
ENGROSSED HOUSE BILL 2559

State of Washington

52nd Legislature

1992 Regular Session

By Representatives Chandler, Peery, Neher, McLean, Hochstatter,
Betrozoff and Paris

Read first time 01/22/92. Referred to Committee on Education.

1 AN ACT Relating to school district employment contracts; and
2 amending RCW 42.23.030.

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

4 **Sec. 1.** RCW 42.23.030 and 1991 c 363 s 120 are each amended to
5 read 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,

1 at the same rates and on the same terms as are available to the public
2 generally;

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

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

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

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

15 (6) The letting of any other contract (except a sale or lease as
16 seller or lessor) by a municipality, other than a county with a
17 population of one hundred twenty-five thousand or more, a city of the
18 first or second class, an irrigation district encompassing in excess of
19 fifty thousand acres, or a first class school district: PROVIDED, That
20 the total volume of business represented by such contract or contracts
21 in which a particular officer is interested, singly or in the
22 aggregate, as measured by the dollar amount of the municipality's
23 liability thereunder, shall not exceed seven hundred fifty dollars in
24 any calendar month: PROVIDED FURTHER, That in the case of a particular
25 officer of a third class city or town, or a noncharter optional code
26 city, or a member of any county fair board in a county which has not
27 established a county purchasing department pursuant to RCW 36.32.240,
28 the total volume of such contract or contracts authorized in this
29 subsection may exceed seven hundred fifty dollars in any calendar month
30 but shall not exceed nine thousand dollars in any calendar year:

1 PROVIDED FURTHER, That there shall be public disclosure by having an
2 available list of such purchases or contracts, and if the supplier or
3 contractor is an official of the municipality, he or she shall not vote
4 on the authorization;

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

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

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

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