

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



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## OBJECTIVE

Establish a 1-year lobbying prohibition for former high ranking state officials.

## 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 officials 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<sup>3</sup> in 2015.

## LEGISLATION (HB 1136 / SB 6258)

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

### CATEGORY A MAY NOT

- 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
- 
- Serve as a paid lobbyist for others
  - Be paid to attempt to influence state action by a state agency

### CATEGORY B MAY NOT

- Heads of agencies not in category A, and
  - Chiefs of staff or top administrators and other senior executive staff of such agencies or offices
- 
- 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.

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## SUPPORT

### PRIME SPONSORS

- Sen. Carlyle

### NEWS PUBLICATIONS

- The Seattle Times
- The Tacoma News Tribune
- The Wenatchee World
- The Olympian

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).