
SUBSTITUTE SENATE BILL 5363

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators Snyder, Haugen and Hargrove)

Read first time 03/05/97.

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)(a) ~~The letting of any other contract ((except a sale or lease~~
13 ~~as 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)) in which the total amount received under the~~
21 ~~contract or contracts by the municipal officer or the municipal~~
22 ~~officer's business does not exceed ((seven hundred fifty)) one thousand~~
23 ~~five hundred dollars in any calendar month((:— PROVIDED FURTHER,~~
24 ~~That))).~~

25 (b) However, in the case of a particular officer of a second class
26 city or town, or a noncharter optional code city, or a member of any
27 county fair board in a county which has not established a county
28 purchasing department pursuant to RCW 36.32.240, the total ((volume))
29 amount of such contract or contracts authorized in this subsection may
30 exceed ((seven hundred fifty)) one thousand five hundred dollars in any
31 calendar month but shall not exceed ((nine)) eighteen thousand dollars
32 in any calendar year((:— PROVIDED FURTHER, That there shall be public
33 disclosure by having an available list of such purchases or contracts,
34 and if the supplier or contractor is an official of the municipality,
35 he or she shall not vote on the authorization: PROVIDED FURTHER, That
36 in the case of a first class school district, there shall be notice of
37 the proposed contract by publication given in one or more newspapers of
38 general circulation within the district;)).

1 (c) The exceptions provided in this subsection (6) also do not
2 apply to the letting of any contract by a county with a population of
3 one hundred twenty-five thousand or more, a city with a population of
4 ten thousand or more, or an irrigation district encompassing more than
5 fifty thousand acres;

6 (d) The municipality shall maintain a list of all contracts that
7 are awarded pursuant to this subsection (6). The list must be made
8 available for public inspection and copying.

9 (e) The dollar amount in this subsection (6) shall be adjusted
10 annually based on the governmental price index established by the
11 department of revenue under RCW 82.14.200.

12 (7) The leasing by a port district as lessor of port district
13 property to a municipal officer or to a contracting party in which a
14 municipal officer may be beneficially interested, if in addition to all
15 other legal requirements, a board of three disinterested appraisers,
16 who shall be appointed from members of the American institute of real
17 estate appraisers by the presiding judge of the superior court in the
18 county where the property is situated, shall find and the court finds
19 that all terms and conditions of such lease are fair to the port
20 district and are in the public interest;

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

25 (9) The letting of any employment contract to the spouse of an
26 officer of a second class school district in which less than two
27 hundred full time equivalent students are enrolled at the start of the
28 school year as defined in RCW 28A.150.040, when such contract is solely
29 for employment as a certificated or classified employee of the school
30 district, or the letting of any contract to the spouse of an officer of
31 a school district, when such contract is solely for employment as a
32 substitute teacher for the school district: PROVIDED, That the terms
33 of such contract shall be commensurate with the pay plan or collective
34 bargaining agreement applicable to all district employees and the board
35 of directors has found, consistent with the written policy under RCW
36 28A.330.240, that there is a shortage of substitute teachers in the
37 school district;

38 (10) The letting of any employment contract to the spouse of an
39 officer of a school district if the spouse was under contract as a

1 certificated or classified employee with the school district before the
2 date in which the officer assumes office: PROVIDED, That the terms of
3 such contract shall be commensurate with the pay plan or collective
4 bargaining agreement operating in the district.

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