
SENATE BILL 5501

State of Washington

53rd Legislature

1993 Regular Session

By Senators Talmadge, Cantu, Quigley and von Reichbauer

Read first time 02/01/93. Referred to Committee on Government Operations.

1 AN ACT Relating to open government; amending RCW 42.18.221 and
2 42.18.290; and prescribing penalties.

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

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

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

27 (5) For the purposes of this section, the term "private business"
28 includes any natural person, partnership, association, or corporation
29 of any kind or description that is engaged in business activity in this
30 state or elsewhere. If any natural person, closely associated or
31 related group of natural persons, partnership, or corporation owns or
32 controls two or more businesses, all of the businesses owned or
33 controlled shall be defined as a single private business for the
34 purposes of this section. The term "private business," for purposes of
35 this section, does not include a "successor organization" as defined
36 under RCW 27.26.010.

37 (6) This section shall not be construed to prevent a former state
38 employee from rendering assistance to others if the assistance is

1 provided without compensation in any form and is limited to one or more
2 of the following:

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

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

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

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

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

15 (8) A violation of this section is punishable as a gross
16 misdemeanor according to chapter 9A.20 RCW.

17 **Sec. 2.** RCW 42.18.290 and 1973 c 137 s 2 are each amended to read
18 as follows:

19 In addition to any criminal penalties, the attorney general of the
20 state of Washington may bring a civil action in the superior court of
21 the county in which the violation was alleged to have occurred against
22 any state employee, former state employee or other person who shall
23 have violated or knowingly assisted any other person in violating any
24 provision of this chapter and in such action may recover the following
25 damages on behalf of the state of Washington: (1) From each such
26 person a civil penalty of either five hundred dollars or an amount not
27 exceeding three times the amount of the economic value of anything
28 received or sought in violation of this (~~1973 amendatory act~~)
29 chapter; and (2) any damages sustained by the state, which are caused
30 by the conduct constituting the violation.

31 NEW SECTION. **Sec. 3.** If any provision of this act or its
32 application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected.

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