
SENATE BILL 6396

State of Washington

58th Legislature

2004 Regular Session

By Senators Winsley and Kastama

Read first time 01/19/2004. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to municipal officers' interests in public
2 contracts; and 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 1999 c 261 s 2 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;

18 (3) The publication of legal notices required by law to be

1 published by any municipality, upon competitive bidding or at rates not
2 higher than prescribed by law for members of the general public;

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

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

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

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

23 (c) The exceptions provided in this subsection (6) do not apply to
24 a sale or lease by the municipality as the seller or lessor. The
25 exceptions provided in this subsection (6) also do not apply to the
26 letting of any contract by a county with a population of one hundred
27 twenty-five thousand or more, a city with a population of (~~ten~~) forty
28 thousand or more, or an irrigation district encompassing more than
29 fifty thousand acres.

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

33 (7) The leasing by a port district as lessor of port district
34 property to a municipal officer or to a contracting party in which a
35 municipal officer may be beneficially interested, if in addition to all
36 other legal requirements, a board of three disinterested appraisers and
37 the superior court in the county where the property is situated finds
38 that all terms and conditions of such lease are fair to the port

1 district and are in the public interest. The appraisers must be
2 appointed from members of the American Institute of Real Estate
3 Appraisers by the presiding judge of the superior court;

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

8 (9) The letting of any employment contract to the spouse of an
9 officer of a school district, when such contract is solely for
10 employment as a substitute teacher for the school district. This
11 exception applies only if the terms of the contract are commensurate
12 with the pay plan or collective bargaining agreement applicable to all
13 district employees and the board of directors has found, consistent
14 with the written policy under RCW 28A.330.240, that there is a shortage
15 of substitute teachers in the school district;

16 (10) The letting of any employment contract to the spouse of an
17 officer of a school district if the spouse was under contract as a
18 certificated or classified employee with the school district before the
19 date in which the officer assumes office and the terms of the contract
20 are commensurate with the pay plan or collective bargaining agreement
21 operating in the district. However, in a second class school district
22 that has less than two hundred full-time equivalent students enrolled
23 at the start of the school year as defined in RCW 28A.150.040, the
24 spouse is not required to be under contract as a certificated or
25 classified employee before the date on which the officer assumes
26 office;

27 (11) The authorization, approval, or ratification of any employment
28 contract with the spouse of a public hospital district commissioner if:

29 (a) The spouse was employed by the public hospital district before the
30 date the commissioner was initially elected; (b) the terms of the
31 contract are commensurate with the pay plan or collective bargaining
32 agreement operating in the district for similar employees; (c) the
33 interest of the commissioner is disclosed to the board of commissioners
34 and noted in the official minutes or similar records of the public
35 hospital district prior to the letting or continuation of the contract;
36 and (d) and the commissioner does not vote on the authorization,
37 approval, or ratification of the contract or any conditions in the
38 contract.

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

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