5033-S AMS ZEIG BROS 367

**SSB 5033** - S AMD **1160**

By Senator Zeiger

Strike everything after the enacting clause and insert the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) Practicing or appearing before any state agency; or

(iv) Attempting, on behalf of another, to influence a state action by any state agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) The legislative ethics board and the commission on judicial conduct shall provide a copy of filed postemployment statements to the executive ethics board. Postemployment statements must be made available online in a searchable database on the executive ethics board web site. The other ethics boards and the public disclosure commission shall link to the database on their respective web sites. "Searchable database" means copies of statements are posted on the executive ethics board's web site and can be searched by the names of the employee or state officer, former employer, and if required to be disclosed under subsection (2) of this section, the new employer.

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

NEW SECTION. **Sec.**  The ethics boards may begin the rule‑making process under sections 1 and 2 of this act on the effective date of this section.

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

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

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

**SSB 5033** S AMD

By Senator Zeiger

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "enhancing oversight and 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."

|  |  |
| --- | --- |
|  | 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.  (3) Changes the bill title. |

**--- END ---**