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HOUSE BILL 1847

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Van Luven, Grant, McLean, Sheldon, Tate, Ferguson, Bowman, Chandler and Paris.

Read first time February 12, 1991. Referred to Committee on State Government.

1            AN ACT Relating to administrative law judges; and amending RCW  
2 42.18.221 and 34.12.050.

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

4            **Sec. 1.** RCW 42.18.221 and 1989 c 96 s 6 are each amended to read  
5 as follows:

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

13            (2) No former state employee may share in any compensation received  
14 by another person for assistance that the former state employee is  
15 prohibited from rendering under subsection (1) of this section. This

1 subsection shall not apply to former state employees who were required  
2 by statute to have been active members of the state bar association and  
3 subject to the code of professional responsibility.

4 (3) No former state employee may, within a period of one year from  
5 the date of termination of state employment, accept employment or  
6 receive compensation from any private business if (a) the state  
7 employee, during the two years immediately preceding termination of  
8 state employment, was engaged in the negotiation or administration on  
9 behalf of the state or agency of one or more contracts with that  
10 private business and was in a position to make discretionary decisions  
11 affecting the outcome of such negotiation or the nature of such  
12 administration, (b) such a contract or contracts have a total value of  
13 more than ten thousand dollars, and (c) the duties of the employment by  
14 the private business or the activities for which the compensation would  
15 be received from the private business include fulfilling or  
16 implementing, in whole or in part, the provisions of such a contract or  
17 contracts or include the supervision or control of actions taken to  
18 fulfill or implement, in whole or in part, the provisions of such a  
19 contract or contracts. This subsection shall not be construed to  
20 prevent a state employee from accepting employment with a state  
21 employee organization.

22 (4) No former state employee may accept an offer of employment or  
23 receive compensation from any private business if the state employee  
24 knows or has reason to believe that the offer of employment or  
25 compensation was intended, in whole or in part, directly or indirectly,  
26 as compensation or reward for the performance or nonperformance of a  
27 duty by the state employee during the course of state employment.

28 (5) For the purposes of this section, the term "private business"  
29 includes any natural person, partnership, association, or corporation  
30 of any kind or description that is engaged in business activity in this

1 state or elsewhere. If any natural person, closely associated or  
2 related group of natural persons, partnership, or corporation owns or  
3 controls two or more businesses, all of the businesses owned or  
4 controlled shall be defined as a single private business for the  
5 purposes of this section. The term "private business," for purposes of  
6 this section, does not include a "successor organization" as defined  
7 under RCW 27.26.010.

8 (6) This section shall not be construed to prevent a former state  
9 employee from rendering assistance to others if the assistance is  
10 provided without compensation in any form and is limited to one or more  
11 of the following:

12 (a) Providing the names, addresses, and telephone numbers of state  
13 agencies or state employees;

14 (b) Providing free transportation to another for the purpose of  
15 conducting business with a state agency;

16 (c) Assisting a natural person or nonprofit corporation in  
17 obtaining or completing application forms or other forms required by a  
18 state agency for the conduct of a state business; or

19 (d) Providing assistance to the poor and infirm.

20 (7) The permitted exceptions applicable to state employees under  
21 RCW 42.18.180 shall also be applicable to former state employees under  
22 this section, subject to conditions or limitations set forth in  
23 regulations issued pursuant to RCW 42.18.240.

24 (8) A person formerly employed by a state agency shall not act as  
25 an administrative law judge in any controversy involving that agency's  
26 actions for five years after leaving the agency.

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

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

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