
HOUSE BILL 3128

State of Washington

60th Legislature

2008 Regular Session

By Representatives Miloscia, Ormsby, and Kelley

Read first time 01/22/08. Referred to Committee on State Government & Tribal Affairs.

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

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

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

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

1 **Sec. 2.** RCW 42.52.360 and 2005 c 106 s 5 are each amended to read
2 as follows:

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

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

10 (a) With respect to compliance with RCW 42.52.030, 42.52.110,
11 42.52.130, 42.52.140, and 42.52.150, the administrative process shall
12 be consistent with and adhere to no less than the current standards in
13 regulations of the United States public health service and the office
14 of the secretary of the department of health and human services in
15 Title 42 C.F.R. Part 50, Subpart F relating to promotion of objectivity
16 in research.

17 (b) With respect to compliance with RCW 42.52.040, 42.52.080, and
18 42.52.120, the administrative process shall include a comprehensive
19 system for the disclosure, review, and approval of outside work
20 activities by university research employees while assuring that such
21 employees are fulfilling their employment obligations to the
22 university.

23 (c) With respect to compliance with RCW 42.52.160, the
24 administrative process shall include a reasonable determination by the
25 university of acceptable private uses having de minimis costs to the
26 university and a method for establishing fair and reasonable
27 reimbursement charges for private uses the costs of which are in excess
28 of de minimis.

29 (3) The executive ethics board shall:

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

31 (b) Adopt rules and policies governing the conduct of business by
32 the board, and adopt rules defining working hours for purposes of RCW
33 42.52.180 and where otherwise authorized under chapter 154, Laws of
34 1994;

35 (c) Issue advisory opinions;

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

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

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

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

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

7 (i) Develop a statewide plan to provide overall direction and
8 accountability in all executive branch agencies and statewide elected
9 offices;

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

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

15 (l) Solicit outside evaluations, studies, and recommendations for
16 improvements from academics, nonprofit organizations, the public
17 disclosure commission, or other entities with expertise in ethics,
18 integrity, and the public sector.

19 (4) The board may:

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

23 (b) Administer oaths and affirmations;

24 (c) Examine witnesses; and

25 (d) Receive evidence.

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

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

30 NEW SECTION. Sec. 3. A new section is added to chapter 42.52 RCW
31 to read as follows:

32 The governor's integrity and ethics award program is created and
33 will be administered by the executive ethics board. Annually, the
34 executive ethics board will recognize local governments, private
35 sectors businesses, educational institutions, and nonprofit
36 organizations with the best ethics and integrity program.

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

3 All statewide elected officers, and all other officers and
4 employees in the executive branch, boards and commissions, and
5 institutions of higher education must attend annual ethics and
6 integrity training. Failure to fulfill this annual obligation will
7 cause the forfeiture of all compensation related to a person's office
8 or employment.

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

11 (1) Each statewide elected officer and all other agencies in the
12 executive branch must develop an annual ethics and integrity plan for
13 agency leadership and staff. The plan must be updated annually, be
14 made available to the public, and:

15 (a) Include project management, targets, and timelines;

16 (b) Integrate with other accountability, ethics, and integrity
17 programs;

18 (c) Identify national and international best practices and superior
19 results;

20 (d) Identify opportunities for improvement and barriers to success;

21 (e) Develop public-private partnerships where appropriate; and

22 (f) Provide an annual report to the legislature that includes
23 recommendations for improving applicable statutes and existing programs
24 and results.

25 (2) In addition, each statewide elected officer and all other
26 agencies in the executive branch must create an independent advisory
27 committee of employees and citizens.

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

30 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.09 RCW
31 to read as follows:

32 Beginning January 1, 2009, and continuing every four years
33 thereafter, the state auditor must audit the executive ethics board.

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