

SENATE BILL REPORT

HB 2449

As Reported By Senate Committee On:
State & Local Government, February 24, 2000

Title: An act relating to ethics board staff review of ethics complaints.

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

Sponsors: Representatives Pennington, Constantine and Mitchell.

Brief History:

Committee Activity: State & Local Government: 2/16/2000, 2/24/2000 [DPA].

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: Do pass as amended.

Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Horn, Kline and McCaslin.

Staff: Diane Smith (786-7410)

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 of Amended Bill: The investigation of a complaint made to the ethics boards is limited to the allegation in the complaint. After investigating, the staff of the ethics boards either makes a recommendation to the board on the issue of reasonable cause, or the staff may dismiss the complaint. The staff has the authority to order dismissal under the following three circumstances: the board does not have jurisdiction over the alleged violation; the complaint is obviously unfounded or frivolous; or the alleged violation was inadvertent, minor, or already cured and proceeding with enforcement would not serve the purposes of the section. The boards are given the authority to tailor this dismissal procedure to their own unique needs by means of administrative rule. Notice to the complainant of the staff's dismissal of the complaint must include notification of the complainant's right to appeal to the board.

An order of dismissal may be appealed to the appropriate ethics board. After hearing such an appeal, the board must either affirm the dismissal, order further investigation, or issue a determination that there is reasonable cause to believe that a violation has occurred.

Amended Bill Compared to Original Bill: The striking amendment requires notification to the complainant of his or her right to appeal a staff dismissal to the board.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: The appeal process is difficult and the ethics law is bad enough the way it is. This bill adds a whole new step for a complainant to have to go through. There is potential for abuse.

Testified: Randy Boss (con).