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HOUSE BILL 1186

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State of Washington                      53rd Legislature                      1993 Regular Session

By Representatives Valle, Romero and Cothern

Read first time 01/20/93. Referred to Committee on Local Government.

1            AN ACT Relating to municipal employees; amending RCW 42.21.020;  
2 adding a new section to chapter 42.23 RCW; and declaring an emergency.

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

4            NEW SECTION.    **Sec. 1.** A new section is added to chapter 42.23 RCW  
5 to read as follows:

6            (1) No former municipal employee may at any time subsequent to his  
7 or her municipal employment assist another person, whether or not for  
8 compensation, in any transaction involving the municipality in which  
9 the former municipal employee at any time participated during municipal  
10 employment. This subsection shall not be construed to prohibit any  
11 employee or officer of a municipal employee organization from rendering  
12 assistance to municipal employees in the course of employee  
13 organization business.

14            (2) No former municipal employee may share in any compensation  
15 received by another person for assistance that the former municipal  
16 employee is prohibited from rendering under subsection (1) of this  
17 section. This subsection shall not apply to former municipal employees  
18 who were required by statute to have been active members of the state  
19 bar association and subject to the code of professional responsibility.

1 (3) No former municipal employee may, within a period of one year  
2 from the date of termination of municipal employment, accept employment  
3 or receive compensation from any private business if (a) the municipal  
4 employee, during the two years immediately preceding termination of  
5 municipal employment, was engaged in the negotiation or administration  
6 on behalf of the municipality or agency of one or more contracts with  
7 that private business and was in a position to make discretionary  
8 decisions affecting the outcome of such negotiation or the nature of  
9 such administration; (b) such a contract or contracts have a total  
10 value of more than ten thousand dollars; and (c) the duties of the  
11 employment by the private business or the activities for which the  
12 compensation would be received from the private business include  
13 fulfilling or implementing, in whole or in part, the provisions of such  
14 a contract or contracts or include the supervision or control of  
15 actions taken to fulfill or implement, in whole or in part, the  
16 provisions of such a contract or contracts. This subsection shall not  
17 be construed to prevent a municipal employee from accepting employment  
18 with a municipal employee organization.

19 (4) No former municipal employee may accept an offer of employment  
20 or receive compensation from any private business if the municipal  
21 employee knows or has reason to believe that the offer of employment or  
22 compensation was intended, in whole or in part, directly or indirectly,  
23 as compensation or reward for the performance or nonperformance of a  
24 duty by the municipal employee during the course of municipal  
25 employment.

26 (5) For the purposes of this section, the term "private business"  
27 includes any natural person, partnership, association, or corporation  
28 of any kind or description that is engaged in business activity in this  
29 state or elsewhere. If any natural person, closely associated or  
30 related group of natural persons, partnership, or corporation owns or  
31 controls two or more businesses, all of the businesses owned or  
32 controlled shall be defined as a single private business for the  
33 purposes of this section. The term "private business," for purposes of  
34 this section, does not include a "successor organization" as defined  
35 under RCW 27.26.010.

36 (6) This section shall not be construed to prevent a former  
37 municipal employee from rendering assistance to others if the  
38 assistance is provided without compensation in any form and is limited  
39 to one or more of the following:

- 1 (a) Providing the names, addresses, and telephone numbers of  
2 municipal agencies or municipal employees;
- 3 (b) Providing free transportation to another for the purpose of  
4 conducting business with a municipal agency;
- 5 (c) Assisting a natural person or nonprofit corporation in  
6 obtaining or completing application forms or other forms required by a  
7 municipal agency for the conduct of a municipal business; or
- 8 (d) Providing assistance to the poor and infirm.

9 **Sec. 2.** RCW 42.21.020 and 1989 c 175 s 93 are each amended to read  
10 as follows:

11 "Public official" means every person holding a position of public  
12 trust in or under an executive, legislative, or judicial office of the  
13 state, political subdivision, or municipality in this state and  
14 includes judges of the superior court, district court, municipal court,  
15 the court of appeals, and justices of the supreme court, members of the  
16 legislature (~~together with~~), the secretary and sergeant at arms of  
17 the senate and the clerk and sergeant at arms of the house of  
18 representatives, elective and appointive (~~state~~) officials, and such  
19 employees of the supreme court, of the legislature, and of the state  
20 (~~offices as~~), political subdivisions, or municipalities in this state  
21 who are engaged in supervisory, policy making, or policy enforcing  
22 work.

23 "Candidate" means any individual who declares himself to be a  
24 candidate for an elective office and who if elected thereto would meet  
25 the definition of public official herein set forth.

26 "Regulatory agency" means any state board, commission, department,  
27 or officer authorized by law to make rules or to conduct adjudicative  
28 proceedings except those in the legislative or judicial branches.

29 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
30 preservation of the public peace, health, or safety, or support of the  
31 state government and its existing public institutions, and shall take  
32 effect immediately.

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