

SSB 6009 - S AMD 75

By Senators Carrell, Pridemore

ADOPTED 02/11/2012

1 On page 6, after line 7, insert the following:

2 "Sec. 3. RCW 42.52.120 and 1997 c 318 s 1 are each amended to read  
3 as follows:

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

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

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

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

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

19 (e) The contract or grant is not one expressly created or  
20 authorized by the officer or employee in his or her official capacity;

21 (f) The contract or grant would not require unauthorized disclosure  
22 of confidential information; and

23 (g) The state officer or state employee has attended an ethics  
24 training approved by the appropriate ethics board within the past  
25 twenty-four months.

26 (2) In addition to satisfying the requirements of subsection (1) of  
27 this section, a state officer or state employee may have a beneficial  
28 interest in a grant or contract or a series of substantially identical  
29 contracts or grants with a state agency only if:

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

4 (b) The contract or grant is awarded or issued as a result of an  
5 open and competitive bidding or selection process in which the  
6 officer's or employee's bid or proposal was the only bid or proposal  
7 received and the officer or employee has been advised by the  
8 appropriate ethics board, before execution of the contract or grant,  
9 that the contract or grant would not be in conflict with the proper  
10 discharge of the officer's or employee's official duties; or

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

16 (3) A state officer or state employee awarded a contract or issued  
17 a grant in compliance with subsection (2) of this section shall file  
18 the contract or grant with the appropriate ethics board within thirty  
19 days after the date of execution; however, if proprietary formulae,  
20 designs, drawings, or research are included in the contract or grant,  
21 the proprietary formulae, designs, drawings, or research may be deleted  
22 from the contract or grant filed with the appropriate ethics board.

23 (4) This section does not prevent a state officer or state employee  
24 from receiving compensation contributed from the treasury of the United  
25 States, another state, county, or municipality if the compensation is  
26 received pursuant to arrangements entered into between such state,  
27 county, municipality, or the United States and the officer's or  
28 employee's agency. This section does not prohibit a state officer or  
29 state employee from serving or performing any duties under an  
30 employment contract with a governmental entity.

31 (5) As used in this section, "officer" and "employee" do not  
32 include officers and employees who, in accordance with the terms of  
33 their employment or appointment, are serving without compensation from  
34 the state of Washington or are receiving from the state only  
35 reimbursement of expenses incurred or a predetermined allowance for  
36 such expenses."

1       Renumber the remaining sections consecutively and correct any  
2 internal references accordingly.

3       On page 7, line 24, after "employment" strike all material through  
4 "thereafter." and insert ". Beginning January 1, 2013, every state  
5 officer and state employee shall attend an ethics training approved by  
6 the appropriate ethics board in coordination with other agency-provided  
7 training, including sexual harassment training, but no less than every  
8 three years. Every state officer and state employee subject to RCW  
9 42.52.150(4) must be provided specialized or enhanced ethics training  
10 approved by the appropriate ethics board every three years thereafter."

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11       On page 1, at the beginning of line 2 of the title, insert  
12 "42.52.120 and"

EFFECT: Requires that a person must have completed ethics training in the prior 24 months before he or she can accept outside employment. States that ethics training should be coordinated with other mandatory training such as sexual harassment training, but not less than every three years. Persons in regulatory or contracting positions subject to RCW 42.52.150(4) must be provided specialized or enhanced ethics training.

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