

**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.

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**INITIATIVE 224**

AN ACT Relating to the creation of the office of state inspector general; amending RCW 43.17.020; reenacting and amending RCW 43.17.010; adding a new chapter to Title 43 RCW; and creating a new section.

BE IT ENACTED BY THE Legislature. OF THE STATE OF WASHINGTON:

{+ NEW SECTION. +} Sec. 1. It is the purpose of this chapter to create a new oversight and supervisory agency to improve efficiency and accountability, and to promote honesty, ethics, and integrity in societal practices. This agency is meant to fill a void in society by eliminating the need for court litigation over every instance of victim abuse, and by helping to instill conscientious and ethical attitudes, actions, and practices in all sectors of society.

{+ NEW SECTION. +} Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Office," "agency," or "department" means the office of state inspector general.

(2) "Lay individual" means anyone not affiliated with governmental, bar, or police agencies, nor business or special interest proponents.

(3) "Unwary or helpless individuals" means those people being cheated, abused, bullied, or exploited, or those whose lives or property are in jeopardy of unfair or unjustifiable disruption.

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

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

(6) "Reasonable minds" means fair, impartial, and benevolent.

{+ NEW SECTION. +} Sec. 3. The office of state inspector general is created. The office is required to investigate complaints of governmental neglect or abuse, and to facilitate or enforce fair and ethical practices in all other aspects of society.

{+ NEW SECTION. +} Sec. 4. (1) The office shall help monitor and enforce honesty and ethics, and improve oversight, efficiency, and accountability in societal practices.

(2) The agency is vested with such powers and responsibilities as are authorized by law, and the legislature shall from time to time review agency structures and procedures towards improving operational effectiveness.

(3) Any proposed legislative amendments to this chapter shall be submitted for public review and comment, and any court challenge to such amendments shall be filed within thirty days of such notification.

{+ NEW SECTION. +} Sec. 5. (1) It is intended that the office of state inspector general, a civilian post, shall be a people's advocate in guarding against fraud or abuse from any quarter. Recognizing that maintaining the independence and integrity of this agency is critical, it shall remain independent of social, capital, or political interests, and care shall be taken to prevent undue influence over this agency by bar or police organizations, or any other vested interests who themselves might be subject to scrutiny by this agency.

(2) In maintaining its purely objective, impartial, and benevolent mission, under no circumstances shall this agency exercise any police powers over the general public, nor shall it serve as a vanguard for any particular social, capital, or political interests or agendas.

{+ NEW SECTION. +} Sec. 6. (1) The office shall be financed by (a) the state general fund; (b) any federal grants for which it qualifies; and (c) any gifts, grants, or endowments it receives from public or private entities.

(2) The office is authorized to purchase facilities, equipment, and supplies in the conducting of its business, and to enter into contracts with public or private entities for studies or other services.

(3) The office shall undergo a complete annual audit, and shall publish an annual report summarizing its activities.

(4) All files and reports of this agency shall be available for public review. However, (a) portions of files deemed confidential for good and justifiable cause may be withheld from general review, as well as materials deemed classified for military purposes; and (b) government may give freedom of speech/press for purposes of redress of grievance against governmental abuse or misconduct without fear of reprisals from government, but government has no right to give such organisms free reign to harm or injure anyone else at whim. Accordingly, this agency shall not allow information from its files to be used by the power of the commercial media industry to defame, embarrass, or damage anyone by name.

{+ NEW SECTION. +} Sec. 7. (1) An executive committee is established to oversee agency operations, to approve executive appointments within the agency, and to accept reconsideration appeals from agency decisions.

(2) The executive committee is comprised of six members, the majority of whom shall be lay individuals, and the legislature shall determine the manner in which such members are to be selected and installed, and their terms, so as best to assure integrity and continuity of mission.

{+ NEW SECTION. +} Sec. 8. (1) The administrative head of the office shall be the director. Applicants for the position of director of this agency shall undergo civil service examinations to ascertain that they qualify to stand for election at large.

(2) The director shall be limited to one four-year term in office,

and shall be paid a salary in accordance with RCW 43.03.040.

(3) Exercising supervisory responsibilities over the agency, the director may employ such assistants and personnel as are deemed necessary for the general administration of the office, after consulting with and obtaining the approval of the executive committee. The director shall appoint a deputy director, an office personnel director, and such other assistant or division directors as may be needed to administer the office. This employment shall be in accordance with state civil service law, chapter 41.06 RCW, except as otherwise provided.

(4) 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.

(5) The director is responsible for the official acts of all agency personnel under his or her direction. The director may be dismissed in midterm for good cause by: (a) An act of the legislature; (b) a criminal action instituted by the attorney general; or (c) a recall of the electorate by petition.

{+ NEW SECTION. +} Sec. 9. The director may enlist the assistance of qualified volunteers from the public. However, those applying as volunteers with this agency, be they law students, police cadets, or any others, shall undergo the same rigorous qualifying examinations as those appointed to full-time staff.

{+ NEW SECTION. +} Sec. 10. (1) The office may appoint state-wide committees or councils on such matters as come within the office's responsibilities. Such committees and councils shall have substantial consumer representation, and may be paid travel expenses in accordance with RCW 43.03.050 and 43.03.060, or per diem allowances as circumstances require.

(2) The office may also appoint such committees and councils as may be required by federal legislation as a condition to receipt of federal funds for the office.

{+ NEW SECTION. +} Sec. 11. (1) Recognizing that a cross section of the populace would likely yield a certain percentage of individuals who are abusive, devious, dishonest, or otherwise unbalanced, dysfunctional, or potentially dangerous in their dealings with the public, all prospective personnel in this agency shall undergo intelligence and psychological testing to ascertain basic sanity, reasoning powers, and moral stability, and to uncover any personal biases or agenda they might harbor.

(2) All appointments within this agency shall be with an eye to intelligence, integrity, and dedication, rather than to filling any racist or sexist schemes or quota systems.

(3) To maintain a stable and reliable work force, periodic counseling shall be available for personnel who may be experiencing difficulties in their personal lives, and temporary reassignment to less-taxing decision-making duties should be available for those who may be having difficulty coping.

(4) The agency shall have procedures for reviewing complaints of abuse or remiss by agency personnel, or any unreasonable or malevolent attitudes. A board of supervisors shall be established to advise personnel, randomly examine files, and otherwise ensure that cases are being handled in a proper, professional, and timely manner.

(5) Any neglect, abuse, or betrayal of the public trust shall be grounds for immediate suspension or dismissal per state personnel processes, and/or criminal prosecution under RCW 43.01.125, or any other applicable statutes.

(6) Personnel at any level may be subject to recall by an informed electorate. However, pursuant to constitutional provisions against reckless or irresponsible abuse of speech, any reports that appear misleading, malicious, or libelous, or designed to merely harass or intimidate any personnel of this agency, may be viewed as media assault, and this agency may seek equal time and space to rebut unfounded allegations.

{+ NEW SECTION. +} Sec. 12. (1) While efforts shall be made to resolve complaints quickly and amicably, this agency has the authority to gather, evaluate, and decide facts through a hearings process. The agency has the authority to issue subpoenas, convene and conduct hearings, take testimony and exhibits, and issue findings of fact and decision.

(2) The office shall determine the time, manner, locale, and format of any particular hearing, and hearings shall be convened at a location convenient to the parties, whenever practical. Municipalities may be requested to provide hearing facilities, if needed.

(3) A hearings handbook shall be provided to all parties, and hearing rules shall be simple and concise, easily understood, and applied by anyone, and devoid of legal jargon or obscure legal principles designed to confound the public.

(4) The agency may appoint volunteer personnel to assist mute, inarticulate, or nonlingual individuals.

(5) The office shall assign an administrative law judge as hearing examiner, to preside over hearings, and issue findings of fact and decision. Examiners need not be lawyers, nor affiliated with the agency.

(6) Court reporters may be present to transcribe proceedings, but in all cases hearings shall be audio or video tape recorded to ensure completely accurate transcripts of proceedings.

(7) Hearings shall be convened within sixty days of receipt of a complaint, and shall be decided within sixty days thereafter, unless continued for good cause. Any case unresolved within that period may be remanded to an office of special counsel for further proceedings, or court action. The reasons for any such delay shall be specified.

(8) All decisions by this agency shall be based strictly on fairness and common sense, as might be reached by any reasonable minds, and shall be decided on a case-by-case basis, rather than on any precedent. All agency decisions shall include a full explanation of the facts and basis of the decision.

(9) In those rare instances where a completely fair and just decision is difficult based on the facts and circumstances, the hearing examiner shall state the facts and basis for such, and the case may be remanded to a panel for a compromise decision.

(10) Any appeals for reconsideration from a decision shall be directed to an executive committee review board, which may amend a decision in the interests of fairness.

(11) The "adversarial" system of justice at play in most court settings appears to allow lawyers to lie, misrepresent facts or factors, or otherwise harm innocent parties whenever convenient to prevail. Such practices shall not be tolerated by this agency. Anyone whomsoever found to be lying, falsifying, or misrepresenting any fact

or issue before a hearing by this agency shall be remanded for prosecution by the attorney general for perjury or felonious deception.

{+ NEW SECTION. +} Sec. 13. (1) The office has the authority to rectify wrongdoings or deficiencies harmful or disruptive to innocent, helpless, or unwary parties, and may do any of the following to resolve cases satisfactorily: (a) Issue cease and desist warnings; (b) require some form of corrective action or restitution; (c) work with the department of licensing, or other relevant agency, in compelling adherence; and (d) seek fines through courts for any willful disregard of its findings.

(2) The office has the authority to levy fines for wrongdoing in amounts up to ten dollars per day against individuals, one hundred dollars per day against businesses or those acting on behalf of businesses, and up to one thousand dollars per day against governmental agencies or bodies.

(3) In cases of delinquent or unpaid fines, the office may apply liens against the personal or business property of intentional violators, or liens converted to judgments against the wages or future earnings of wrongdoers.

(4) This agency shall work with the courts in securing judgments to enforce decisions, or for injunctions against unfair, fraudulent, or abusive practices. Court actions by this agency shall be at the district court level where applicable. Any court actions by or pertinent to a case involving this agency shall take precedence over other cases, and be decided promptly.

(5) While not intended to levy entire damage awards or criminal penalties for negligent or intentionally injurious practices as might be ascertained through civil or criminal proceedings in a court of law, the agency shall support injured parties against obdurate parties in subsequent court proceedings.

{+ NEW SECTION. +} Sec. 14. (1) The office is authorized to review complaints of any governmental agency or departmental act, policy, or decision deemed to be unfair, harmful, or unjust. Where life or property are in imminent jeopardy of unfair or unjustifiable disruption, the office has the authority to suspend any departmental order, pending review by this agency; and thereafter to amend any action deemed to be petty, overly burdensome, or cruel.

(2) The agency may decline cases for insufficient basis, or as not being within the scope of its responsibilities.

(3) This agency shall have prompt and ready access to all public offices, facilities, and records, and public employee cooperation with this agency is mandatory.

(4) In cases of alleged misconduct or malfeasance by executive or legislative officials, the office has the authority to submit prima facie evidence to a judicial panel convened for the purpose, and investigations shall proceed upon warrant of probable cause and merit.

(5) While having authority to fine, suspend, or fire public employees in the state for neglect, malfeasance, or abuse, this range shall not extend to federal personnel operating in the state, except to notify appropriate federal agencies of findings. If violations persist after such notification, the agency may institute suit against the appropriate federal agency, either on its own behalf, or with the assistance of the attorney general, to curtail or halt such practices.

{+ NEW SECTION. +} Sec. 15. (1) The concept of checks and

balances being crucial to a democracy which serves its people, the independence of judges does not imply that they should be unaccountable for ineptness, abuses, or crimes in office. Judges are not meant to be tyrants beyond reproach, and abuse of judicial office being unacceptable and akin to fraud, judicial performance shall not be exempt from review by this agency.

(2) Americans have a right to demand that justice be mandatory in their courts, and the judiciary being an actual branch of government, any incorrect or unjust act is an act of the United States government itself. Accordingly, this agency may accept complaints of judicial neglect or abuse, and shall be authorized to review and challenge court decisions deemed to be arbitrary or abusive, or contrary to facts and law. Judges shall be required to explain the basis of their decisions, upon inquiries by this agency.

(3) To facilitate review of court cases, this agency may enlist the assistance of volunteers, including shut-ins from the public sector, such as the elderly, infirm, or incarcerated, who are otherwise competent and qualified.

(4) The legislature shall establish processes to reactivate cases reflecting other than fairness and common sense, and the office shall work through the courts to revise, amend, or overturn unjust decisions.

(5) Any certifiable findings of judicial neglect or abuse, such as arbitrary, unjust, or baseless rulings, bias or favoritism constituting obstruction of justice, deliberate evasion or misconstruance of facts leading to decisions reflecting other than fairness and common sense, or chronic bad decisions requiring appeal, shall be reported to appropriate venues with recommendations for reprimand or censure.

(6) Should it subsequently be devised that a sentencing authority will assign defendants, rather than individual judges or prosecutors who may be less expert at corrections, this agency shall assist in examining facts and factors towards best placement, from the standpoint of safety and rehabilitation in those facilities.

{+ NEW SECTION. +} Sec. 16. (1) Complaints filed with this agency shall be submitted in writing, and the agency may require a sworn affidavit from complainants attesting to the accuracy and truthfulness of their allegations for hearings and examinations to proceed. The agency may, at its discretion, accept anonymous complaints, when circumstances warrant.

(2) It being conceivable that frivolous, deceitful, or malicious complaints might be filed by petty, spiteful, or troublesome individuals merely for the sake of harassment or obstruction, the agency may require doubtful or suspect complainants to post a bond or volunteer to a polygraph examination for hearings to convene.

(3) It shall be unlawful for anyone to retaliate against any complainant filing a grievance with this agency.

(4) Obviously frivolous complaints shall be prosecutable under harassment statutes.

{+ NEW SECTION. +} Sec. 17. (1) Applications for reconsideration from a hearing examiner's decision shall be filed to the review board within fifteen days, and any final decision of this agency may be appealed to state court, or any federal agency having monitoring jurisdiction over state agencies. However, appellants must post any required bond pertinent to the filing of such appeals.

(2) Should the federal government subsequently establish a federal judge advocate agency specific to such appeals, appeals shall be

directed to that agency.

(3) Any appeals to other agencies notwithstanding, any decision or order instituted by this agency shall remain in effect until such time as it might be amended on review.

{+ NEW SECTION. +} Sec. 18. (1) To maintain its impartial viewpoint, this agency is not intended to act as a vanguard for any particular social causes. However, it can and should act to protect against widespread fraud or dangerous conditions it finds in the course of its work. To this extent it may, at its own discretion, forward proposed legislation towards preventing abuses.

(2) The public shall be notified of any such proposed legislation by this agency, and be afforded opportunity to register views, or challenge such proposed legislation in state court during the review period.

(3) To keep tabs on what elected officials are doing in office, should it subsequently be required by law that any governing or legislative bodies must first present proposed legislation that affect the public to this office to ascertain constitutional muster before they are voted on, this agency may publish a commentary on how such proposed bills benefit or fail to benefit the public.

(4) Unreasonable or impossible laws being unenforceable in court, the office may launch court challenges to any bad laws it finds in place.

{+ NEW SECTION. +} Sec. 19. (1) Should it subsequently be required by law that all public employees dealing with or affecting the public must carry a performance bond against intentional violations or misconduct that harms the public, this agency may conduct investigations to determine culpability and extent of injury, and shall then assist injured parties in any court action to order restitution from the bond surety.

(2) Should it subsequently be required by law that prospective voters or jurors undergo psychological or intelligence testing to ascertain basic sanity, reasoning powers, moral stability, and any biases or personal agendas they might harbor, this agency shall assist in conducting tests, compiling results, and disseminating recommendations.

{+ NEW SECTION. +} Sec. 20. The legislature shall take up consideration of those processes and provisions necessary to bring this agency to operation, and the office shall become fully operational within eighteen months of the effective date of this section.

Sec. 21. RCW 43.17.010 and 1993 sp.s. c 2 s 16, 1993 c 472 s 17, and 1993 c 280 s 18 are each reenacted and amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fish and wildlife, (6) the department of transportation, (7) the department of licensing, (8) the department of general administration, (9) the department of community, trade, and economic development, (10) the department of veterans affairs, (11) the department of revenue, (12) the department of retirement systems, (13) the department of corrections, (({- and -})) (14) the department of health, (({- and -})) (15) the department of financial institutions, which shall be charged with the execution,

enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide{+ , and (16) the office of state inspector general +}.

Sec. 22. RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, (({- and -})) (14) the secretary of health, (({- and -})) (15) the director of financial institutions{+ , and (16) the director of the office of state inspector general +}.

Such officers, except the secretary of transportation and the director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041. The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

{+ NEW SECTION. +} Sec. 23. Sections 1 through 19 of this act constitute a new chapter in Title 43 RCW.

{+ NEW SECTION. +} Sec. 24. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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