

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2128

Chapter 318, Laws of 1997

55th Legislature
1997 Regular Session

CONTRACTS OR GRANTS RECEIVED BY STATE OFFICERS OR EMPLOYEES--
COMPLIANCE WITH ETHICS CODE

EFFECTIVE DATE: 7/27/97

Passed by the House April 21, 1997
Yeas 96 Nays 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate April 15, 1997
Yeas 45 Nays 0

BRAD OWEN
President of the Senate

Approved May 12, 1997

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2128** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 12, 1997 - 3:16 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2128

AS AMENDED BY THE SENATE

Passed Legislature - 1997 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By House Committee on Government Administration (originally sponsored by Representatives Sheahan, Appelwick, Cooke, Radcliff, Dyer, Cooper, Schoesler, Costa, D. Schmidt and Anderson)

Read first time 03/05/97.

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 receive any thing of
7 economic value under any contract or grant outside of his or her
8 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) or each of the following conditions are met:

11 (a) The contract or grant is bona fide and actually performed;

12 (b) The performance or administration of the contract or grant is
13 not within the course of the officer's or employee's official duties,
14 or is not under the officer's or employee's official supervision;

15 (c) The performance of the contract or grant is not prohibited by
16 RCW 42.52.040 or by applicable laws or rules governing outside
17 employment for the officer or employee;

1 (d) The contract or grant is neither performed for nor compensated
2 by any person from whom such officer or employee would be prohibited by
3 RCW 42.52.150(4) from receiving a gift;

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

7 (f) The contract or grant would not require unauthorized disclosure
8 of confidential information.

9 (2) In addition to satisfying the requirements of subsection (1) of
10 this section, a state officer or state employee may have a beneficial
11 interest in a grant or contract or a series of substantially identical
12 contracts or grants with a state agency only if:

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

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

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

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

35 (4) This section does not prevent a state officer or state employee
36 from receiving compensation contributed from the treasury of the United
37 States, another state, county, or municipality if the compensation is
38 received pursuant to arrangements entered into between such state,
39 county, municipality, or the United States and the officer's or

1 employee's agency. This section does not prohibit a state officer or
2 state employee from serving or performing any duties under an
3 employment contract with a governmental entity.

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

Passed the House April 21, 1997.

Passed the Senate April 15, 1997.

Approved by the Governor May 12, 1997.

Filed in Office of Secretary of State May 12, 1997.