

counties for beach patrol and law enforcement on North Beach, South Beach, and Long Beach.

(4) Not more than \$900,000 of the trust land purchase account appropriation shall be expended to purchase the state-owned Heart Lake property located in section 36, township 35 north, range 1 east W.M. located in Skagit county if such amount is equal to or more than the fair market value of the property.

(5) Not more than \$15,000 shall be expended for the purpose of making a grant to the port of Skagit county for the operation of the historical railway from Sedro Woolley to Concrete. Any portion of the grant not spent ending June 30, 1981, shall be returned to the general fund of the state of Washington. Any net profit, up to the amount expended in the grant to the port of Skagit county for the operation of the historical railway, but not to exceed \$15,000, earned by the railway ending June 30, 1981, shall be reimbursed to the general fund of the state of Washington.

(6) Not more than \$228,000 shall be expended for an experimental campsite reservation system ((for Washington residents)).

(7) Not more than \$80,000 shall be expended for operation of the Goldendale observatory.

Passed the House January 31, 1980.

Passed the Senate February 18, 1980.

Approved by the Governor February 29, 1980.

Filed in Office of Secretary of State February 29, 1980.

CHAPTER 39

[Substitute House Bill No. 1210]

SECOND CLASS SCHOOL DISTRICT CONTRACTS—CONFLICTS OF INTEREST

AN ACT Relating to second class school districts; amending section 4, chapter 268, Laws of 1961 as amended by section 1, chapter 242, Laws of 1971 ex. sess. and RCW 42.23.030; creating a new section; and repealing section 3, chapter 41, Laws of 1975 1st ex. sess. and RCW 28A.60.355.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 4, chapter 268, Laws of 1961 as amended by section 1, chapter 242, Laws of 1971 ex. sess. and RCW 42.23.030 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 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 of the first class or higher, a city of the first or second class, 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 of the first class or higher, a city of the first or second class, or a first class school district: 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 two hundred dollars in any calendar month: PROVIDED FURTHER, That in the case of a particular officer of a city or town of the third, or fourth class, or a noncharter optional code city, the total volume of such contract or contracts authorized in this subsection may exceed two hundred dollars in any calendar month but shall not exceed thirty-six hundred dollars in any calendar year;

(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 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 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.01.020, when such contract is solely for employment as a certificated or classified employee of the school district.

NEW SECTION. Sec. 2. Section 3, chapter 41, Laws of 1975 1st ex. sess. and RCW 28A.60.355 are each hereby repealed.

NEW SECTION. Sec. 3. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House January 23, 1980.

Passed the Senate February 18, 1980.

Approved by the Governor February 29, 1980.

Filed in Office of Secretary of State February 29, 1980.

CHAPTER 40

[House Bill No. 1371]

DAY LABOR CONSTRUCTION BUDGETS—COUNTIES

AN ACT Relating to county road projects; adding a new section to chapter 36.77 RCW; repealing section 36.77.060, chapter 4, Laws of 1963, section 1, chapter 32, Laws of 1977 ex. sess. and RCW 36.77.060; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 36.77 RCW a new section to read as follows:

The board may cause any county road to be constructed or improved by day labor as provided in this section.

(1) As used in this section, "county road construction budget" means the aggregate total of those costs as defined by the budgeting, accounting, and reporting system for counties and cities and other local governments authorized under RCW 43.09.200 and 43.09.230 as prescribed in the state auditor's budget, accounting, and reporting manual's (BARS) road and street construction accounts 541.00 through 541.90 in effect April 1, 1975: **PROVIDED**, That such costs shall not include those costs assigned to the preliminary engineering account 541.11, right of way accounts 541.20 through 541.25, ancillary operations account 541.80, and ferries account 541.81 in the budget, accounting, and reporting manual.

(2) The total amount of day labor construction programs one county may perform annually shall total no more than the amounts determined in the following manner:

(a) Any county with a total annual county road construction budget of four million dollars or more may accumulate a day labor road construction budget equal to no more than eight hundred thousand dollars or fifteen percent of the county's total annual county road construction budget, whichever is greater.

(b) Any county with a total annual county road construction budget over one million five hundred thousand dollars and less than four million dollars may accumulate a day labor road construction budget equal to not more than five hundred twenty-five thousand dollars or twenty percent of