

INITIATIVE 186

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 186 to the Legislature is a true and correct copy as it was received by this office.

1 **AN ACT Relating to the Office of State Inspector General;** adding a
2 new chapter to Title 43 RCW; reenacting and amending RCW 43.17.010;
3 amending RCW 43.17.020; **and adding a new section** to chapter 41.06 RCW.

4 *BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:*

5 **NEW SECTION.** Sec. 1. **Purpose-** It is the purpose of this chapter
6 to create a new agency to investigate complaints of malfeasance or
7 abuse by government agencies or employees, and to enforce fair and
8 ethical practices by licensees doing business in the State.

9 The Office of State Inspector General shall work with State
10 Auditors in investigating complaints thoroughly and conscientiously,
11 and shall be authorized to enlist the assistance of volunteers from the
12 public sector, to act as interns in preliminary inquiries, to ease the
13 investigative caseload.

14 **NEW SECTION.** Sec. 2. **Definitions-** Unless the context clearly
15 requires otherwise, the definitions in this section shall apply
16 throughout this chapter.

17 (1) "Director" means the director of the Office of State Inspector
18 General.

19 (2) "Office" means the Office of State Inspector General.

1 (3) "fair and ethical practices" means that which does not cheat
2 nor injure others.

3 (4) "fairness and common sense" means that with which reasonable
4 minds would concur and agree.

5 **NEW SECTION. Sec. 3. Vestment of Powers-** There is created a
6 department of state government to be known as the Office of State
7 Inspector General, to monitor and enforce honesty and ethics, and
8 improve oversight, efficiency and accountability in governmental and
9 business practices. The Office is vested with all powers and duties as
10 are authorized by law.

11 **NEW SECTION. Sec. 4. Funding-** The Office of State Inspector
12 General shall be financed by the State General Fund, and augmented by
13 any federal programs for which it qualifies, and any gifts, grants or
14 endowments it receives from public or private entities. The Office
15 shall have authority to purchase facilities, equipment and supplies in
16 the conducting of it's business, and to enter into contracts with
17 public or private entities for studies and other services. The Office
18 shall undergo an annual audit, and shall publish an annual report
19 summarizing it's activities.

20 **NEW SECTION. Sec. 5. Independence of Agency-** It is intended that
21 the Office of State Inspector General shall be the People's Advocate in
22 guarding against malfeasance, fraud or abuse from any quarter. A
23 civilian agency, it shall exercise no police powers over the general
24 populace. Recognizing that maintaining the integrity of this agency is
25 critical, it shall remain independent of political or capital
26 interests, and care shall be taken to prevent any undue influence or
27 control of this agency by bar or police organizations, or any other
28 vested interests who themselves might be subject to scrutiny by this
29 agency.

30 **NEW SECTION. Sec. 6. Oversight, Coordination by Executive**
31 **Committee-** An Executive Committee shall be established to oversee and
32 coordinate the activities of the Office, and shall establish such
33 administrative structures as are deemed necessary for the conducting of
34 it's affairs. The Executive Committee shall be assembled in such form
35 as to assure integrity and continuity in it's mission, and shall be

1 comprised of seven members, the majority of whom shall be lay
2 individuals.

3 **NEW SECTION. Sec. 7. Directorship-** The executive head of the
4 Office shall be the director. The Director shall be appointed by the
5 Governor, with the consent of the Senate, upon demonstrating an
6 unwavering commitment to upholding the rights of the people under the
7 State and Federal Constitutions, and to uncovering abuse in any
8 quarter. The Director shall be paid a salary fixed by the Governor in
9 accordance with RCW 43.03.040, and shall be limited to a maximum of two
10 five-year terms in office.

11 **NEW SECTION. Sec. 8. Appointment of Consulting Committees-**
12 Exercising supervisory powers over the Office, the Director may employ
13 such assistants and personnel as are deemed necessary for the general
14 administration of the Office, after consulting with and obtaining the
15 approval of the Executive Committee. This employment shall be in
16 accordance with State Civil Service law, Chapter 41.06 RCW, except as
17 otherwise provided. The Director may also enlist the assistance of
18 qualified volunteers from the public sector, as provided by State
19 internship codes. The Director shall appoint a deputy director, an
20 office personnel director, and such assistant directors as may be
21 needed to administer the Office. The deputy director shall have charge
22 and general supervision of the Office in the absence or disability of
23 the Director and, in case of vacancy in the office, the deputy director
24 shall continue in charge of the Office until a successor is qualified
25 and appointed, or until the Governor appoints an acting Director. The
26 Director may appoint state-wide committees or councils on such matters
27 as come within the Office's responsibilities. The Director may also
28 appoint such committees and councils as may be required by federal
29 legislation as a condition to the receipt of federal funds by the
30 Office. These committees and councils shall have substantial consumer
31 representation, and members of such advisory councils or committees may
32 be paid their travel expenses in accordance with RCW 43.03.050 and
33 43.03.060.

34 **NEW SECTION. Sec. 9. Grounds for Removal-** The Director shall be
35 responsible for the official acts of any appointees in the Office, and
36 shall appoint only those individuals of the highest integrity and

1 motivation. Likewise, volunteers applying to act as interns with this
2 agency shall undergo the same rigorous screening for competence and
3 integrity as in the hiring of permanent staff. Any unfounded abuse,
4 neglect of duty, or betrayal of the public trust by any participants in
5 this agency shall be grounds for immediate dismissal and/or criminal
6 prosecution under RCW 43.01.125, and any other applicable statutes. In
7 all cases, personnel at any level shall be subject to recall for cause
8 by an informed electorate; *Provided*, that any misleading, unfounded or
9 libelous reports designed to merely harass or intimidate any appointees
10 of this agency shall be construed as media assault. In all cases, any
11 reports involving this agency shall entitle it to equal time or space
12 to rebut unfounded allegations.

13 **NEW SECTION. Sec. 10. Authority to Conduct Hearings-** The Office
14 of State Inspector General shall have authority to issue subpoenas,
15 take depositions, conduct hearings and issue Executive Orders; shall
16 have prompt and ready access to all public offices, facilities and
17 records; and may enlist the assistance of state and local police, or
18 the resources of other public agencies, in the conduct of it's
19 business. Upon investigation and findings by this agency, the Office
20 shall be authorized to launch court challenges to any departmental
21 order considered to be incorrect or unjust, towards interceding upon or
22 superceding them in the interest of justice; and the Office may secure
23 injunctions pending review in emergency situations where life or
24 property are jeopardized. It shall be unlawful for any public employee
25 to hinder or delay an investigation by this agency, and any public
26 employee found to be failing to cooperate in investigations by this
27 agency shall face immediate suspension; excepting executive,
28 legislative or judicial personnel acting in official capacities in fair
29 and impartial proceedings.

30 **NEW SECTION. Sec. 11. Judicial Performance Not Exempt from**
31 **Review-** The concept of checks and balances being crucial to the just
32 and orderly functioning of a democracy which serves it's people,
33 judicial performance *not* be exempt from review and censure by this
34 agency. Any certifiable finding of flagrant judicial improprieties,
35 such as bias which constitutes any form of obstruction of justice, or
36 decisions reflecting other than fairness and common sense, shall be
37 conveyed to appropriate authorities with recommendations for either

1 censure or removal from office. In cases of alleged malfeasance by
2 executive or legislative officials, the Office shall have authority to
3 submit prima facie evidence to a judicial panel convened for the
4 purpose, and investigations shall proceed upon warrant of probable
5 cause. While having authority by Executive Order to fine, fire or
6 recommend the jailing of any public employee for gross malfeasance in
7 office, this authority shall not extend to federal employees operating
8 in the state, except to notify the appropriate federal authorities of
9 investigative findings. If violations persist by federal employees
10 after such notification, the Office may, either on it's own behalf, or
11 with the assistance of the Attorney General, institute suit against the
12 appropriate federal agency to correct the wrongdoing. In all events,
13 investigations by this agency shall be separate and independent of any
14 investigations conducted in-house by factions representing their own.
15 In cases of malfeasance, fraud or abuse by commercial entities, or
16 anyone else doing business in the State, the Office may work with the
17 Department of Licensing, or any other relevant agency, to order
18 restitution and otherwise enforce compliance in correcting deficiencies
19 or wrongdoings.

20 **NEW SECTION. Sec. 12. Published Commentary of Pending**
21 **Legislations-** The Office of State Inspector General may, at it's own
22 election, forward proposed legislations towards addressing any
23 widespread violations it finds. The public shall be notified by
24 publication of any such proposed legislations by this agency and shall
25 be afforded opportunities to register well-founded views on each. In
26 cases of proposed legislations being forwarded the Office will also
27 publish the legislative results on the proposed legislations. The
28 Office may also, at it's election, publish a daily roster of bills
29 currently under consideration in the legislature, or any other public
30 body, the rationale for each, and any commentary it wishes to include
31 on how they benefit, or fail to benefit, the public.

32 **NEW SECTION. Sec. 13. Competency Tests, Compiling Reports-**
33 Should it become required by law that public office seekers must submit
34 to intelligence and psychological testing, and disclose such things as
35 biases, affiliations, personal agendas or to whom they might be
36 beholden, the Office of State Inspector General shall work with the
37 Civil Service and Public Disclosure Commissions in compiling reports.

1 Likewise in verifying the fitness, literacy and basic reasoning powers
2 of prospective jurors.

3 **NEW SECTION. Sec. 14. Retaliation Against Complainants, Filing**
4 **Frivolous Complaints, Unlawful-** It shall be unlawful for anyone to
5 retaliate against any complainant filing a grievance with this agency.
6 Complaints shall be supported by Sworn Affidavit, and the Office may,
7 at it's discretion, accept anonymous complaints, and shall observe
8 confidentiality of complainants upon declaration of awkwardness or
9 disadvantage through filing the complaint. It being conceivable that
10 frivolous, deceitful or malicious complaints might be filed by petty or
11 troublesome individuals merely for the sake of harassment or
12 obstruction, the Office shall, at it's discretion, have authority to
13 require a bond from suspect complainants to proceed with an
14 investigation, or ask that they submit to polygraph examinations to
15 verify their allegations of wrongdoing. Obviously frivolous complaints
16 filed shall be prosecutable under harassment statutes.

17 **NEW SECTION. Sec. 15. Appeals-** Anyone aggrieved by any act or
18 decision of this agency may appeal to any state court or federal agency
19 having monitoring jurisdiction over state agencies; *Provided*, that they
20 post any appeal bond required by laws pertinent to the filing of such
21 appeals. Any appeals notwithstanding, any fines or firing instituted
22 by Executive Order after investigation by this agency shall remain in
23 effect until such time as they might be overturned on review.

24 **NEW SECTION. Sec. 16.** A new section is added to chapter 41.06 RCW
25 as follows: The Civil Service provisions of this chapter shall not
26 apply in the Office of State Inspector General to the director, the
27 deputy director, all assistant and division directors, and one
28 confidential secretary for each of these officers.

29 **NEW SECTION. Sec. 17.** RCW 43.17.010 and 1993 sp.s c 2 a 16, 1993
30 c 472 s 17, and 1993 c 280 a 18 are reenacted and amended to read as
31 follows: There shall be departments of the state government which
32 shall be known as: "... and (16) the Office of State Inspector
33 General".

1 **NEW SECTION.** Sec. 18. RCW 43.17.020 and 1995 1se sp.s c 2 s 2 are
2 each each amended to read as follows: There shall be a chief executive
3 officer of each department to be known as: "...and (16) the Director
4 of the Office of State Inspector General".

5 **NEW SECTION.** Section. 19. **Effective-** This act is necessary for
6 the immediate furtherance of the public peace, safety and welfare, and
7 support of orderliness and integrity of the state government and it's
8 existing institutions, and shall take effect upon thirty days of
9 approval in accordance with law.

10 **NEW SECTION.** Sec. 20. **Disclaimers-** Sections 1 through 15 of this
11 act constitute a new chapter in Title 43 RCW. If any stipulation of
12 this Initiative is found to be invalid, the rest shall remain in effect
13 for purposes of establishing this new department.

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