
SENATE BILL 5771

State of Washington 64th Legislature 2015 Regular Session

By Senators Lias, Pearson, Dansel, Hatfield, Rivers, Hobbs, and Fain

Read first time 02/02/15. Referred to Committee on Government Operations & Security.

1 AN ACT Relating to providing for due process during an ethics
2 investigation; and amending RCW 42.52.420, 42.52.450, and 42.52.350.

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

4 **Sec. 1.** RCW 42.52.420 and 2013 c 190 s 4 are each amended to
5 read as follows:

6 (1) After the filing of any complaint, except as provided in RCW
7 42.52.450, the staff of the appropriate ethics board shall
8 investigate the complaint. The ethics board may request the
9 assistance of ~~((the office of the attorney general or))~~ a contract
10 investigator in conducting its investigation. The ethics board shall
11 not contract with or request the assistance of the office of the
12 attorney general in conducting an investigation.

13 (2)(a) The results of the investigation shall be reduced to
14 writing and the staff shall either make a determination that the
15 complaint should be dismissed pursuant to RCW 42.52.425, or recommend
16 to the board that there is or that there is not reasonable cause to
17 believe that a violation of this chapter or rules adopted under it
18 has been or is being committed. The staff shall not discuss the
19 results of the investigation with the board until the ethics board
20 meeting in which staff presents recommendations to the board that
21 there is or is not reasonable cause to believe that a violation of

1 this chapter or rules adopted under it has been or is being
2 committed.

3 (b) The person named in the complaint must be allowed to attend
4 the ethics board meeting in which staff presents recommendations to
5 the board that there is or is not reasonable cause to believe that a
6 violation of this chapter or rules adopted under it has been or is
7 being committed, and shall have the opportunity to present evidence
8 in person to the ethics board prior to the ethics board's
9 determination on reasonable cause. If the complaint alleges a
10 violation related to the official duties of a state official, the
11 office of the attorney general must represent the state official in
12 front of the ethics board.

13 (3) The board's deliberation on reasonable cause must be done in
14 executive session without the public and staff in attendance.

15 (4) The board's determination on reasonable cause shall be
16 provided to the complainant and to the person named in such
17 complaint.

18 ~~((4))~~ (5) The identity of a person filing a complaint under RCW
19 42.52.410(1) is exempt from public disclosure, as provided in RCW
20 42.56.240.

21 **Sec. 2.** RCW 42.52.450 and 2005 c 116 s 2 are each amended to
22 read as follows:

23 ~~((1))~~ If a complaint alleges a violation of RCW 42.52.180 by a
24 legislator or statewide elected official ~~((other than the attorney~~
25 ~~general, the attorney general shall, if requested by the appropriate~~
26 ~~ethics board)), staff of the appropriate ethics board, or a contract~~
27 investigator, if requested by the ethics board, shall conduct the
28 investigation under RCW 42.52.420 and recommend action.

29 ~~((2) If a complaint alleges a violation of RCW 42.52.180 by the~~
30 ~~attorney general, the state auditor shall conduct the investigation~~
31 ~~under RCW 42.52.420 and recommend action to the appropriate ethics~~
32 ~~board.))~~

33 **Sec. 3.** RCW 42.52.350 and 1994 c 154 s 205 are each amended to
34 read as follows:

35 (1) The executive ethics board is created, composed of five
36 members, appointed by the governor as follows:

37 (a) One member shall be a classified service employee as defined
38 in chapter 41.06 RCW;

1 (b) One member shall be a state officer or state employee in an
2 exempt position;

3 (c) One member shall be a citizen selected from a list of three
4 names submitted by the attorney general;

5 (d) One member shall be a citizen selected from a list of three
6 names submitted by the state auditor; and

7 (e) One member shall be a citizen selected at large by the
8 governor.

9 (2) Except for initial members and members completing partial
10 terms, members shall serve a single five-year term.

11 (3) No more than three members may be identified with the same
12 political party.

13 (4) Terms of initial board members shall be staggered as follows:
14 One member shall be appointed to a one-year term; one member shall be
15 appointed to a two-year term; one member shall be appointed to a
16 three-year term; one member shall be appointed to a four-year term;
17 and one member shall be appointed to a five-year term.

18 (5) A vacancy on the board shall be filled in the same manner as
19 the original appointment.

20 (6) Each member shall serve for the term of his or her
21 appointment and until his or her successor is appointed.

22 (7) The members shall annually select a chair from among
23 themselves.

24 (8) Staff shall be provided by the office of the attorney
25 general. Investigations shall be conducted by the staff of the ethics
26 board.

--- END ---