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SENATE BILL 5336

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State of Washington

55th Legislature

1997 Regular Session

By Senators Horn and Haugen

Read first time 01/23/97. Referred to Committee on Government Operations.

1 AN ACT Relating to clarifying and harmonizing provisions affecting  
2 cities and towns; amending RCW 19.16.500, 39.30.010, 41.04.190,  
3 35.27.070, 35.07.040, 9.41.050, and 35A.12.010; adding a new section to  
4 chapter 35.23 RCW; and repealing RCW 35.07.030, 35.17.160, 35.23.390,  
5 and 35.23.400.

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

7 **Sec. 1.** RCW 19.16.500 and 1982 c 65 s 1 are each amended to read  
8 as follows:

9 (1) Agencies, departments, taxing districts, political subdivisions  
10 of the state, counties, and incorporated cities may retain, by written  
11 contract, collection agencies licensed under this chapter for the  
12 purpose of collecting public debts owed by any person.

13 (2) No debt may be assigned to a collection agency unless (a) there  
14 has been an attempt to advise the debtor (i) of the existence of the  
15 debt and (ii) that the debt may be assigned to a collection agency for  
16 collection if the debt is not paid, and (b) at least thirty days have  
17 elapsed from the time the notice was sent.

1 (3) Collection agencies assigned debts under this section shall  
2 have only those remedies and powers which would be available to them as  
3 assignees of private creditors.

4 (4) For purposes of this section, the term debt shall include  
5 finances, fees, penalties, costs, assessments, and other debts.

6 (5) The costs involved in the collection of the debts through the  
7 use of a collection agency are costs that shall be added to and  
8 included in the debt to be paid by the debtor.

9 **Sec. 2.** RCW 39.30.010 and 1970 ex.s. c 42 s 26 are each amended to  
10 read as follows:

11 Any city or town or metropolitan park district or county or library  
12 district may execute an executory conditional sales contract with a  
13 county or counties, the state or any of its political subdivisions, the  
14 government of the United States, or any private party for the purchase  
15 of any real or personal property, or property rights in connection with  
16 the exercise of any powers or duties which they now or hereafter are  
17 authorized to exercise, if the entire amount of the purchase price  
18 specified in such contract does not result in a total indebtedness in  
19 excess of (~~three-fourths of~~) one and one-half percent of the value of  
20 the taxable property in such city or town or metropolitan park district  
21 or county or library district: PROVIDED, That if such a proposed  
22 contract would result in a total indebtedness in excess of (~~three-~~  
23 ~~fourths of~~) one and one-half percent of the value of the taxable  
24 property of such city or town or metropolitan park district or county  
25 or library district, as the case may be, a proposition in regard to  
26 whether or not such a contract may be executed shall be submitted to  
27 the voters for approval or rejection in the same manner that bond  
28 issues for capital purposes are submitted to the voters: PROVIDED  
29 FURTHER, That any city or town or metropolitan park district or county  
30 or library district may jointly execute contracts authorized by this  
31 section, if the entire amount of the purchase price does not result in  
32 a joint total indebtedness in excess of (~~three-fourths of~~) one and  
33 one-half percent of the value of the taxable property in such city or  
34 town or metropolitan park district or county or library district. The  
35 term "value of the taxable property" shall have the meaning set forth  
36 in RCW 39.36.015.

1       **Sec. 3.** RCW 41.04.190 and 1996 c 230 s 1610 are each amended to  
2 read as follows:

3       The cost of a policy or plan to a public agency or body is not  
4 additional compensation to the employees or elected officials covered  
5 thereby. The elected officials to whom this section applies include  
6 but are not limited to commissioners elected under chapters 28A.315,  
7 52.14, 53.12, 54.12, 57.12, 70.44, and 87.03 RCW, as well as any county  
8 elected officials who are provided insurance coverage under RCW  
9 41.04.180, and those city officials elected under chapters 35.22,  
10 35.23, 35.27, 35A.12, and 35A.13 RCW. Any officer authorized to  
11 disburse such funds may pay in whole or in part to an insurance carrier  
12 or health care service contractor the amount of the premiums due under  
13 the contract.

14       **Sec. 4.** RCW 35.27.070 and 1993 c 47 s 2 are each amended to read  
15 as follows:

16       The government of a town shall be vested in a mayor and a council  
17 consisting of five members and a treasurer, all elective; the mayor  
18 shall appoint a clerk and a marshal; and may appoint a town attorney,  
19 pound master, street superintendent, a civil engineer, and such police  
20 and other subordinate officers and employees as may be provided for by  
21 ordinance. All appointive officers and employees shall hold office at  
22 the pleasure of the mayor, subject to any applicable law, rule, or  
23 regulation relating to civil service, and shall not be subject to  
24 confirmation by the town council.

25       **Sec. 5.** RCW 35.07.040 and 1965 c 7 s 35.07.040 are each amended to  
26 read as follows:

27       (~~If the applicable census shows a population of less than four~~  
28 ~~thousand,~~) The council shall cause an election to be called upon the  
29 proposition of disincorporation. If the city or town has any  
30 indebtedness or outstanding liabilities, it shall order the election of  
31 a receiver at the same time.

32       **Sec. 6.** RCW 9.41.050 and 1996 c 295 s 4 are each amended to read  
33 as follows:

34       (1)(a) Except in the person's place of abode or fixed place of  
35 business, a person shall not carry a pistol concealed on his or her  
36 person without a license to carry a concealed pistol.

1 (b) Every licensee shall have his or her concealed pistol license  
2 in his or her immediate possession at all times that he or she is  
3 required by this section to have a concealed pistol license and shall  
4 display the same upon demand to any police officer or to any other  
5 person when and if required by law to do so. Any violation of this  
6 subsection (1)(b) shall be a class 1 civil infraction under chapter  
7 ((7.84)) 7.80 RCW and shall be punished accordingly pursuant to chapter  
8 ((7.84)) 7.80 RCW and the infraction rules for courts of limited  
9 jurisdiction.

10 (2) A person shall not carry or place a loaded pistol in any  
11 vehicle unless the person has a license to carry a concealed pistol  
12 and: (a) The pistol is on the licensee's person, (b) the licensee is  
13 within the vehicle at all times that the pistol is there, or (c) the  
14 licensee is away from the vehicle and the pistol is locked within the  
15 vehicle and concealed from view from outside the vehicle.

16 (3) A person at least eighteen years of age who is in possession of  
17 an unloaded pistol shall not leave the unloaded pistol in a vehicle  
18 unless the unloaded pistol is locked within the vehicle and concealed  
19 from view from outside the vehicle.

20 (4) Except as otherwise provided in this chapter, no person may  
21 carry a firearm unless it is unloaded and enclosed in an opaque case or  
22 secure wrapper or the person is:

23 (a) Licensed under RCW 9.41.070 to carry a concealed pistol;

24 (b) In attendance at a hunter's safety course or a firearms safety  
25 course;

26 (c) Engaging in practice in the use of a firearm or target shooting  
27 at an established range authorized by the governing body of the  
28 jurisdiction in which such range is located or any other area where the  
29 discharge of a firearm is not prohibited;

30 (d) Engaging in an organized competition involving the use of a  
31 firearm, or participating in or practicing for a performance by an  
32 organized group that uses firearms as a part of the performance;

33 (e) Engaging in a lawful outdoor recreational activity such as  
34 hunting, fishing, camping, hiking, or horseback riding, only if,  
35 considering all of the attendant circumstances, including but not  
36 limited to whether the person has a valid hunting or fishing license,  
37 it is reasonable to conclude that the person is participating in lawful  
38 outdoor activities or is traveling to or from a legitimate outdoor  
39 recreation area;

1 (f) In an area where the discharge of a firearm is permitted, and  
2 is not trespassing;

3 (g) Traveling with any unloaded firearm in the person's possession  
4 to or from any activity described in (b), (c), (d), (e), or (f) of this  
5 subsection, except as provided in (h) of this subsection;

6 (h) Traveling in a motor vehicle with a firearm, other than a  
7 pistol, that is unloaded and locked in the trunk or other compartment  
8 of the vehicle, placed in a gun rack, or otherwise secured in place in  
9 a vehicle, provided that this subsection (4)(h) does not apply to motor  
10 homes if the firearms are not within the driver's compartment of the  
11 motor home while the vehicle is in operation. Notwithstanding (a) of  
12 this subsection, and subject to federal and state park regulations  
13 regarding firearm possession therein, a motor home shall be considered  
14 a residence when parked at a recreational park, campground, or other  
15 temporary residential setting for the purposes of enforcement of this  
16 chapter;

17 (i) On real property under the control of the person or a relative  
18 of the person;

19 (j) At his or her residence;

20 (k) Is a member of the armed forces of the United States, national  
21 guard, or organized reserves, when on duty;

22 (l) Is a law enforcement officer;

23 (m) Carrying a firearm from or to a vehicle for the purpose of  
24 taking or removing the firearm to or from a place of business for  
25 repair; or

26 (n) An armed private security guard or armed private detective  
27 licensed by the department of licensing, while on duty or enroute to  
28 and from employment.

29 (5) Violation of any of the prohibitions of subsections (2) through  
30 (4) of this section is a misdemeanor.

31 (6) Nothing in this section permits the possession of firearms  
32 illegal to possess under state or federal law.

33 (7) Any city, town, or county may enact an ordinance to exempt  
34 itself from the prohibition of subsection (4) of this section.

35 **Sec. 7.** RCW 35A.12.010 and 1994 c 223 s 30 are each amended to  
36 read as follows:

37 The government of any noncharter code city or charter code city  
38 electing to adopt the mayor-council plan of government authorized by

1 this chapter shall be vested in an elected mayor and an elected  
2 council. The council of a noncharter code city having less than  
3 twenty-five hundred inhabitants shall consist of five members; when  
4 there are twenty-five hundred or more inhabitants, the council shall  
5 consist of seven members(~~(:—PROVIDED, That))~~) . A city with a  
6 population of less than twenty-five hundred at the time of  
7 reclassification as an optional municipal code city may choose to  
8 maintain a seven-member council. The decision concerning the number of  
9 councilmembers shall be made by the council and be incorporated as a  
10 section of the ordinance adopting for the city the classification of  
11 noncharter code city. If the population of a city after having become  
12 a code city decreases from twenty-five hundred or more to less than  
13 twenty-five hundred, it shall continue to have a seven member council.  
14 If, after a city has become a mayor-council code city, its population  
15 increases to twenty-five hundred or more inhabitants, the number of  
16 councilmanic offices in such city may increase from five to seven  
17 members upon the affirmative vote of a majority of the existing council  
18 to increase the number of councilmanic offices in the city. When the  
19 population of a mayor-council code city having five councilmanic  
20 offices increases to five thousand or more inhabitants, the number of  
21 councilmanic offices in the city shall increase from five to seven  
22 members. In the event of an increase in the number of councilmanic  
23 offices, the city council shall, by majority vote, pursuant to RCW  
24 35A.12.050, appoint two persons to serve in these offices until the  
25 next municipal general election, at which election one person shall be  
26 elected for a two-year term and one person shall be elected for a four-  
27 year term. The number of inhabitants shall be determined by the most  
28 recent official state or federal census or determination by the state  
29 office of financial management. A charter adopted under the provisions  
30 of this title, incorporating the mayor-council plan of government set  
31 forth in this chapter, may provide for an uneven number of  
32 councilmembers not exceeding eleven.

33 A noncharter code city of less than five thousand inhabitants which  
34 has elected the mayor-council plan of government and which has seven  
35 councilmanic offices may establish a five-member council in accordance  
36 with the following procedure. At least six months prior to a municipal  
37 general election, the city council shall adopt an ordinance providing  
38 for reduction in the number of councilmanic offices to five. The  
39 ordinance shall specify which two councilmanic offices, the terms of

1 which expire at the next general election, are to be terminated. The  
2 ordinance shall provide for the renumbering of council positions and  
3 shall also provide for a two-year extension of the term of office of a  
4 retained councilmanic office, if necessary, in order to comply with RCW  
5 35A.12.040.

6 However, a noncharter code city that has retained its old mayor-  
7 council plan of government, as provided in RCW 35A.02.130, is subject  
8 to the laws applicable to that old plan of government.

9 NEW SECTION. **Sec. 8.** A new section is added to chapter 35.23 RCW  
10 to read as follows:

11 No person is eligible to hold an elective office in a second class  
12 city unless the person is a resident and elector in the city.

13 NEW SECTION. **Sec. 9.** The following acts or parts of acts are each  
14 repealed:

- 15 (1) RCW 35.07.030 and 1965 c 7 s 35.07.030;
- 16 (2) RCW 35.17.160 and 1965 c 7 s 35.17.160;
- 17 (3) RCW 35.23.390 and 1965 c 7 s 35.23.390; and
- 18 (4) RCW 35.23.400 and 1965 c 7 s 35.23.400.

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