

FINAL BILL REPORT

HB 2449

C 211 L 00

Synopsis as Enacted

Brief Description: Revising provisions relating to ethics board staff review of ethics complaints.

Sponsors: Representatives Pennington, Constantine and Mitchell.

House Committee on State Government
Senate Committee on State & Local Government

Background:

A variety of statutory provisions relating to ethics in public service were enacted in 1994, including restrictions on mailings by legislators and limitations on gifts for state officials and employees. The Legislative Ethics Board and the Executive Ethics Board enforce these provisions. After the filing of a complaint, the respective staffs of the ethics boards investigate and determine whether there is reasonable cause to believe that a violation has occurred. If either board determines that reasonable cause exists, it must conduct a public hearing on the merits of the complaint. If the board determines, by a preponderance of the evidence, that a violation has occurred, it may impose sanctions against the violator.

Summary of Bill:

After the filing of a complaint and investigation of an ethics law violation, the staff of the Legislative Ethics Board and the Executive Ethics Board may either: (1) issue an order of dismissal; or (2) recommend to the appropriate board that there is reasonable cause to believe that a violation has occurred.

A staff member of the ethics boards may only issue an order of dismissal if he or she believes that:

- the violation is not within the jurisdiction of the board;
- the complaint is obviously unfounded or frivolous; or
- the violation was inadvertent and minor.

An order of dismissal may be appealed to the appropriate ethics board. After hearing such an appeal, the board must:

- affirm the dismissal;
- order further investigation; or

- issue a determination that there is reasonable cause to believe that a violation has occurred.

Votes on Final Passage:

House 97 0

Senate 46 0 (Senate amended)

House 80 1 (House concurred)

Effective: June 8, 2000