
HOUSE BILL 1180

State of Washington

54th Legislature

1995 Regular Session

By Representatives Van Luven, D. Schmidt, Hargrove, Honeyford and Thompson

Read first time 01/16/95. Referred to Committee on Government Operations.

1 AN ACT Relating to administrative law judges; and amending RCW
2 42.52.080 and 34.12.050.

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

4 **Sec. 1.** RCW 42.52.080 and 1994 c 154 s 108 are each amended to
5 read as follows:

6 (1) No former state officer or state employee may, within a period
7 of one year from the date of termination of state employment, accept
8 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 one
12 or more contracts with that employer and was in a position to make
13 discretionary decisions affecting the outcome of such negotiation or
14 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 such

1 a contract or contracts or include the supervision or control of
2 actions taken to fulfill or implement, in whole or in part, the
3 provisions of such a contract or contracts. This subsection shall not
4 be construed to prohibit a state officer or state employee from
5 accepting employment with a state employee organization.

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

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

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

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

33 (6) A person formerly employed by a state agency shall not act as
34 an administrative law judge in a hearing, rule making, or investigatory
35 proceeding involving that agency's actions for two years after leaving
36 the employment of the agency.

37 (7) As used in this section, "employer" means a person as defined
38 in RCW 42.52.010 or any other entity or business that the person owns
39 or in which the person has a controlling interest.

1 **Sec. 2.** RCW 34.12.050 and 1981 c 67 s 5 are each amended to read
2 as follows:

3 (1) Any party to a hearing being conducted under the provisions of
4 this chapter (including the state agency, whether or not it is
5 nominally a party) may file with the chief administrative law judge a
6 motion of prejudice, with supporting affidavit, against the
7 administrative law judge assigned to preside at the hearing. The first
8 such motion filed by any party shall be automatically granted. All
9 such motions shall be automatically granted when the assigned
10 administrative law judge was, within the last two years, an employee of
11 an agency that is a party to the action.

12 (2) Any state agency may request from the chief administrative law
13 judge the assignment of an administrative law judge for the purpose of
14 conducting a rule-making or investigatory proceeding.

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