

HOUSE OF REPRESENTATIVES

Olympia, Washington

Bil Analysis

Bil No. HB 1001

Changing public service positions

Brief title

Hearing Date 1/20/99

Reps Constantine and Pennington

Sponsor(s)

Staff Steve Lundin

State Government Committee

Phone 786-7127

BACKGROUND:

1. Ethics law for state officials and employees.

An ethics law precludes state officials and employees from having interests in a matter that conflicts with the discharge of their official duties from accepting gifts from persons other than family members or persons with whom independent business, family or social relationships exist.

Three separate bodies exist for the laws of each separate branch of state government. The **commission on judicial conduct** for the laws and rules adopted with respect to state judges and employees of the judicial branch of state government. A nine-member **legislative ethics board** created with authority over legislative officials and employees. A five-member **executive ethics board** created with authority over executive officials and employees.

Each of these three ethics boards hears complaints that are filed alleging that an official or employee under its jurisdiction has violated these ethics laws. The staff of an ethics board investigates complaints and reduces its investigation into the ethics board. The ethics board determines whether a reasonable basis exists that a violation has occurred and holds a public hearing on the merits. If it determines that a reasonable basis exists.

After the public hearing, the ethics board may dismiss the complaint or find that a violation has occurred. If a violation is found to have occurred, the ethics board may order payment of damages that the state is liable for, civil penalties, or that costs be paid. In addition, the legislative ethics board and executive ethics board may recommend that the official or employee be removed from that position, suspended, or prosecuted.

2. Prohibition of public facilities for campaign purposes.

Separate laws exist prohibiting government facilities and state government facilities from being used,

directly or indirectly, in a campaign to elect a person to office or to promote or oppose a ballot proposition. Several exceptions are provided, including those of such facilities as part of the normal and regular duties of the office or agency.

SUMMARY:

(1) Potential dismissal of a complaint.

Staff of each of the three state ethics boards is authorized to determine if a complaint should be dismissed or may recommend to the ethics board that there is no reasonable basis to believe that a violation of the ethics laws has occurred. A complaint may be dismissed by a staff member if (a) the alleged violation is not within the board's jurisdiction; (b) the complaint is obviously unfounded or frivolous; (c) the violation is not a material violation because it was inadvertent and minor, has been cured and further proceedings would not serve the purposes of the provision; or (d) the staff member is authorized to make this determination.

A complainant may request the board to review a staff member's dismissal of a complaint. If the board affirms the staff member's dismissal, further investigation or conduct by staff may determine if there is reasonable basis to believe a violation has occurred.

(2) Restrictions on outside employment of a state official.

It is clarified that state official employment may serve as performance of duties as an official employee if more than one governmentally employed person holds the position and the employment does not conflict with the general prohibition on having financial interests that conflict with official duties.

(3) Prohibition on use of public facilities for campaign purposes.

The prohibition on use of public facilities for campaign purposes is separate from the normal and regular conduct of the office or agency and applies to the appointment of a person to a vacant elective office.

An initiative or legislative act is not considered a ballot proposition for purposes of the prohibitions on using public facilities for campaign purposes during the period commencing the first day after the loss of the time to gather signatures (15 days before the legislative session) and extending the earliest day of the legislative session or the day the legislature takes action on the initiative.

FISCAL NOTE: Not requested

EFFECTIVE DATE: Ninety days after adjournment of session in which it is passed.