

FORMATTING NOTE:

In initiatives, legislative bills and other proposed measures, language that is to be deleted from current statutes is represented by a "strikethrough" character and language that is to be added is underlined. Because these special characters cannot be formatted in all Internet browsers, a different set of symbols is used for presenting these proposals on-line. The symbols are as follows:

- Text that is surrounded by (({- text here -})) is text that will be DELETED FROM the existing statute if the proposed measure is approved.
- Text that is surrounded by {+ text here +} is text that will be ADDED TO the existing statute if the proposed measure is approved.
- {+ NEW SECTION+} (found at the beginning of a section or paragraph) indicates that ALL of the text in that section will become law if the proposed measure is approved.

* * *
INITIATIVE 662

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. 662 to the People is a true and correct copy as it was received by this office.

INITIATIVE MEASURE NO. 662

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

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

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

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

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout the chapter.

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

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

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

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

NEW SECTION. Sec. 3. There is created a department of state government to be known as the Office of State Inspector General. The Office is vested with all powers and duties as are authorized by law.

NEW SECTION. Sec. 4. The Office of State Inspector General shall be financed by the State General Fund, and augmented by any federal programs for which it qualifies.

NEW SECTION. Sec. 5. The executive head and appointing authority of the Office shall be the Director. The Director shall be appointed by the Governor, with the consent of the Senate, after demonstrating an unwavering commitment to upholding the rights of the people under the state and federal Constitutions, and to uncovering abuse in any quarter. The Director shall be paid a salary fixed by the Governor in accordance with RCW 43.03.040, and shall be limited to one five-year term in office.

NEW SECTION. Sec. 6. Exercising supervisory powers over the Office, the Director may create such administrative structures, and employ such assistants and personnel as are deemed necessary for the general administration of the Office. This employment shall be in accordance with State Civil Service law, Chapter 41.06 RCW, except as otherwise provided. The Director may also enlist the assistance of qualified volunteers from the public sector, as provided by State internship codes.

NEW SECTION. Sec. 7. The Director shall appoint a deputy director, an office personnel director, and such assistant directors as may be needed to administer the Office. The deputy director shall have charge and general supervision of the Office in the absence or disability of the Director and, in case of vacancy in the office, the deputy director shall continue in charge of the Office until a successor is qualified and appointed, or until the Governor appoints an acting Director.

NEW SECTION. Sec. 8. The Director may appoint state-wide committees or councils on such matters as come within the Office's responsibilities. The Director may also appoint such committees and councils as may be required by federal legislation as a condition to the receipt of federal funds by the Office. These committees and councils shall have substantial consumer representation, and members of such advisory councils or committees may be paid their travel expenses in accordance with RCW 43.03.050 and RCW 43.03.060.

NEW SECTION. Sec. 9. It is not the intent of this Act to establish any sort of State "super police", and under no circumstances shall this agency exercise any police powers over the general populace. Rather, it is intended that the Office of State Inspector General shall be the People's Advocate in guarding against abuse or exploitation from any quarter. Recognizing that maintaining the integrity of this agency is critical, it shall remain independent of political or capital interests, and care shall be taken to prevent any undue influence or control of this agency by bar or police organizations, or any vested interests who themselves might be subject to scrutiny by this agency. The Director shall be responsible for the official acts of any appointees in the Office, and shall appoint only those individuals of the highest integrity and motivation. Any unfounded abuse, neglect of duty, or betrayal of the public trust by any participants in this agency shall be grounds for immediate dismissal and/or criminal prosecution under RCW 43.01.125, and any other applicable statutes. In any event, appointees of this agency shall be subject to recall for

cause by an educated and informed electorate; Provided, that any unfounded or libelous reports designed to merely threaten, harass, harangue or intimidate any appointee of this agency shall be construed as media assault, punishable as a felony. In all cases, any reports against this agency shall entitle the Office to equal time or space to rebut the allegations.

NEW SECTION. Sec. 10. The concept of checks and balances being crucial to the just and orderly functioning of a democracy which serves it's people, judicial performance shall not be exempt from review and censure by this agency. Any certifiable finding of flagrant judicial improprieties, such as bias which constitutes any form of obstruction of justice, or decisions reflecting other than fairness and common sense, shall be conveyed to appropriate authorities with recommendations for either censure or removal from office. While having authority to recommend fining, firing or jailing any public employee for gross malfeasance in office, this authority shall not extend to federal employees operating in the state, except to notify the appropriate federal authorities of the investigative findings. If violations persist by federal employees after such notification, the Office may, either on it's own behalf, or with the assistance of the Attorney General, institute suit against the appropriate federal agency to correct the wrongdoing. In all events, investigations of justice personnel at any level shall be separate and independent of any investigations conducted in-house by factions representing their own. In cases of malfeasance or abuse by commercial entities, or anyone else doing business in the State, the Office may work with the Department of Licensing, or any other relevant agency, to order restitution and otherwise enforce compliance in correcting deficiencies or wrongdoings.

NEW SECTION. Sec. 11. The Office of State Inspector General may, at it's own election, forward proposed legislations towards addressing any widespread violations it finds. The public shall be notified by publication of any such proposed legislations by this agency and, where practical, shall be afforded opportunities to register well-founded views on each. In cases of proposed legislations being forwarded the Office will also publish the legislative results on the proposed legislations. The Office may also, at it's elction, publish a daily roster of bills currently under consideration in the legislature, the and rationale for each, and any commentary it wishes to include.

NEW SECTION. Sec. 12. Anyone aggrieved by any act or decision by this agency may appeal to any federal agency having monitoring jurisdiction over state agencies; Provided, that they post any appeal bond required by federal laws pertinent to the filing of such appeals.

NEW SECTION. Sec. 13. It shall be unlawful for anyone to retaliate against any complainant filing a grievance with this agency. The Office may, at it's discretion, accept anonymous complaints, and shall observe confidentiality of complainants upon declaration of awkwardness or disadvantage through filing such complaint. It being conceivable that frivolous, deceitful or malicious complaints might be filed by petty or troublesome individuals merely for the sake of harassment or obstruction, the Office shall, at it's discretion, have authority to require a bond from suspect complainants to proceed with an investigation, or ask that that they submit to polygraph examinations to verify their allegations of wrongdoing. Obviously frivolous complaints filed shall be prosecutable under harassment

statutes.

NEW SECTION. Sec. 14. A new section is added to chapter 41.06 RCW as follows: The Civil Service provisions of this chapter shall not apply in the Office of State Inspector General to the director, the deputy director, all assistant and division directors, and one confidential secretary for each of these officers.

NEW SECTION. Sec. 15. RCW 43.17.010 and 1993 sp.s c 2 a 16, 1993 c 472 s 17, and 1993 c 280 a 18 are reenacted and amended to read as follows:

There shall be departments of the state government which shall be known as: "...{+ and (16) the Office of State Inspector General" +}.

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

NEW SECTION. Sec. 17. Sections 1 through 14 of this Act constitute a new chapter in Title 43 RCW. If any stipulation of this Initiative is found to be invalid, the rest shall remain in effect for purposes of establishing this new department.

NEW SECTION. Section. 18. This act is necessary for the immediate preservation of the public peace, safety and welfare, and support of the state government and it's existing institutions, and shall take effect immediately.

--- END ---