
HOUSE BILL 1763

State of Washington

62nd Legislature

2011 Regular Session

By Representative Miloscia

Read first time 02/01/11. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to improving ethics and integrity; amending RCW
2 42.52.320 and 42.52.360; adding new sections to chapter 42.52 RCW;
3 adding a new section to chapter 44.28 RCW; and adding a new section to
4 chapter 43.09 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 42.52 RCW
7 to read as follows:

8 It is the intent of the legislature to improve the ethical and
9 moral standards, culture, and conduct of all elected senior leadership
10 and staff to become the highest in the nation. In addition, the
11 legislature intends to increase public confidence in the state's
12 governmental processes, in the legislature, and the leadership of its
13 public agencies to be the highest in the nation. The legislature also
14 intends to improve ethics and integrity education and training programs
15 and to make the ethics and integrity of all clients, partners, and
16 vendors to be the best in the nation. With this work, the legislature,
17 elected officials, senior executive leadership, and staff will be
18 recognized as state and national leaders in ethics and integrity.

1 **Sec. 2.** RCW 42.52.320 and 1994 c 154 s 202 are each amended to
2 read as follows:

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

6 (2) The legislative ethics board shall:

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

9 (b) Issue advisory opinions;

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

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

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

17 (f) Recommend suspension or removal to the appropriate legislative
18 entity, or recommend prosecution to the appropriate authority; (~~and~~)

19 (g) Establish criteria regarding the levels of civil penalties
20 appropriate for different types of violations of this chapter and rules
21 adopted under it;

22 (h) Develop a legislative plan to provide overall direction and
23 accountability for legislators and staff;

24 (i) Coordinate and work with the executive ethics board and the
25 commission on judicial conduct;

26 (j) Assess and evaluate the house of representatives' and the
27 senate's ethical culture through employee and stakeholder surveys and
28 publish an annual report that shall be made public; and

29 (k) Solicit outside evaluations, studies, and recommendations for
30 improvements from academics, nonprofit organizations, the public
31 disclosure commission, and other entities with expertise in ethics,
32 integrity, and the public sector.

33 (3) The board may:

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

37 (b) Administer oaths and affirmations;

38 (c) Examine witnesses; and

1 (d) Receive evidence.

2 (4) Subject to RCW 42.52.540, the board has jurisdiction over any
3 alleged violation that occurred before January 1, 1995, and that was
4 within the jurisdiction of any of the boards established under chapter
5 44.60 RCW. The board's jurisdiction with respect to any such alleged
6 violation shall be based on the statutes and rules in effect at
7 (~~{the}~~) the time of the violation.

8 **Sec. 3.** RCW 42.52.360 and 2005 c 106 s 5 are each amended to read
9 as follows:

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

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

17 (a) With respect to compliance with RCW 42.52.030, 42.52.110,
18 42.52.130, 42.52.140, and 42.52.150, the administrative process shall
19 be consistent with and adhere to no less than the current standards in
20 regulations of the United States public health service and the office
21 of the secretary of the department of health and human services in
22 Title 42 C.F.R. Part 50, Subpart F relating to promotion of objectivity
23 in research.

24 (b) With respect to compliance with RCW 42.52.040, 42.52.080, and
25 42.52.120, the administrative process shall include a comprehensive
26 system for the disclosure, review, and approval of outside work
27 activities by university research employees while assuring that such
28 employees are fulfilling their employment obligations to the
29 university.

30 (c) With respect to compliance with RCW 42.52.160, the
31 administrative process shall include a reasonable determination by the
32 university of acceptable private uses having de minimis costs to the
33 university and a method for establishing fair and reasonable
34 reimbursement charges for private uses the costs of which are in excess
35 of de minimis.

36 (3) The executive ethics board shall:

37 (a) Develop and provide educational materials and training;

1 (b) Adopt rules and policies governing the conduct of business by
2 the board, and adopt rules defining working hours for purposes of RCW
3 42.52.180 and where otherwise authorized under chapter 154, Laws of
4 1994;

5 (c) Issue advisory opinions;

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

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

9 (f) Recommend to the appropriate authorities suspension, removal
10 from position, prosecution, or other appropriate remedy; ~~((and))~~

11 (g) Establish criteria regarding the levels of civil penalties
12 appropriate for violations of this chapter and rules adopted under it;

13 (h) Develop a governor's integrity and ethics award program,
14 including criteria for determining annual award recipients;

15 (i) Develop a statewide plan to provide overall direction and
16 accountability in all executive branch agencies and statewide elected
17 offices;

18 (j) Coordinate and work with the commission on judicial conduct and
19 the legislative ethics board;

20 (k) Assess and evaluate each agency's ethical culture through
21 employee and stakeholder surveys and publish an annual report on the
22 results to the public; and

23 (l) Solicit outside evaluations, studies, and recommendations for
24 improvements from academics, nonprofit organizations, the public
25 disclosure commission, or other entities with expertise in ethics,
26 integrity, and the public sector.

27 (4) The board may:

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

31 (b) Administer oaths and affirmations;

32 (c) Examine witnesses; and

33 (d) Receive evidence.

34 (5) Except as provided in RCW 42.52.220, the executive ethics board
35 may review and approve agency policies as provided for in this chapter.

36 (6) This section does not apply to state officers and state
37 employees of the judicial branch.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 42.52 RCW
2 to read as follows:

3 The governor's integrity and ethics award program is created, to be
4 administered by the executive ethics board. Annually, the executive
5 ethics board shall recognize local governments, private sectors
6 businesses, educational institutions, and nonprofit organizations with
7 the best ethics and integrity program.

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 42.52 RCW
9 to read as follows:

10 All state officers and employees must attend annual ethics and
11 integrity training. Failure to fulfill this annual obligations shall
12 result in the forfeiture of all compensation related to a person's
13 office or employment.

14 NEW SECTION. **Sec. 6.** A new section is added to chapter 42.52 RCW
15 to read as follows:

16 (1) Each head of agency must develop an annual ethics and integrity
17 plan for leadership and staff of the agency. The plan must be updated
18 annually, be made available to the public, and:

- 19 (a) Include project management, targets, and timelines;
- 20 (b) Integrate with other accountability, ethics, and integrity
21 programs;
- 22 (c) Identify national and international best practices and superior
23 results;
- 24 (d) Identify opportunities for improvement and barriers to success;
- 25 (e) Develop public-private partnerships where appropriate; and
- 26 (f) Provide an annual report to the legislature that includes
27 recommendations for improving applicable statutes and existing programs
28 and results.

29 (2) In addition, each head of agency must create an independent
30 advisory committee of employees and citizens.

31 (3) The governor must perform a government accountability and
32 performance review on a quarterly basis.

33 NEW SECTION. **Sec. 7.** A new section is added to chapter 44.28 RCW
34 to read as follows:

35 Beginning January 1, 2012, and every four years thereafter, the

1 joint legislative audit and review committee must audit the legislative
2 ethics board and the house of representatives' and the senate's ethics
3 and integrity programs.

4 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.09 RCW
5 to read as follows:

6 Beginning January 1, 2012, and every four years thereafter, the
7 state auditor must audit the executive ethics board.

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