or is being committed.

(b) The person named in the complaint must be allowed to attend the ethics board meeting in which staff presents recommendations to the board that there is or is not reasonable cause to believe that a violation of this chapter or rules adopted under it has been or is being committed, and shall have the opportunity to present evidence in person to the ethics board prior to the ethics board's determination on reasonable cause. If the complaint alleges a violation related to the official duties of a state official, the office of the attorney general must represent the state official in front of the ethics board.

(3) The board's deliberation on reasonable cause must be done in executive session without the public and staff in attendance.

(4) The board's determination on reasonable cause shall be provided to the complainant and to the person named in such complaint.

((~~(4)~~))(5) The identity of a person filing a complaint under RCW 42.52.410(1) is exempt from public disclosure, as provided in RCW 42.56.240.

**Sec.**  RCW 42.52.450 and 2005 c 116 s 2 are each amended to read as follows:

((~~(1)~~)) If a complaint alleges a violation of RCW 42.52.180 by a legislator or statewide elected official ((~~other than the attorney general, the attorney general shall, if requested by the appropriate ethics board~~)), staff of the appropriate ethics board, or a contract investigator, if requested by the ethics board, shall conduct the investigation under RCW 42.52.420 and recommend action.

((~~(2) If a complaint alleges a violation of RCW 42.52.180 by the attorney general, the state auditor shall conduct the investigation under RCW 42.52.420 and recommend action to the appropriate ethics board.~~))

**Sec.**  RCW 42.52.350 and 1994 c 154 s 205 are each amended to read as follows:

(1) The executive ethics board is created, composed of five members, appointed by the governor as follows:

(a) One member shall be a classified service employee as defined in chapter 41.06 RCW;

(b) One member shall be a state officer or state employee in an exempt position;

(c) One member shall be a citizen selected from a list of three names submitted by the attorney general;

(d) One member shall be a citizen selected from a list of three names submitted by the state auditor; and

(e) One member shall be a citizen selected at large by the governor.

(2) Except for initial members and members completing partial terms, members shall serve a single five-year term.

(3) No more than three members may be identified with the same political party.

(4) Terms of initial board members shall be staggered as follows: One member shall be appointed to a one-year term; one member shall be appointed to a two-year term; one member shall be appointed to a three-year term; one member shall be appointed to a four-year term; and one member shall be appointed to a five-year term.

(5) A vacancy on the board shall be filled in the same manner as the original appointment.

(6) Each member shall serve for the term of his or her appointment and until his or her successor is appointed.

(7) The members shall annually select a chair from among themselves.

(8) Staff shall be provided by the office of the attorney general. Investigations shall be conducted by the staff of the ethics board.

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