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SENATE BILL 5167

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State of Washington

56th Legislature

1999 Regular Session

By Senators T. Sheldon, Morton, Sellar, Snyder, Hargrove, Jacobsen, Swecker, Oke, Zarelli, McCaslin and Rasmussen

Read first time 01/15/1999. Referred to Committee on Agriculture & Rural Economic Development.

1 AN ACT Relating to rural development; amending RCW 42.52.080;  
2 adding new sections to chapter 43.31 RCW; repealing RCW 43.31.855,  
3 43.31.857; and repealing 1997 c 377 s 3 (uncodified).

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.31 RCW  
6 to read as follows:

7 (1) The rural development council executive committee and the  
8 department are authorized to establish a successor organization to the  
9 rural development council executive committee created under RCW  
10 43.31.855. The purpose of the successor organization is, at least in  
11 part, to improve the delivery and accessibility of public and private  
12 resources for meeting the needs of rural communities in Washington.

13 (2) For purposes of this section, "successor organization" means a  
14 private nonprofit corporation created specifically to assume  
15 responsibility for administering funds provided by the federal  
16 government and other sources to carry out the purpose state in  
17 subsection (1) of this section. A successor organization must qualify  
18 as a tax-exempt nonprofit corporation under section 501(C) of the  
19 federal internal revenue code.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 43.31 RCW  
2 to read as follows:

3        The executive committee and the department are authorized to take  
4 all steps reasonably necessary and proper to effect the orderly  
5 transition of the rural development council executive committee to the  
6 successor organization.    This authorization includes, but is not  
7 necessarily limited to, the authority to:

8            (1) Transfer any equipment, records, other assets, or contracts for  
9 services to the successor organization under appropriate terms and  
10 conditions, including reasonable compensation for assets acquired with  
11 state funds;

12           (2) Assist in the establishment of a successor organization,  
13 including entering into contracts preparatory to the establishment of  
14 the organization; and

15           (3) Unless otherwise provided by agreement, assign to the successor  
16 organization any membership agreements, contracts, license, and other  
17 duties and obligations related to the rural development council.

18        **Sec. 3.**    RCW 42.52.080 and 1994 c 154 s 108 are each amended to  
19 read as follows:

20           (1) No former state officer or state employee may, within a period  
21 of one year from the date of termination of state employment, accept  
22 employment or receive compensation from an employer if:

23           (a) The officer or employee, during the two years immediately  
24 preceding termination of state employment, was engaged in the  
25 negotiation or administration on behalf of the state or agency of one  
26 or more contracts with that employer and was in a position to make  
27 discretionary decisions affecting the outcome of such negotiation or  
28 the nature of such administration;

29           (b) Such a contract or contracts have a total value of more than  
30 ten thousand dollars; and

31           (c) The duties of the employment with the employer or the  
32 activities for which the compensation would be received include  
33 fulfilling or implementing, in whole or in part, the provisions of such  
34 a contract or contracts or include the supervision or control of  
35 actions taken to fulfill or implement, in whole or in part, the  
36 provisions of such a contract or contracts.    This subsection shall not  
37 be construed to prohibit a state officer or state employee from  
38 accepting employment with a state employee organization.

1 (2) No person who has served as a state officer or state employee  
2 may, within a period of two years following the termination of state  
3 employment, have a direct or indirect beneficial interest in a contract  
4 or grant that was expressly authorized or funded by specific  
5 legislative or executive action in which the former state officer or  
6 state employee participated.

7 (3) No former state officer or state employee may accept an offer  
8 of employment or receive compensation from an employer if the officer  
9 or employee knows or has reason to believe that the offer of employment  
10 or compensation was intended, in whole or in part, directly or  
11 indirectly, to influence the officer or employee or as compensation or  
12 reward for the performance or nonperformance of a duty by the officer  
13 or employee during the course of state employment.

14 (4) No former state officer or state employee may accept an offer  
15 of employment or receive compensation from an employer if the  
16 circumstances would lead a reasonable person to believe the offer has  
17 been made, or compensation given, for the purpose of influencing the  
18 performance or nonperformance of duties by the officer or employee  
19 during the course of state employment.

20 (5) No former state officer or state employee may at any time  
21 subsequent to his or her state employment assist another person,  
22 whether or not for compensation, in any transaction involving the state  
23 in which the former state officer or state employee at any time  
24 participated during state employment. This subsection shall not be  
25 construed to prohibit any employee or officer of a state employee  
26 organization from rendering assistance to state officers or state  
27 employees in the course of employee organization business.

28 (6) As used in this section, "employer" means a person as defined  
29 in RCW 42.52.010 or any other entity or business that the person owns  
30 or in which the person has a controlling interest. For purposes of  
31 subsection (1) of this section, the term "employer" does not include a  
32 successor organization to the rural development council under chapter  
33 43.31 RCW.

34 NEW SECTION. Sec. 4. A new section is added to chapter 43.31 RCW  
35 to read as follows:

36 Notwithstanding anything to the contrary in chapter 41.06 RCW or  
37 any other provision of law, the department may contract to provide  
38 funding to a successor organization under section 1 of this act to

1 carry out activities of the organization that are consistent with the  
2 department's powers and duties. All moneys for contracts entered into  
3 under this section are subject to appropriation.

4 NEW SECTION. **Sec. 5.** The following acts or parts of acts, as now  
5 existing or hereafter amended, are each repealed, effective June 30,  
6 2000:

- 7 (1) RCW 43.31.855 and 1997 c 377 s 1;
- 8 (2) RCW 43.31.857 and 1997 c 377 s 2; and
- 9 (3) 1997 c 377 s 3 (uncodified).

10 NEW SECTION. **Sec. 6.** The following acts or parts of acts, as now  
11 existing or hereafter amended, are each repealed, effective June 30,  
12 2002:

- 13 (1) RCW 43.31.--- and 1998 c ... s 1 (section 1 of this act); and
- 14 (2) RCW 43.31.--- and 1998 c ... s 2 (section 2 of this act).

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