



2019 AG REQUEST LEGISLATION

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

What needs to change?

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.

Why is this change necessary?

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.¹ 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.² 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 2015.³

What is the solution? SB-5033 / HB-1067

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

- CATEGORY A**
- Statewide elected officials
 - State legislators
 - Heads of executive cabinet agencies, and
 - Chiefs of staff or top administrators and other senior executive staff of such agencies and offices
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- MAY NOT**
- Serve as a paid lobbyist for others
 - Be paid to attempt to influence state action by a state agency

- CATEGORY B**
- Heads of agencies not in category A, and
 - Chiefs of staff or top administrators and other senior executive staff of such agencies or offices
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- MAY NOT**
- Serve as a paid lobbyist for others regarding the former employer agency’s matters
 - Be paid to attempt to influence state action by the former employing agency

- 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.

Key Support:

- League of Women Voters
- Fix Democracy First
- WashPIRG

Prime Sponsors:

Sen. Carlyle: D
Rep. Pellicciotti: D

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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).