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HOUSE BILL 2128

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State of Washington

55th Legislature

1997 Regular Session

By Representatives Sheahan, Appelwick, Cooke, Radcliff, Dyer, Cooper, Schoesler, Costa, D. Schmidt and Anderson

Read first time 02/21/97. Referred to Committee on Government Administration.

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))~~):

11 (a) The contract or grant is not one expressly created or  
12 authorized by the officer or employee in his or her official capacity;  
13 or

14 (b) Each of the following conditions are met:

15 ~~((a))~~ (i) The contract or grant is bona fide and actually  
16 performed;

17 ~~((b))~~ (ii) The performance or administration of the contract or  
18 grant is not within the course of the officer's or employee's official

1 duties, or is not under the officer's or employee's official  
2 supervision;

3 ~~((e))~~ (iii) The performance of the contract or grant is not  
4 prohibited by RCW 42.52.040 or by applicable laws or rules governing  
5 outside employment for the officer or employee;

6 ~~((d))~~ (iv) The contract or grant is neither performed for nor  
7 compensated by any person from whom such officer or employee would be  
8 prohibited by RCW 42.52.150(4) from receiving a gift; and

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

12 ~~(f))~~ (v) The contract or grant would not require unauthorized  
13 disclosure of confidential information.

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

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

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

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

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

1 (4) This section does not prevent a state officer or state employee  
2 from receiving compensation contributed from the treasury of the United  
3 States, another state, county, or municipality if the compensation is  
4 received pursuant to arrangements entered into between such state,  
5 county, municipality, or the United States and the officer's or  
6 employee's agency. This section does not prohibit a state officer or  
7 state employee from serving or performing any duties under an  
8 employment contract with a governmental entity.

9 (5) As used in this section, "officer" and "employee" do not  
10 include officers and employees who, in accordance with the terms of  
11 their employment or appointment, are serving without compensation from  
12 the state of Washington or are receiving from the state only  
13 reimbursement of expenses incurred or a predetermined allowance for  
14 such expenses.

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