CERTIFICATION OF ENROLLMENT

SENATE BILL 5044

Chapter 114, Laws of 2005

59th Legislature
2005 Regular Session

RURAL PUBLIC HOSPITAL DISTRICTS--OFFICER CONTRACT INTERESTS

EFFECTIVE DATE: 7/24/05

Passed by the Senate March 8, 2005
YEAS 47    NAYS 0

BRAD OWEN
President of the Senate

Passed by the House April 5, 2005
YEAS 94    NAYS 0

FRANK CHOPP
Speaker of the House of Representatives

Approved April 21, 2005.

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is SENATE BILL 5044 as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN
Secretary

FILED
April 21, 2005 - 3:31 p.m.

CHRISTINE GREGOIRE
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to contract interests of an officer of a rural public hospital district; and amending RCW 42.23.030.

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

Sec. 1. RCW 42.23.030 and 1999 c 261 s 2 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 for unskilled day labor at wages not exceeding two hundred dollars in any calendar month. The exception provided in this subsection does not apply to a county with a population of one hundred twenty-five thousand or more, a city with a population of more than one thousand five hundred, an irrigation district encompassing more than fifty thousand acres, or a first class school district;
(6)(a) The letting of any other contract in which the total amount received under the contract or contracts by the municipal officer or the municipal officer's business does not exceed one thousand five hundred dollars in any calendar month.
(b) However, 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 amount of such contract or contracts authorized in this subsection (6) may exceed one thousand five hundred dollars in any calendar month but shall not exceed eighteen thousand dollars in any calendar year.
(c)(i) In the case of a particular officer of a rural public hospital district, as defined in RCW 70.44.460, the total amount of such contract or contracts authorized in this subsection (6) may exceed one thousand five hundred dollars in any calendar month, but shall not exceed twenty-four thousand dollars in any calendar year.
(ii) At the beginning of each calendar year, beginning with the 2006 calendar year, the legislative authority of the rural public hospital district shall increase the calendar year limitation described in this subsection (6)(c) by an amount equal to the dollar amount for the previous calendar year multiplied by the change in the consumer price index as of the close of the twelve-month period ending December 31st of that previous calendar year. If the new dollar amount established under this subsection is not a multiple of ten dollars, the increase shall be rounded to the next lowest multiple of ten dollars. As used in this subsection, "consumer price index" means the consumer price index compiled by the bureau of labor statistics, United States
department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used.

(d) The exceptions provided in this subsection (6) do not apply to a sale or lease by the municipality as the seller or lessor. The exceptions provided in this subsection (6) also do not apply to the letting of any contract by 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 more than fifty thousand acres.

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

(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 and the superior court in the county where the property is situated finds that all terms and conditions of such lease are fair to the port district and are in the public interest. The appraisers must be appointed from members of the American Institute of Real Estate Appraisers by the presiding judge of the superior court;

(8) The letting of any employment contract for the driving of a school bus in a second class school district if the terms of such contract are 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 school district, when such contract is solely for employment as a substitute teacher for the school district. This exception applies only if the terms of the contract are 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 and the terms of the contract
are commensurate with the pay plan or collective bargaining agreement
operating in the district. However, in a second class school district
that has less than two hundred full-time equivalent students enrolled
at the start of the school year as defined in RCW 28A.150.040, the
spouse is not required to be under contract as a certificated or
classified employee before the date on which the officer assumes
office;

(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;
and (d) and the commissioner does not vote on the authorization,
approval, or ratification of the contract or any conditions in the
contract.

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

Passed by the Senate March 8, 2005.
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