
SUBSTITUTE HOUSE BILL 2128

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Government Administration (originally sponsored by Representatives Sheahan, Appelwick, Cooke, Radcliff, Dyer, Cooper, Schoesler, Costa, D. Schmidt and Anderson)

Read first time 03/05/97.

1 AN ACT Relating to ethics in public service; and amending RCW
2 42.52.120.

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

4 **Sec. 1.** RCW 42.52.120 and 1996 c 213 s 6 are each amended to read
5 as follows:

6 (1) No state officer or state employee may directly receive any
7 thing of economic value under any contract or grant outside of his or
8 her official duties. The prohibition in this subsection does not apply
9 where (~~the state officer or state employee has complied with RCW~~
10 ~~42.52.030(2) or~~) each of the following conditions are met:

11 (a) The contract or grant is bona fide and actually performed;

12 (b) The performance or administration of the contract or grant is
13 not within the course of the officer's or employee's official duties,
14 or is not under the officer's or employee's official supervision;

15 (c) The performance of the contract or grant is not prohibited by
16 RCW 42.52.040 or by applicable laws or rules governing outside
17 employment for the officer or employee;

1 (d) The contract or grant is neither performed for nor compensated
2 by any person from whom such officer or employee would be prohibited by
3 RCW 42.52.150(4) from receiving a gift;

4 (e) The contract or grant is not one expressly created or
5 authorized by the officer or employee in his or her official capacity
6 (~~or by his or her agency~~);

7 (f) The contract or grant would not require unauthorized disclosure
8 of confidential information.

9 (2) In addition to satisfying the requirements of subsection (1) of
10 this section, a state officer or state employee may have a beneficial
11 interest in a grant or contract with a state agency only if:

12 (a) The contract or grant is awarded or issued as a result of an
13 open and competitive bidding process in which more than one bid or
14 grant application was received; or

15 (b) The contract or grant is awarded or issued as a result of an
16 open and competitive bidding or selection process in which the
17 officer's or employee's bid or proposal was the only bid or proposal
18 received and the officer or employee has been advised by the
19 appropriate ethics board, before execution of the contract or grant,
20 that the contract or grant would not be in conflict with the proper
21 discharge of the officer's or employee's official duties; or

22 (c) The process for awarding the contract or issuing the grant is
23 not open and competitive, but the officer or employee has been advised
24 by the appropriate ethics board that the contract or grant would not be
25 in conflict with the proper discharge of the officer's or employee's
26 official duties.

27 (3) A state officer or state employee awarded a contract or issued
28 a grant in compliance with subsection (2) of this section shall file
29 the contract or grant with the appropriate ethics board within thirty
30 days after the date of execution; however, if proprietary formulae,
31 designs, drawings, or research are included in the contract or grant,
32 the proprietary formulae, designs, drawings, or research may be deleted
33 from the contract or grant filed with the appropriate ethics board.

34 (4) This section does not prevent a state officer or state employee
35 from receiving compensation contributed from the treasury of the United
36 States, another state, county, or municipality if the compensation is
37 received pursuant to arrangements entered into between such state,
38 county, municipality, or the United States and the officer's or
39 employee's agency. This section does not prohibit a state officer or

1 state employee from serving or performing any duties under an
2 employment contract with a governmental entity.

3 (5) This section does not prevent college faculty from having
4 consulting contracts with state agencies, state employees from teaching
5 at institutions of higher education, individuals from teaching part
6 time for more than one institution of higher education, individuals
7 from working part time for more than one state agency, individuals from
8 working part time at a state agency and part time at an institution for
9 higher education, legislators from holding part-time employment with an
10 institution of higher education or a state agency, legislators from
11 holding consulting contracts, or the lieutenant governor from receiving
12 compensation for acting in place of the governor when the governor is
13 outside the state. The exemptions provided in this subsection only
14 apply when the conditions of subsection (1) of this section have been
15 met.

16 (6) As used in this section, "officer" and "employee" do not
17 include officers and employees who, in accordance with the terms of
18 their employment or appointment, are serving without compensation from
19 the state of Washington or are receiving from the state only
20 reimbursement of expenses incurred or a predetermined allowance for
21 such expenses.

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