

2 EHB 2396 - S COMM AMD

3 By Committee on State & Local Government

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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 42.23.030 and 1999 c 261 s 2 are each amended to read
8 as follows:

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

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

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

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

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

26 (5) The employment of any person by a municipality for unskilled
27 day labor at wages not exceeding two hundred dollars in any calendar
28 month. The exception provided in this subsection does not apply to a
29 county with a population of one hundred twenty-five thousand or more,
30 a city with a population of more than one thousand five hundred, an
31 irrigation district encompassing more than fifty thousand acres, or a
32 first class school district;

33 (6)(a) The letting of any other contract in which the total amount
34 received under the contract or contracts by the municipal officer or
35 the municipal officer's business does not exceed one thousand five
36 hundred dollars in any calendar month.

1 (b) However, in the case of a particular officer of a second class
2 city or town, or a noncharter optional code city, or a member of any
3 county fair board in a county which has not established a county
4 purchasing department pursuant to RCW 36.32.240, the total amount of
5 such contract or contracts authorized in this subsection (6) may exceed
6 one thousand five hundred dollars in any calendar month but shall not
7 exceed eighteen thousand dollars in any calendar year.

8 (c) The exceptions provided in this subsection (6) do not apply to
9 a sale or lease by the municipality as the seller or lessor. The
10 exceptions provided in this subsection (6) also do not apply to the
11 letting of any contract by a county with a population of one hundred
12 twenty-five thousand or more, a city with a population of ten thousand
13 or more, ~~((or))~~ an irrigation district encompassing more than fifty
14 thousand acres, or a city with a population of thirty thousand or more
15 located within a rural county. For the purposes of this subsection,
16 "rural county" has the same meaning as in RCW 82.14.370(5).

17 (d) The municipality shall maintain a list of all contracts that
18 are awarded under this subsection (6). The list must be made available
19 for public inspection and copying;

20 (7) The leasing by a port district as lessor of port district
21 property to a municipal officer or to a contracting party in which a
22 municipal officer may be beneficially interested, if in addition to all
23 other legal requirements, a board of three disinterested appraisers and
24 the superior court in the county where the property is situated finds
25 that all terms and conditions of such lease are fair to the port
26 district and are in the public interest. The appraisers must be
27 appointed from members of the American Institute of Real Estate
28 Appraisers by the presiding judge of the superior court;

29 (8) The letting of any employment contract for the driving of a
30 school bus in a second class school district if the terms of such
31 contract are commensurate with the pay plan or collective bargaining
32 agreement operating in the district;

33 (9) The letting of any employment contract to the spouse of an
34 officer of a school district, when such contract is solely for
35 employment as a substitute teacher for the school district. This
36 exception applies only if the terms of the contract are commensurate
37 with the pay plan or collective bargaining agreement applicable to all
38 district employees and the board of directors has found, consistent

1 with the written policy under RCW 28A.330.240, that there is a shortage
2 of substitute teachers in the school district;

3 (10) The letting of any employment contract to the spouse of an
4 officer of a school district if the spouse was under contract as a
5 certificated or classified employee with the school district before the
6 date in which the officer assumes office and the terms of the contract
7 are commensurate with the pay plan or collective bargaining agreement
8 operating in the district. However, in a second class school district
9 that has less than two hundred full-time equivalent students enrolled
10 at the start of the school year as defined in RCW 28A.150.040, the
11 spouse is not required to be under contract as a certificated or
12 classified employee before the date on which the officer assumes
13 office;

14 (11) The authorization, approval, or ratification of any employment
15 contract with the spouse of a public hospital district commissioner if:
16 (a) The spouse was employed by the public hospital district before the
17 date the commissioner was initially elected; (b) the terms of the
18 contract are commensurate with the pay plan or collective bargaining
19 agreement operating in the district for similar employees; (c) the
20 interest of the commissioner is disclosed to the board of commissioners
21 and noted in the official minutes or similar records of the public
22 hospital district prior to the letting or continuation of the contract;
23 and (d) and the commissioner does not vote on the authorization,
24 approval, or ratification of the contract or any conditions in the
25 contract.

26 A municipal officer may not vote in the authorization, approval, or
27 ratification of a contract in which he or she is beneficially
28 interested even though one of the exemptions allowing the awarding of
29 such a contract applies. The interest of the municipal officer must be
30 disclosed to the governing body of the municipality and noted in the
31 official minutes or similar records of the municipality before the
32 formation of the contract."

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1 On page 1, line 2 of the title, after "contracts;" strike the
2 remainder of the title and insert "and amending RCW 42.23.030."

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