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**SUBSTITUTE HOUSE BILL 2428**

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**State of Washington                      53rd Legislature                      1994 Regular Session**

**By** House Committee on Education (originally sponsored by Representatives Karahalios, Foreman, Chappell, Chandler and J. Kohl)

Read first time 02/02/94.

1            AN ACT Relating to school district employees; and amending RCW  
2 42.23.030.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 42.23.030 and 1993 c 308 s 1 are each amended to read  
5 as follows:

6            No municipal officer shall be beneficially interested, directly or  
7 indirectly, in any contract which may be made by, through or under the  
8 supervision of such officer, in whole or in part, or which may be made  
9 for the benefit of his or her office, or accept, directly or  
10 indirectly, any compensation, gratuity or reward in connection with  
11 such contract from any other person beneficially interested therein.  
12 This section shall not apply in the following cases:

13            (1) The furnishing of electrical, water or other utility services  
14 by a municipality engaged in the business of furnishing such services,  
15 at the same rates and on the same terms as are available to the public  
16 generally;

17            (2) The designation of public depositaries for municipal funds;

1 (3) The publication of legal notices required by law to be  
2 published by any municipality, upon competitive bidding or at rates not  
3 higher than prescribed by law for members of the general public;

4 (4) The designation of a school director as clerk or as both clerk  
5 and purchasing agent of a school district;

6 (5) The employment of any person by a municipality, other than a  
7 county with a population of one hundred twenty-five thousand or more,  
8 a city of the first or second class, an irrigation district  
9 encompassing in excess of fifty thousand acres, or a first class school  
10 district, for unskilled day labor at wages not exceeding one hundred  
11 dollars in any calendar month;

12 (6) The letting of any other contract (except a sale or lease as  
13 seller or lessor) by a municipality, other than a county with a  
14 population of one hundred twenty-five thousand or more, a city of the  
15 first or second class, an irrigation district encompassing in excess of  
16 fifty thousand acres, or a first class school district: PROVIDED, That  
17 the total volume of business represented by such contract or contracts  
18 in which a particular officer is interested, singly or in the  
19 aggregate, as measured by the dollar amount of the municipality's  
20 liability thereunder, shall not exceed seven hundred fifty dollars in  
21 any calendar month: PROVIDED FURTHER, That in the case of a particular  
22 officer of a third class city or town, or a noncharter optional code  
23 city, or a member of any county fair board in a county which has not  
24 established a county purchasing department pursuant to RCW 36.32.240,  
25 the total volume of such contract or contracts authorized in this  
26 subsection may exceed seven hundred fifty dollars in any calendar month  
27 but shall not exceed nine thousand dollars in any calendar year:  
28 PROVIDED FURTHER, That there shall be public disclosure by having an  
29 available list of such purchases or contracts, and if the supplier or  
30 contractor is an official of the municipality, he or she shall not vote  
31 on the authorization;

32 (7) The leasing by a port district as lessor of port district  
33 property to a municipal officer or to a contracting party in which a  
34 municipal officer may be beneficially interested, if in addition to all  
35 other legal requirements, a board of three disinterested appraisers,  
36 who shall be appointed from members of the American institute of real  
37 estate appraisers by the presiding judge of the superior court in the  
38 county where the property is situated, shall find and the court finds

1 that all terms and conditions of such lease are fair to the port  
2 district and are in the public interest;

3 (8) The letting of any employment contract for the driving of a  
4 school bus in a second class school district: PROVIDED, That the terms  
5 of such contract shall be commensurate with the pay plan or collective  
6 bargaining agreement operating in the district;

7 (9) The letting of any employment contract to the spouse of an  
8 officer of a second class school district in which less than two  
9 hundred full time equivalent students are enrolled at the start of the  
10 school year as defined in RCW 28A.150.040, when such contract is solely  
11 for employment as a certificated or classified employee of the school  
12 district, or the letting of any contract to the spouse of an officer of  
13 a school district, when such contract is solely for employment as a  
14 substitute teacher for the school district: PROVIDED, That the terms  
15 of such contract shall be commensurate with the pay plan or collective  
16 bargaining agreement applicable to all district employees and the board  
17 of directors has found, consistent with the written policy under RCW  
18 28A.330.240, that there is a shortage of substitute teachers in the  
19 school district;

20 (10) The letting of any employment contract to the spouse of an  
21 officer of a school district if the spouse was under contract as a  
22 certificated or classified employee with the school district before the  
23 date in which the officer assumes office: PROVIDED, That the terms of  
24 such contract shall be commensurate with the pay plan or collective  
25 bargaining agreement operating in the district.

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