

HOUSE BILL ANALYSIS

HB 2449

Title: AN ACT Relating to ethics board staff review of ethics complaint.

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

Sponsors: Pennington, Constantine.

BRIEF SUMMARY

- Allows ethics board staff to issue orders of dismissal after investigating ethics complaints.

HOUSE STATE GOVERNMENT COMMITTEE

STAFF: Jim Morishima (786-7191)

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 staff of the ethics boards investigate and determine whether there is reasonable cause to believe that a violation has occurred. If the board determines that reasonable cause exists, it must conduct a public hearing on the merits. If the board determines, by a preponderance of the evidence, that a violation has occurred, it may impose sanctions against the violator.

SUMMARY:

After the filing of a complaint and investigation, the staff of the ethics boards 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.

The staff may only issue an order of dismissal if it believes that:

- The violation is not within the jurisdiction of the board;
- The complaint is obviously unfounded or frivolous;
- 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.

APPROPRIATION: None.

FISCAL NOTE: Not requested.

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