
SENATE BILL 5363

State of Washington

55th Legislature

1997 Regular Session

By Senators Snyder, Haugen and Hargrove

Read first time 01/24/97. Referred to Committee on Government Operations.

1 AN ACT Relating to contracting by public officers; 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 1996 c 246 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 with a
15 population of ten thousand or more, or an irrigation district
16 encompassing in excess of fifty thousand acres: PROVIDED, That the
17 total volume of business represented by such contract or contracts in
18 which a particular officer is interested, singly or in the aggregate,
19 as measured by the dollar amount of the municipality's liability
20 thereunder, shall not exceed (~~seven hundred fifty~~) one thousand five
21 hundred dollars in any calendar month: PROVIDED FURTHER, That in the
22 case of a particular officer of a second class city or town, or a
23 noncharter optional code city, or a member of any county fair board in
24 a county which has not established a county purchasing department
25 pursuant to RCW 36.32.240, the total volume of such contract or
26 contracts authorized in this subsection may exceed (~~seven hundred~~
27 ~~fifty~~) one thousand five hundred dollars in any calendar month but
28 shall not exceed (~~nine~~) eighteen thousand dollars in any calendar
29 year: PROVIDED FURTHER, That there shall be public disclosure by
30 having an available list of such purchases or contracts, and if the
31 supplier or contractor is an official of the municipality, he or she
32 shall not vote on the authorization: PROVIDED FURTHER, That in the
33 case of a first class school district, there shall be notice of the
34 proposed contract by publication given in one or more newspapers of
35 general circulation within the district. The dollar amount in this
36 subsection shall be adjusted annually based on the governmental price
37 index established by the department of revenue under RCW 82.14.200;

38 (7) The leasing by a port district as lessor of port district
39 property to a municipal officer or to a contracting party in which a

1 municipal officer may be beneficially interested, if in addition to all
2 other legal requirements, a board of three disinterested appraisers,
3 who shall be appointed from members of the American institute of real
4 estate appraisers by the presiding judge of the superior court in the
5 county where the property is situated, shall find and the court finds
6 that all terms and conditions of such lease are fair to the port
7 district and are in the public interest;

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

12 (9) The letting of any employment contract to the spouse of an
13 officer of a second class school district in which less than two
14 hundred full time equivalent students are enrolled at the start of the
15 school year as defined in RCW 28A.150.040, when such contract is solely
16 for employment as a certificated or classified employee of the school
17 district, or the letting of any contract to the spouse of an officer of
18 a school district, when such contract is solely for employment as a
19 substitute teacher for the school district: PROVIDED, That the terms
20 of such contract shall be commensurate with the pay plan or collective
21 bargaining agreement applicable to all district employees and the board
22 of directors has found, consistent with the written policy under RCW
23 28A.330.240, that there is a shortage of substitute teachers in the
24 school district;

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

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