AUTHORIZING EMPLOYMENT OF SPOUSES OF PUBLIC HOSPITAL DISTRICT COMMISSIONERS BY THE DISTRICTS

EFFECTIVE DATE: 7/27/97

Passed by the House March 5, 1997
Yea 98   Nay 0

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CLYDE BALLARD
Speaker of the House of Representatives

Passed by the Senate April 9, 1997
Yea 47   Nay 0

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BRAD OWEN
President of the Senate

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 1200 as passed by the House of Representatives and the Senate on the dates hereon set forth.

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TIMOTHY A. MARTIN
Chief Clerk

FILED

April 21, 1997 - 4:15 p.m.

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GARY LOCKE
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to the code of ethics for municipal officers; and amending RCW 42.23.030.

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

Sec. 1. RCW 42.23.030 and 1996 c 246 s 1 are each amended to read as follows:

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

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

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

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

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

(6) The letting of any other contract (except a sale or lease as seller or lessor) by a municipality, other than a county with a population of one hundred twenty-five thousand or more, a city with a population of ten thousand or more, or an irrigation district encompassing in excess of fifty thousand acres: PROVIDED, That the total volume of business represented by such contract or contracts in which a particular officer is interested, singly or in the aggregate, as measured by the dollar amount of the municipality’s liability thereunder, shall not exceed seven hundred fifty dollars in any calendar month: PROVIDED FURTHER, That in the case of a particular officer of a second class city or town, or a noncharter optional code city, or a member of any county fair board in a county which has not established a county purchasing department pursuant to RCW 36.32.240, the total volume of such contract or contracts authorized in this subsection may exceed seven hundred fifty dollars in any calendar month but shall not exceed nine thousand dollars in any calendar year: PROVIDED FURTHER, That there shall be public disclosure by having an available list of such purchases or contracts, and if the supplier or contractor is an official of the municipality, he or she shall not vote on the authorization: PROVIDED FURTHER, That in the case of a first class school district, there shall be notice of the proposed contract by publication given in one or more newspapers of general circulation within the district;

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

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

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

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

(11) The authorization, approval, or ratification of any employment
contract with the spouse of a public hospital district commissioner if:
(a) The spouse was employed by the public hospital district before the
date the commissioner was initially elected; (b) the terms of the
contract are commensurate with the pay plan or collective bargaining
agreement operating in the district for similar employees; (c) the
interest of the commissioner is disclosed to the board of commissioners
and noted in the official minutes or similar records of the public
hospital district prior to the letting or continuation of the contract;
(d) and the commissioner does not vote on the authorization, approval,
or ratification of the contract or any conditions in the contract.
Passed the House March 5, 1997.
Passed the Senate April 9, 1997.
Approved by the Governor April 21, 1997.
Filed in Office of Secretary of State April 21, 1997.