

is the intent of the legislature to maintain the committee's general structure and independence from those agencies to which it may distribute funds.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 26, 1987.

Passed the House April 25, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 426

[Engrossed Senate Bill No. 5201]

### STATE EMPLOYEE CONFLICTS OF INTEREST

AN ACT Relating to conflicts of interest; amending RCW 42.18.230; adding new sections to chapter 42.18 RCW; and repealing RCW 42.18.160 and 42.18.220.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. No state employee may ask or receive, directly or indirectly, any compensation, gratuity, or reward, or promise thereof, for performing or for omitting or deferring the performance of any official duty, other than the compensation, costs, or fees provided by law.

NEW SECTION. Sec. 2. No state employee may be beneficially interested, directly or indirectly, in any contract, sale, lease, or purchase that may be made by, through, or under the supervision of the employee, in whole or in part, or accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested therein.

NEW SECTION. Sec. 3. No state employee may employ or use any person, money, or property under the employee's official control or direction, or in his or her official custody, for the private benefit or gain of the employee or another.

NEW SECTION. Sec. 4. (1) No former state employee may at any time subsequent to his or her state employment assist another person, whether or not for compensation, in any transaction involving the state in which the former state employee at any time participated during state employment. This subsection shall not be construed to prohibit any employee or officer of a state employee organization from rendering assistance to state employees in the course of employee organization business.

(2) No former state employee may share in any compensation received by another person for assistance that the former state employee is prohibited from rendering under subsection (1) of this section. This subsection shall not apply to former state employees who were required by statute to have

been active members of the state bar association and subject to the code of professional responsibility.

(3) No former state employee may, within a period of one year from the date of termination of state employment, accept employment or receive compensation from any private business if (a) the state employee, during the two years immediately preceding termination of state employment, was engaged in the negotiation or administration on behalf of the state or agency of one or more contracts with that private business and was in a position to make discretionary decisions affecting the outcome of such negotiation or the nature of such administration, (b) such a contract or contracts have a total value of more than ten thousand dollars, and (c) the duties of the employment by the private business or the activities for which the compensation would be received from the private business include fulfilling or implementing, in whole or in part, the provisions of such a contract or contracts or include the supervision or control of actions taken to fulfill or implement, in whole or in part, the provisions of such a contract or contracts. This subsection shall not be construed to prevent a state employee from accepting employment with a state employee organization.

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

(5) For the purposes of this section, the term "private business" includes any natural person, partnership, association, or corporation of any kind or description that is engaged in business activity in this state or elsewhere. If any natural person, closely associated or related group of natural persons, partnership, or corporation owns or controls two or more businesses, all of the businesses owned or controlled shall be defined as a single private business for the purposes of this section.

(6) This section shall not be construed to prevent a former state employee from rendering assistance to others if the assistance is provided without compensation in any form and is limited to one or more of the following:

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

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

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

(d) Providing assistance to the poor and infirm.

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

Sec. 5. Section 23, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.230 are each amended to read as follows:

(1) No person shall give, pay, loan, transfer, or deliver, directly or indirectly, to any other person any thing of economic value believing or having reason to believe that there exist circumstances making the receipt thereof a violation of RCW 42.18.170, 42.18.190, and ~~((42.18.220))~~ section 1 of this 1987 act.

(2) No person shall give, transfer, or deliver, directly or indirectly, to a state employee, any thing of economic value as a gift, gratuity, or favor if either:

(a) Such person would not give the gift, gratuity, or favor but for such employee's office or position with the state; or

(b) Such person is in a status specified in clause (a), (b), or (c) of RCW 42.18.200(2).

Exceptions to this subsection (2) may be made by regulations issued pursuant to RCW 42.18.240 in situations referred to in RCW 42.18.200(3).

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

(1) Section 16, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.160; and

(2) Section 22, chapter 234, Laws of 1969 ex. sess., section 1, chapter 85, Laws of 1984 and RCW 42.18.220.

NEW SECTION. Sec. 7. Sections 1 through 4 of this act are each added to chapter 42.18 RCW.

Passed the Senate April 18, 1987.

Passed the House April 8, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

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CHAPTER 427

[Substitute Senate Bill No. 5846]

BOATING SAFETY

AN ACT Relating to boating safety; and adding new sections to chapter 43.51 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 43.51 RCW to read as follows: