

# SENATE BILL REPORT

## SB 6258

---

---

As of February 4, 2016

**Title:** An act relating to employment after public service in state government.

**Brief Description:** Concerning employment after public service in state government.

**Sponsors:** Senators Carlyle, Pedersen, Habib, Liias and Mullet; by request of Attorney General.

**Brief History:**

**Committee Activity:** Government Operations & Security: 2/04/16.

---

### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

**Staff:** Samuel Brown (786-7470)

**Background:** Post-Public Employment Restrictions. Former state officers and employees are barred from entering into certain employment and contractual arrangements after they leave public service. A former officer or employee may not accept employment or receive compensation from an employer for one year after leaving public service if:

- the former officer or employee was in a position to affect contract negotiations or administration with the employer within two years before leaving public service;
- the contract or multiple contracts had a total value over \$10,000; and
- the employment opportunity includes fulfilling or implementing the contract provisions.

A former officer or employee may not have a beneficial interest in a contract or grant for two years after leaving public service, if the former officer or employee participated in the specific legislative or executive funding of that contract or grant. A former officer or employee may never accept employment or compensation from an employer, if the former officer or employee has reason to believe the employer intended that the offer would influence the officer or employee's duties in public service, or would compensate or reward the officer or employee for past performance. The ban also applies where a reasonable person would believe the offer was made for the purpose of influencing the performance of the officer or employee while in public service.

A former officer or employee may not assist another person in any transaction involving the state if the former officer or employee participated in the transaction during state employment.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Enforcement. The Legislative Ethics Board, the Executive Ethics Board, and the Commission on Judicial Conduct have authority over the members and employees of their respective branches of government regarding the enforcement of state ethics laws. The Attorney General may investigate persons not under the jurisdiction of the boards who are suspected of violating the ethics laws.

Each board has authority to issue civil penalties of up to \$5,000 per violation of state ethics laws, or up to three times the value of each thing received or sought that was in violation of the ethics law.

**Summary of Bill:** Post-Employment Prohibitions. Certain state officers and employees are prohibited, for one year after leaving public service, from receiving compensation to serve as a lobbyist, practice or appeal before certain state agencies, or attempt to influence state actions on behalf of another person.

The following former officers and employees are banned for one year from lobbying or attempting to influence any state agency:

- statewide elected officials and state legislators;
- heads of cabinet agencies and chiefs of staff and top administrators who report directly to those agency heads;
- the Chief Clerk of the House of Representatives, the Secretary of the Senate, and certain top administrators of each legislative chamber; and
- senior executive staff managed by the heads of executive cabinet agencies, of legislative agencies, and of agencies managed by statewide elected officials.

The following former officers and employees are banned for one year from lobbying or attempting to influence their former agency:

- heads of non-cabinet agencies and chiefs of staff and top administrators who report directly to those agency heads; and
- senior executive staff of those agencies.

"Senior executive staff" include state employees and officers who exercise significant discretion and judgment on final agency policies. Each agency must annually submit the name and position of each senior executive staff member to the relevant ethics board.

Exceptions. The one year post-employment ban on lobbying or influencing state agencies does not apply to persons working for another state, local, or federal agency, representing a person or testifying in a judicial or administrative hearing, testifying in a public legislative committee session, participating in rulemaking at the request of an agency, or assisting with ministerial activities.

The state ethics boards must adopt rules for persons who seek a waiver from the post-employment lobbying and influencing prohibitions. A waiver must be conditioned upon a finding that the compensated service does not present a conflict of interest, the need outweighs any potential conflict of interest, or emergency circumstances warrant a waiver.

Disclosure Statements. Each former state officer or employee subject to the post-employment prohibition on lobbying state government must submit a post-employment disclosure form to the relevant state ethics board. The statement includes the former officer or employee's name, the last position held and state agency, and an acknowledgement of the post-employment prohibitions. The statement is due within 14 days after the person leaves public service and extends through the first year after leaving public service. The person must update the statement within 45 days after the person takes a new compensated position with an employer that conducts business with the state.

If the former officer or employee receives compensation from an employer or entity that conducts business with the state, or takes action to influence any state policy, rule, or legislative matter, the former officer or employee must provide more information on the disclosure form, including:

- the name of the new employer and supervisor or source of compensation;
- the date the new employment will begin or began; and
- a description of the duties for the new employer or business.

The ethics boards must collaborate to provide online filing and a process to send forms to the executive ethics board. Post-employment disclosure statements must be available on the Executive Ethics Board's website, and linked to by the other ethics boards and the Public Disclosure Commission.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains several effective dates. Please refer to the bill.

**Staff Summary of Public Testimony:** PRO: 31 other states have this framework. A cooling off period gives public confidence that there is a distinction between public service and paid lobbying. Washington has not fared as well as it could in national reports on this issue, and this bill would allow us to make substantial improvements. It does not say that a person could not go to work, just that they could not be a paid lobbyist for that employer. The transparency provisions are an important part of this bill. This solves the Friday to Monday problem where an employee leaves public service on Friday, and is a highly paid lobbyist on Monday, seeking to influence former employees. This is a good government measure. An obstacle to greater involvement in government is that people do not think they have a voice.

**Persons Testifying:** PRO: Senator Carlyle, prime sponsor; Nancy Krier, Mike Webb, Office of the Attorney General; Kathy Sakahara, League of Women Voters.

**Persons Signed In To Testify But Not Testifying:** PRO: Alice Woldt, Fix Democracy First; Rowland Thompson, Allied Daily Newspapers of Washington.