

SSB 5033 - S AMD 1160

By Senator Zeiger

1 Strike everything after the enacting clause and insert the
2 following:

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4 **Sec. 1.** RCW 42.52.080 and 1999 c 299 s 3 are each amended to
5 read as follows:

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

9 (a) The officer or employee, during the two years immediately
10 preceding termination of state employment, was engaged in the
11 negotiation or administration on behalf of the state or agency of
12 one or more contracts with that employer and was in a position to
13 make discretionary decisions affecting the outcome of such
14 negotiation or the nature of such administration;

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

17 (c) The duties of the employment with the employer or the
18 activities for which the compensation would be received include
19 fulfilling or implementing, in whole or in part, the provisions of
20 such a contract or contracts or include the supervision or control
21 of actions taken to fulfill or implement, in whole or in part, the
22 provisions of such a contract or contracts. This subsection shall
23 not be construed to prohibit a state officer or state employee from
24 accepting employment with a state employee organization.

25 (2) No person who has served as a state officer or state
26 employee may, within a period of two years following the termination
27 of state employment, have a direct or indirect beneficial interest

1 in a contract or grant that was expressly authorized or funded by
2 specific legislative or executive action in which the former state
3 officer or state employee participated.

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

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

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

25 (6)(a) Statewide elected officials and state legislators shall
26 file a postemployment disclosure statement under section 3 of this
27 act.

28 (b) Statewide elected officials and state legislators, within
29 one year after leaving office, may not receive compensation for:

30 (i) Serving as a lobbyist as defined in RCW 42.17A.005 for others;

31 (ii) Lobbying on behalf of a state or local agency as described
32 in RCW 42.17A.635;

33 (iii) Practicing or appearing before any state agency; or
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1 (iv) Attempting, on behalf of another, to influence a state
2 action by any state agency.

3 (c) This subsection (6) does not apply to persons receiving
4 compensation for the following activities:

5 (i) Performing official duties not related to lobbying as a
6 current state officer or state employee;

7 (ii) Leaving a state agency to take another state agency, local
8 agency, or federal government position as long as that position does
9 not involve lobbying;

10 (iii) Representing a person in a judicial or quasi-judicial
11 proceeding including administrative hearings;

12 (iv) Being called or requested to testify in any judicial or
13 quasi-judicial proceeding, or in public sessions of the committees
14 of the legislature;

15 (v) Participating in rule making at the request of an agency
16 under RCW 34.05.310;

17 (vi) Assisting a natural person or corporation in obtaining or
18 completing application forms or other forms required by a state
19 agency for the conduct of business, or similar ministerial
20 activities defined in rule by the ethics boards; or

21 (vii) Activities approved by a waiver under the relevant ethics
22 boards.

23 (7) The ethics boards shall adopt rules at each of their
24 agencies describing a process for a person to seek a waiver from the
25 postemployment requirements in subsection (6)(b) of this section.
26 Rules must be adopted by July 1, 2021. No waiver may be granted from
27 the requirement to file a postemployment disclosure statement in
28 subsection (6)(a) of this section. The ethics boards are authorized
29 to delegate waiver approval to the chair or the chair's designee,
30 including the executive director. Before granting a waiver, the
31 board must find that:

32 (a) The postemployment activity presents no conflict with the
33 state's interest;

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1 (b) A need for the former officer's compensated service
2 outweighs any potential or perceived conflict with the state's
3 interest; or

4 (c) Extraordinary, emergency, or unique circumstances otherwise
5 warrant granting a waiver.

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

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13 NEW SECTION. Sec. 2. A new section is added to chapter 42.52
14 RCW to read as follows:

15 (1) The postemployment disclosure statement required under RCW
16 42.52.080(6) must include the following information:

17 (a) The name of the person leaving state service;

18 (b) The position held in state government before leaving state
19 service and the name of the most recent employer agency; and

20 (c) An acknowledgment that the person has reviewed RCW 42.52.080
21 and 42.52.090, and for former executive branch employees, RCW
22 42.52.100.

23 (2) If, following state service, the person leaving state
24 service receives compensation from an employer or other entity that
25 does business with the state or takes action to influence any state
26 policy, rule, legislative matter, or action, the postemployment
27 disclosure statement required under RCW 42.52.080(6) must also
28 include the following information:

29 (a) The name and address of the new employer or source of
30 compensation following state service;

31 (b) The name of the supervisor at the new employer, if any, or
32 other identifying information of the principal of the employing or
33 contracting entity;

34 (c) The date such new employment begins or began; and

1 (d) A description of anticipated postemployment duties at the
2 new employer or employing business or provided by a contract.

3 (3) The person must date the statement and sign it under oath.
4 An electronic signature is permitted if the form is filed
5 electronically.

6 (4)(a) The statement is required during the twelve-month period
7 after the date the person leaves state service and takes a new
8 employment position or receives compensation during that same
9 period. The information in the statement is public information.

10 (b) The person shall submit the statement to the respective
11 ethics board no later than fourteen days after the person leaves
12 state service to take a compensated employment position or takes the
13 compensated employment position, whichever occurs earlier.

14 (c) If during the twelve-month period a person changes employers
15 or sources of employment compensation to another employer that does
16 business with the state or takes action to influence any state
17 policy, rule, legislative matter, or action, he or she shall submit
18 a new statement within forty-five days.

19 (d) For the purposes of this section and the statement required
20 by it, compensation does not mean income received through the
21 person's retirement or investment accounts, social security, or
22 similar sources.

23 (5) The ethics boards shall collaborate as necessary to design a
24 uniform postemployment statement that permits online filing and on a
25 process to send copies of filed statements to the executive ethics
26 board. The ethics boards may adopt the statement and filing process
27 by rule.

28 (6) The legislative ethics board and the commission on judicial
29 conduct shall provide a copy of filed postemployment statements to
30 the executive ethics board. Postemployment statements must be made
31 available online in a searchable database on the executive ethics
32 board web site. The other ethics boards and the public disclosure
33 commission shall link to the database on their respective web sites.
34 "Searchable database" means copies of statements are posted on the

1 executive ethics board's web site and can be searched by the names
2 of the employee or state officer, former employer, and if required
3 to be disclosed under subsection (2) of this section, the new
4 employer.

5 (7) The ethics boards may adopt rules to implement this section
6 with any initial rules adopted by July 1, 2021.

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8 NEW SECTION. **Sec. 3.** The ethics boards may begin the
9 rulemaking process under sections 1 and 2 of this act on the
10 effective date of this section.

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12 NEW SECTION. **Sec. 4.** This act applies to statewide elected
13 officials and state legislators who were employed in state positions
14 on or after the effective date of this section.

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16 NEW SECTION. **Sec. 5.** Sections 1, 2, and 4 of this act take
17 effect July 1, 2021.

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19 NEW SECTION. **Sec. 6.** If any provision of this act or its
20 application to any person or circumstance is held invalid, the
21 remainder of the act or the application of the provision to other
22 persons or circumstances is not affected.

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27 On page 1, line 1 of the title, after "Relating to" strike the
28 remainder of the title and insert "enhancing oversight and
29 transparency of lobbying activity; amending RCW 42.52.080; adding a
new section to chapter 42.52 RCW; creating new sections; and
providing an effective date."

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EFFECT: (1) Prohibits statewide elected officials and state
legislators from receiving compensation within one year of leaving
state service, unless a waiver is granted, for lobbying on behalf of
a public agency.

(2) Removes legislative intent language.

31 (3) Changes the bill title.

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