

HOUSE OF REPRESENTATIVES

Olympia Washington

BilAnalysis

BilNo. HB 2128

State officer/employee/recipient/ethics code
Brief title

Public Arg: 3/4/97

Reps. Sheahan/Appelwick/Cooke
Sponsor

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BACKGROUND:

In 1994 the Legislature enacted the State Ethics Act. This act prescribes ethical standards for state officers and employees.

Some of the activities prohibited by this act include (1) having any interest in business in conflict with state duties; (2) having an interest in the direct or indirectly in a contract, sale, lease, purchase or grant that is under the officer or employee's supervision; (3) participating in a transaction involving the state in his or her official capacity with an entity of which the officer or employee is an officer, agent, employee or member, or in which the officer or employee owns a beneficial interest; (4) accepting employment which might reasonably require the disclosure of confidential information obtained through state employment; (5) accepting compensation from sources other than the state for performance or deferring the performance of state duties; (6) accepting anything of economic value given to influence the performance of state duties; and (7) using state resources for personal benefit.

State officers and employees are also prohibited from receiving anything of economic value under any contract outside of his or her official duties unless certain conditions have been met. These conditions are: (1) the contract must be bona fide and actually performed; (2) the performance or administration of the contract or grant is not within the course of the officer or employee's official duties or is not under the officer's or employee's official supervision; (3) the performance of the contract or grant is not prohibited by laws or rules governing outside employment; (4) the contract or grant is neither performed nor compensated by a person who is prohibited by law from furnishing a gift to the officer or employee; (5) the contract or grant would not result in the disclosure of confidential information; and (6) the contract or grant is not expressly created or authorized by the officer or employee in his or her official capacity or by his or her agency.

Continued

In addition to satisfying the requirements for outside employment, a state officer or employee may have a beneficial interest in a contractor grant only if it was awarded through an open competitive bidding process or it was not awarded through an open competitive bidding process but the officer or employee was advised by the appropriate ethics board that the contractor grant would not create a conflict of interest.

Circumstances arise when a state officer or employee wishes to perform a contract or grant that is not created or authorized under the official capacity of the officer or employee but the officer or employee is prohibited from performing the contractor grant because it is authorized by the officer or employee's agency.

SUMMARY:

The limitation on outside employment by state officers and employees is modified so that a contractor grant may be performed by an officer or employee of the agency authorizing the contractor grant but the contractor grant cannot be expressly created or authorized by the officer or employee in his or her official capacity.

FISCAL NOTE: Not requested.

EFFECTIVE DATE: Ninety days after adjournment of session in which bill passed.