



# 2018 AG REQUEST LEGISLATION

## ESTABLISH A “COOLING OFF” PERIOD FOR POST STATE EMPLOYMENT LOBBYING

### PROBLEM

Washington state has a compelling interest in preserving the integrity of our government and ensuring that the actions of state employees are free from improper influence. Without a change to state law, high ranking state officials can leave their state job on Friday and start work on Monday as a paid lobbyist influencing their former employer. This “revolving door” creates the appearance of special access, unfair advantage, and conflicts of interest that undermine the public’s trust.

### BACKGROUND

According to the National Conference of State Legislatures, at least 31 states have enacted some form of a “cooling-off” period before a former legislator or other state official can come back as a paid lobbyist or seek to influence state government.<sup>1</sup> Additionally, federal statutes restricting former public officials and employees from lobbying date back to 1872.

The Washington State Ethics Act, RCW 42.52, contains some specific post-state employment restrictions, such as where an employee had personally participated in the activity that would be involved in the private employment, where the private employment is a reward, or where the private employment would require disclosing confidential information obtained in state service.

However, Washington does not have a “cooling off” period before former state employees can be compensated by a private interest to influence their former state employer.<sup>2</sup> As a consequence, the Center for Public Integrity gave Washington zero out of 100 points in this section of the state’s integrity score card in 2015.<sup>3</sup>

### LEGISLATION (SB 5120 / HB 1159)

- Establishes a one-year “cooling off” period for elected officials, agency heads, and senior-level staff as follows:

<b>CATEGORY A</b>	<ul style="list-style-type: none"> <li>Statewide elected officials</li> <li>State legislators</li> <li>Heads of executive cabinet agencies, and</li> <li>Chiefs of staff or top administrators and other senior executive staff of such agencies and offices</li> </ul>
<b>MAY NOT</b>	<ul style="list-style-type: none"> <li>Serve as a paid lobbyist for others</li> <li>Be paid to attempt to influence state action by a state agency</li> </ul>

<b>CATEGORY B</b>	<ul style="list-style-type: none"> <li>Heads of agencies not in category A, and</li> <li>Chiefs of staff or top administrators and other senior executive staff of such agencies or offices</li> </ul>
<b>MAY NOT</b>	<ul style="list-style-type: none"> <li>Serve as a paid lobbyist for others regarding the former employer agency’s matters</li> <li>Be paid to attempt to influence state action by the former employing agency</li> </ul>

- Applies to compensated activities and provides limited exceptions, such as lobbying for another public entity; and,
- Requires disclosure for elected officials, agency heads, and senior-level staff when leaving state service if he or she receives compensation from an employer or entity that does business with, or tries to influence action by, the state.



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### SPONSORS:

- Sen. Carlyle (D-36)
- Sen. Miloscia (R-30)
- Sen. Hunt (D-22)
- Sen. Dandel (R-7)
- Sen. Rolfes (D-23)
- Sen. Cleveland (D-49)
- Sen. Keiser (D-33)
- Sen. Kuderer (D-48)
- Sen. Chase (D-32)
- Rep. Pellicciotti (D-30)
- Rep. Haler (R-8)
- Rep. Sells (D-38)
- Rep. Pollet (D-46)
- Rep. Hudgins (D-11)
- Rep. Kilduff (D-28)

### SUPPORTED BY:

- League of Women Voters
- Allied Daily Newspapers

1: Revolving Door Prohibitions – Rules Against Legislators Lobbying State Government After They Leave Office, National Conference of State Legislatures (Jan. 6, 2014).

2: Current restrictions in RCW 42.52 are:

- Where an employee/officer has had responsibility for a contract or grant exceeding \$10,000 and the new job fulfills or implements that contract/grant (one or two year ban).
- On accepting jobs as a reward for performance or nonperformance of a state duty (permanent ban).
- On accepting a job where it involves a matter in which the employee/officer participated (permanent ban).
- Where the employee/officer might reasonably expect the job would require or induce the former employee to make an unauthorized disclosure of confidential information acquired by the employee/official by reason of their official position (permanent ban, unless specifically authorized).

RCW 42.52.080; 050.  
3: www.publicintegrity.org (2015).