
HOUSE BILL 2118

State of Washington

65th Legislature

2017 Regular Session

By Representatives Stambaugh and Shea

Read first time 02/16/17. Referred to Committee on State Govt,
Elections & IT.

1 AN ACT Relating to clarifying authority of ethics boards; and
2 amending RCW 42.52.320 and 42.52.360.

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

4 **Sec. 1.** RCW 42.52.320 and 1994 c 154 s 202 are each amended to
5 read as follows:

6 (1) The legislative ethics board shall enforce this chapter and
7 rules adopted under it with respect to members and employees of the
8 legislature.

9 (2) The legislative ethics board shall:

10 (a) Develop educational materials and training with regard to
11 legislative ethics for legislators and legislative employees;

12 (b) Issue advisory opinions;

13 (c) Adopt rules or policies governing the conduct of business by
14 the board, and adopt rules defining working hours for purposes of RCW
15 42.52.180 and where otherwise authorized under chapter 154, Laws of
16 1994;

17 (d) Investigate, hear, and determine complaints by any person or
18 on its own motion;

19 (e) Impose sanctions including reprimands and monetary penalties;

1 (f) Recommend suspension or removal to the appropriate
2 legislative entity, or recommend prosecution to the appropriate
3 authority; and

4 (g) Establish criteria regarding the levels of civil penalties
5 appropriate for different types of violations of this chapter and
6 rules adopted under it.

7 (3) The board may:

8 (a) Issue subpoenas for the attendance and testimony of witnesses
9 and the production of documentary evidence relating to any matter
10 under examination by the board or involved in any hearing;

11 (b) Administer oaths and affirmations;

12 (c) Examine witnesses; and

13 (d) Receive evidence.

14 (4) Subject to RCW 42.52.540, the board has jurisdiction over any
15 alleged violation that occurred before January 1, 1995, and that was
16 within the jurisdiction of any of the boards established under
17 chapter 44.60 RCW.

18 (5) The board's jurisdiction with respect to any such alleged
19 violation shall be based on the statutes and rules in effect at
20 (~~(the)~~) the time of the violation.

21 **Sec. 2.** RCW 42.52.360 and 2013 c 190 s 3 are each amended to
22 read as follows:

23 (1) The executive ethics board shall enforce this chapter and
24 rules adopted under it with respect to statewide elected officers and
25 all other officers and employees in the executive branch, boards and
26 commissions, and institutions of higher education.

27 (2) The executive ethics board shall enforce this chapter with
28 regard to the activities of university research employees as provided
29 in this subsection.

30 (a) With respect to compliance with RCW 42.52.030, 42.52.110,
31 42.52.130, 42.52.140, and 42.52.150, the administrative process shall
32 be consistent with and adhere to no less than the current standards
33 in regulations of the United States public health service and the
34 office of the secretary of the department of health and human
35 services in Title 42 C.F.R. Part 50, Subpart F relating to promotion
36 of objectivity in research.

37 (b) With respect to compliance with RCW 42.52.040, 42.52.080, and
38 42.52.120, the administrative process shall include a comprehensive
39 system for the disclosure, review, and approval of outside work

1 activities by university research employees while assuring that such
2 employees are fulfilling their employment obligations to the
3 university.

4 (c) With respect to compliance with RCW 42.52.160, the
5 administrative process shall include a reasonable determination by
6 the university of acceptable private uses having de minimis costs to
7 the university and a method for establishing fair and reasonable
8 reimbursement charges for private uses the costs of which are in
9 excess of de minimis.

10 (3) The executive ethics board shall:

11 (a) Develop educational materials and training;

12 (b) Adopt rules and policies governing the conduct of business by
13 the board, and adopt rules defining working hours for purposes of RCW
14 42.52.180 and where otherwise authorized under chapter 154, Laws of
15 1994;

16 (c) Issue advisory opinions;

17 (d) Investigate, hear, and determine complaints by any person or
18 on its own motion;

19 (e) Impose sanctions including reprimands and monetary penalties;

20 (f) Recommend to the appropriate authorities suspension, removal
21 from position, prosecution, or other appropriate remedy; and

22 (g) Establish criteria regarding the levels of civil penalties
23 appropriate for violations of this chapter and rules adopted under
24 it.

25 (4) The board may:

26 (a) Issue subpoenas for the attendance and testimony of witnesses
27 and the production of documentary evidence relating to any matter
28 under examination by the board or involved in any hearing;

29 (b) Administer oaths and affirmations;

30 (c) Examine witnesses; and

31 (d) Receive evidence.

32 (5) The board's jurisdiction with respect to any alleged
33 violation shall be based on the statutes and rules in effect at the
34 time of the alleged violation.

35 (6) The board shall not delegate to the board's executive
36 director its authority to issue advisories, advisory letters, or
37 opinions.

38 ((+6+)) (7) Except as provided in RCW 42.52.220, the executive
39 ethics board may review and approve agency policies as provided for
40 in this chapter.

1 (~~(7)~~) (8) This section does not apply to state officers and
2 state employees of the judicial branch.

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