

2 **SSB 5336 - H COMM AMD ADOPTED AS AMENDED 4-16-97**
3 By Committee on Government Administration

4

5 Strike everything after the enacting clause and insert the
6 following:

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.

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

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

23 (5) The reasonable costs involved in the collection of the debts
24 through the use of a collection agency are reasonable costs that may be
25 added to and included in the debt to be paid by the debtor.

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

28 Any city or town or metropolitan park district or county or library
29 district may execute an executory conditional sales contract with a
30 county or counties, the state or any of its political subdivisions, the
31 government of the United States, or any private party for the purchase
32 of any real or personal property, or property rights in connection with
33 the exercise of any powers or duties which they now or hereafter are
34 authorized to exercise, if the entire amount of the purchase price
35 specified in such contract does not result in a total indebtedness in

1 excess of three-fourths of one percent of the value of the taxable
2 property in such (~~city or town or metropolitan park district or county~~
3 ~~or~~) library district(~~(:—PROVIDED, That)~~) or the maximum amount of
4 nonvoter-approved indebtedness authorized in such county, city, town,
5 or metropolitan park district. If such a proposed contract would
6 result in a total indebtedness in excess of (~~three-fourths of one~~
7 ~~percent of the value of the taxable property of such city or town or~~
8 ~~metropolitan park district or county or library district, as the case~~
9 ~~may be~~) this amount, a proposition in regard to whether or not such a
10 contract may be executed shall be submitted to the voters for approval
11 or rejection in the same manner that bond issues for capital purposes
12 are submitted to the voters(~~(:—PROVIDED FURTHER, That)~~). Any city or
13 town or metropolitan park district or county or library district may
14 jointly execute contracts authorized by this section, if the entire
15 amount of the purchase price does not result in a joint total
16 indebtedness in excess of (~~three-fourths of one percent of the value~~
17 of the taxable property in such)) the nonvoter-approved indebtedness
18 limitation of any city ((or)), town ((or)), metropolitan park district
19 ((or)), county, or library district that participates in the jointly
20 executed contract. The term "value of the taxable property" shall have
21 the meaning set forth in RCW 39.36.015.

22 **Sec. 3.** RCW 35.27.070 and 1993 c 47 s 2 are each amended to read
23 as follows:

24 The government of a town shall be vested in a mayor and a council
25 consisting of five members and a treasurer, all elective; the mayor
26 shall appoint a clerk and a marshal; and may appoint a town attorney,
27 pound master, street superintendent, a civil engineer, and such police
28 and other subordinate officers and employees as may be provided for by
29 ordinance. All appointive officers and employees shall hold office at
30 the pleasure of the mayor, subject to any applicable law, rule, or
31 regulation relating to civil service, and shall not be subject to
32 confirmation by the town council.

33 **Sec. 4.** RCW 35.07.040 and 1965 c 7 s 35.07.040 are each amended to
34 read as follows:

35 (~~If the applicable census shows a population of less than four~~
36 ~~thousand,~~) The council shall cause an election to be called upon the
37 proposition of disincorporation. If the city or town has any

1 indebtedness or outstanding liabilities, it shall order the election of
2 a receiver at the same time.

3 **Sec. 5.** RCW 9.41.050 and 1996 c 295 s 4 are each amended to read
4 as follows:

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

8 (b) Every licensee shall have his or her concealed pistol license
9 in his or her immediate possession at all times that he or she is
10 required by this section to have a concealed pistol license and shall
11 display the same upon demand to any police officer or to any other
12 person when and if required by law to do so. Any violation of this
13 subsection (1)(b) shall be a class 1 civil infraction under chapter
14 ((7.84)) 7.80 RCW and shall be punished accordingly pursuant to chapter
15 ((7.84)) 7.80 RCW and the infraction rules for courts of limited
16 jurisdiction.

17 (2) A person shall not carry or place a loaded pistol in any
18 vehicle unless the person has a license to carry a concealed pistol
19 and: (a) The pistol is on the licensee's person, (b) the licensee is
20 within the vehicle at all times that the pistol is there, or (c) the
21 licensee is away from the vehicle and the pistol is locked within the
22 vehicle and concealed from view from outside the vehicle.

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

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

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

31 (b) In attendance at a hunter's safety course or a firearms safety
32 course;

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

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

4 (e) Engaging in a lawful outdoor recreational activity such as
5 hunting, fishing, camping, hiking, or horseback riding, only if,
6 considering all of the attendant circumstances, including but not
7 limited to whether the person has a valid hunting or fishing license,
8 it is reasonable to conclude that the person is participating in lawful
9 outdoor activities or is traveling to or from a legitimate outdoor
10 recreation area;

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

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

16 (h) Traveling in a motor vehicle with a firearm, other than a
17 pistol, that is unloaded and locked in the trunk or other compartment
18 of the vehicle, placed in a gun rack, or otherwise secured in place in
19 a vehicle, provided that this subsection (4)(h) does not apply to motor
20 homes if the firearms are not within the driver's compartment of the
21 motor home while the vehicle is in operation. Notwithstanding (a) of
22 this subsection, and subject to federal and state park regulations
23 regarding firearm possession therein, a motor home shall be considered
24 a residence when parked at a recreational park, campground, or other
25 temporary residential setting for the purposes of enforcement of this
26 chapter;

27 (i) On real property under the control of the person or a relative
28 of the person;

29 (j) At his or her residence;

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

32 (l) Is a law enforcement officer;

33 (m) Carrying a firearm from or to a vehicle for the purpose of
34 taking or removing the firearm to or from a place of business for
35 repair; or

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

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

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

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

7 **Sec. 6.** RCW 35A.12.010 and 1994 c 223 s 30 are each amended to
8 read as follows:

9 The government of any noncharter code city or charter code city
10 electing to adopt the mayor-council plan of government authorized by
11 this chapter shall be vested in an elected mayor and an elected
12 council. The council of a noncharter code city having less than
13 twenty-five hundred inhabitants shall consist of five members; when
14 there are twenty-five hundred or more inhabitants, the council shall
15 consist of seven members(~~(:—PROVIDED, That))~~). A city with a
16 population of less than twenty-five hundred at the time of
17 reclassification as an optional municipal code city may choose to
18 maintain a seven-member council. The decision concerning the number of
19 councilmembers shall be made by the council and be incorporated as a
20 section of the ordinance adopting for the city the classification of
21 noncharter code city. If the population of a city after having become
22 a code city decreases from twenty-five hundred or more to less than
23 twenty-five hundred, it shall continue to have a seven member council.
24 If, after a city has become a mayor-council code city, its population
25 increases to twenty-five hundred or more inhabitants, the number of
26 councilmanic offices in such city may increase from five to seven
27 members upon the affirmative vote of a majority of the existing council
28 to increase the number of councilmanic offices in the city. When the
29 population of a mayor-council code city having five councilmanic
30 offices increases to five thousand or more inhabitants, the number of
31 councilmanic offices in the city shall increase from five to seven
32 members. In the event of an increase in the number of councilmanic
33 offices, the city council shall, by majority vote, pursuant to RCW
34 35A.12.050, appoint two persons to serve in these offices until the
35 next municipal general election, at which election one person shall be
36 elected for a two-year term and one person shall be elected for a four-
37 year term. The number of inhabitants shall be determined by the most
38 recent official state or federal census or determination by the state

1 office of financial management. A charter adopted under the provisions
2 of this title, incorporating the mayor-council plan of government set
3 forth in this chapter, may provide for an uneven number of
4 councilmembers not exceeding eleven.

5 A noncharter code city of less than five thousand inhabitants which
6 has elected the mayor-council plan of government and which has seven
7 councilmanic offices may establish a five-member council in accordance
8 with the following procedure. At least six months prior to a municipal
9 general election, the city council shall adopt an ordinance providing
10 for reduction in the number of councilmanic offices to five. The
11 ordinance shall specify which two councilmanic offices, the terms of
12 which expire at the next general election, are to be terminated. The
13 ordinance shall provide for the renumbering of council positions and
14 shall also provide for a two-year extension of the term of office of a
15 retained councilmanic office, if necessary, in order to comply with RCW
16 35A.12.040.

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

20 NEW SECTION. **Sec. 7.** A new section is added to chapter 35.23 RCW
21 to read as follows:

22 No person is eligible to hold an elective office in a second class
23 city unless the person is a resident and registered voter in the city.

24 **Sec. 8.** RCW 35.27.080 and 1965 c 7 s 35.27.080 are each amended to
25 read as follows:

26 No person shall be eligible to or hold an elective office in a town
27 unless he or she is a resident and ~~((elector therein))~~ registered voter
28 in the town.

29 **Sec. 9.** RCW 35.01.020 and 1994 c 81 s 4 are each amended to read
30 as follows:

31 A second class city is a city with a population of ~~((more than))~~
32 fifteen hundred or more at the time of its organization or
33 reorganization that does not have a charter adopted under Article XI,
34 section 10, of the state Constitution, and does not operate under Title
35 35A RCW.

1 **Sec. 10.** RCW 35.01.040 and 1994 c 81 s 5 are each amended to read
2 as follows:

3 A town has a population of less than fifteen hundred (~~(or less)~~) at
4 the time of its organization and does not operate under Title 35A RCW.

5 **Sec. 11.** RCW 35.02.130 and 1994 c 154 s 308 are each amended to
6 read as follows:

7 The city or town officially shall become incorporated at a date
8 from one hundred eighty days to three hundred sixty days after the date
9 of the election on the question of incorporation. An interim period
10 shall exist between the time the newly elected officials have been
11 elected and qualified and this official date of incorporation. During
12 this interim period, the newly elected officials are authorized to
13 adopt ordinances and resolutions which shall become effective on or
14 after the official date of incorporation, and to enter into contracts
15 and agreements to facilitate the transition to becoming a city or town
16 and to ensure a continuation of governmental services after the
17 official date of incorporation. Periods of time that would be required
18 to elapse between the enactment and effective date of such ordinances,
19 including but not limited to times for publication or for filing
20 referendums, shall commence upon the date of such enactment as though
21 the city or town were officially incorporated.

22 During this interim period, the city or town governing body may
23 adopt rules establishing policies and procedures under the state
24 environmental policy act, chapter 43.21C RCW, and may use these rules
25 and procedures in making determinations under the state environmental
26 policy act, chapter 43.21C RCW.

27 During this interim period, the newly formed city or town and its
28 governing body shall be subject to the following as though the city or
29 town were officially incorporated: RCW 4.24.470 relating to immunity;
30 chapter 42.17 RCW relating to open government; chapter 40.14 RCW
31 relating to the preservation and disposition of public records;
32 chapters 42.20 and 42.23 RCW relating to ethics and conflicts of
33 interest; chapters 42.30 and 42.32 RCW relating to open public meetings
34 and minutes; RCW 35.22.288, (~~(35.23.310, 35.24.220)~~) 35.23.221,
35 35.27.300, 35A.12.160, as appropriate, and chapter 35A.65 RCW relating
36 to the publication of notices and ordinances; RCW 35.21.875 and
37 35A.21.230 relating to the designation of an official newspaper; RCW
38 36.16.138 relating to liability insurance; RCW 35.22.620, 35.23.352,

1 and 35A.40.210, as appropriate, and statutes referenced therein
2 relating to public contracts and bidding; and chapter 39.34 RCW
3 relating to interlocal cooperation. Tax anticipation or revenue
4 anticipation notes or warrants and other short-term obligations may be
5 issued and funds may be borrowed on the security of these instruments
6 during this interim period, as provided in chapter 39.50 RCW. Funds
7 also may be borrowed from federal, state, and other governmental
8 agencies in the same manner as if the city or town were officially
9 incorporated.

10 RCW 84.52.020 and 84.52.070 shall apply to the extent that they may
11 be applicable, and the governing body of such city or town may take
12 appropriate action by ordinance during the interim period to adopt the
13 property tax levy for its first full calendar year following the
14 interim period.

15 The governing body of the new city or town may acquire needed
16 facilities, supplies, equipment, insurance, and staff during this
17 interim period as if the city or town were in existence. An interim
18 city manager or administrator, who shall have such administrative
19 powers and duties as are delegated by the governing body, may be
20 appointed to serve only until the official date of incorporation.
21 After the official date of incorporation the governing body of such a
22 new city organized under the council manager form of government may
23 extend the appointment of such an interim manager or administrator with
24 such limited powers as the governing body determines, for up to ninety
25 days. This governing body may submit ballot propositions to the voters
26 of the city or town to authorize taxes to be collected on or after the
27 official date of incorporation, or authorize an annexation of the city
28 or town by a fire protection district or library district to be
29 effective immediately upon the effective date of the incorporation as
30 a city or town.

31 The boundaries of a newly incorporated city or town shall be deemed
32 to be established for purposes of RCW 84.09.030 on the date that the
33 results of the initial election on the question of incorporation are
34 certified or the first day of January following the date of this
35 election if the newly incorporated city or town does not impose
36 property taxes in the same year that the voters approve the
37 incorporation.

38 The newly elected officials shall take office immediately upon
39 their election and qualification with limited powers during this

1 interim period as provided in this section. They shall acquire their
2 full powers as of the official date of incorporation and shall continue
3 in office until their successors are elected and qualified at the next
4 general municipal election after the official date of incorporation:
5 PROVIDED, That if the date of the next general municipal election is
6 less than twelve months after the date of the first election of
7 councilmembers, those initially elected councilmembers shall serve
8 until their successors are elected and qualified at the next following
9 general municipal election as provided in RCW 29.04.170. For purposes
10 of this section, the general municipal election shall be the date on
11 which city and town general elections are held throughout the state of
12 Washington, pursuant to RCW 29.13.020.

13 In any newly incorporated city that has adopted the council-manager
14 form of government, the term of office of the mayor, during the interim
15 period only, shall be set by the council, and thereafter shall be as
16 provided by law.

17 The official date of incorporation shall be on a date from one
18 hundred eighty to three hundred sixty days after the date of the
19 election on the question of incorporation, as specified in a resolution
20 adopted by the governing body during this interim period. A copy of
21 the resolution shall be filed with the county legislative authority of
22 the county in which all or the major portion of the newly incorporated
23 city or town is located. If the governing body fails to adopt such a
24 resolution, the official date of incorporation shall be three hundred
25 sixty days after the date of the election on the question of
26 incorporation. The county legislative authority of the county in which
27 all or the major portion of the newly incorporated city or town is
28 located shall file a notice with the county assessor that the city or
29 town has been authorized to be incorporated immediately after the
30 favorable results of the election on the question of incorporation have
31 been certified. The county legislative authority shall file a notice
32 with the secretary of state that the city or town is incorporated as of
33 the official date of incorporation.

34 **Sec. 12.** RCW 35.22.010 and 1965 c 7 s 35.22.010 are each amended
35 to read as follows:

36 Cities of the first class shall be organized and governed according
37 to the law providing for the government of cities having a population
38 of (~~twenty~~) ten thousand or more inhabitants that have adopted a

1 charter in accordance with Article ((11)) XI, section 10 of the state
2 Constitution.

3 **Sec. 13.** RCW 35.23.051 and 1995 c 134 s 8 are each amended to read
4 as follows:

5 General municipal elections in second class cities (~~not operating~~
6 ~~under the commission form of government~~) shall be held biennially in
7 the odd-numbered years and shall be subject to general election law.

8 The terms of office of the mayor, city attorney, clerk, and
9 treasurer shall be four years and until their successors are elected
10 and qualified and assume office in accordance with RCW 29.04.170:
11 PROVIDED, That if the offices of city attorney, clerk, and treasurer
12 are made appointive, the city attorney, clerk, and treasurer shall not
13 be appointed for a definite term: PROVIDED FURTHER, That the term of
14 the elected treasurer shall not commence in the same biennium in which
15 the term of the mayor commences, nor in which the terms of the city
16 attorney and clerk commence if they are elected.

17 Council positions shall be numbered in each second class city so
18 that council position seven has a two-year term of office and council
19 positions one through six shall each have four-year terms of office.
20 Each councilmember shall remain in office until a successor is elected
21 and qualified and assumes office in accordance with RCW 29.04.170.

22 In its discretion the council of a second class city may divide the
23 city by ordinance, into a convenient number of wards, not exceeding
24 six, fix the boundaries of the wards, and change the ward boundaries
25 from time to time and as provided in RCW 29.70.100. No change in the
26 boundaries of any ward shall be made within one hundred twenty days
27 next before the date of a general municipal election, nor within twenty
28 months after the wards have been established or altered. However, if
29 a boundary change results in one ward being represented by more
30 councilmembers than the number to which it is entitled, those having
31 the shortest unexpired terms shall be assigned by the council to wards
32 where there is a vacancy, and the councilmembers so assigned shall be
33 deemed to be residents of the wards to which they are assigned for
34 purposes of determining whether those positions are vacant.

35 Whenever such city is so divided into wards, the city council shall
36 designate by ordinance the number of councilmembers to be elected from
37 each ward, apportioning the same in proportion to the population of the
38 wards. Thereafter the councilmembers so designated shall be elected by

1 the voters resident in such ward, or by general vote of the whole city
2 as may be designated in such ordinance. Council position seven shall
3 not be associated with a ward and the person elected to that position
4 may reside anywhere in the city and voters throughout the city may vote
5 at a primary to nominate candidates for position seven, when a primary
6 is necessary, and at a general election to elect the person to council
7 position seven. (~~When~~) Additional territory that is added to the
8 city (~~it may~~) shall, by act of the council, be annexed to contiguous
9 wards without affecting the right to redistrict at the expiration of
10 twenty months after last previous division. The removal of a
11 councilmember from the ward for which he or she was elected shall
12 create a vacancy in such office.

13 Wards shall be redrawn as provided in chapter 29.70 RCW. Wards
14 shall be used as follows: (1) Only a resident of the ward may be a
15 candidate for, or hold office as, a councilmember of the ward; and (2)
16 only voters of the ward may vote at a primary to nominate candidates
17 for a councilmember of the ward. Voters of the entire city may vote at
18 the general election to elect a councilmember of a ward, unless the
19 city had prior to January 1, 1994, limited the voting in the general
20 election for any or all council positions to only voters residing
21 within the ward associated with the council positions. If a city had
22 so limited the voting in the general election to only voters residing
23 within the ward, then the city shall be authorized to continue to do
24 so. The elections for the remaining council position or council
25 positions that are not associated with a ward shall be conducted as if
26 the wards did not exist.

27 **Sec. 14.** RCW 35.33.020 and 1985 c 175 s 4 are each amended to read
28 as follows:

29 The provisions of this chapter apply to all cities of the first
30 class (~~which~~) that have a population of less than three hundred
31 thousand, to all cities of the second (~~and third classes~~) class, and
32 to all towns, except those cities and towns (~~which~~) that have adopted
33 an ordinance under RCW 35.34.040 providing for a biennial budget.

34 **Sec. 15.** RCW 35.34.020 and 1985 c 175 s 5 are each amended to read
35 as follows:

36 This chapter applies to all cities of the first(~~7~~) and second(~~7~~
37 ~~and third~~) classes and to all towns (~~which~~), that have by ordinance

1 adopted this chapter authorizing the adoption of a fiscal biennium
2 budget.

3 **Sec. 16.** RCW 35.86.010 and 1975 1st ex.s. c 221 s 1 are each
4 amended to read as follows:

5 Cities of the first(~~(7)~~) and second(~~(7, and third)~~) classes are
6 authorized to provide off-street parking space and facilities located
7 on land dedicated for park or civic center purposes, or on other
8 municipally-owned land where the primary purpose of such off-street
9 parking facility is to provide parking for persons who use such park or
10 civic center facilities. In addition a city may own other off-street
11 parking facilities and operate them in accordance with RCW 35.86A.120.

12 **Sec. 17.** RCW 35A.06.020 and 1995 c 134 s 11 are each amended to
13 read as follows:

14 The classifications of municipalities (~~(which existed prior to the~~
15 ~~time this title goes into effect~~) as first class cities, second class
16 cities, unclassified cities, and towns(~~(~~), and the restrictions,
17 limitations, duties, and obligations specifically imposed by law upon
18 such classes of cities and towns, shall have no application to
19 noncharter code cities, but every noncharter code city, by adopting
20 such classification, has elected to be governed by the provisions of
21 this title, with the powers granted hereby. However, any code city
22 that retains its old plan of government is subject to the laws
23 applicable to that old plan of government until the city abandons its
24 old plan of government and reorganizes and adopts a plan of government
25 under chapter 35A.12 or 35A.13 RCW.

26 NEW SECTION. **Sec. 18.** A new section is added to chapter 35.13 RCW
27 to read as follows:

28 A city or town may not annex territory located in a county in which
29 the city or town is not currently located, if the territory proposed to
30 be annexed is characterized by industrial or commercial development and
31 was designated as all or part of an urban growth area under RCW
32 36.70A.110 within two years of the effective date of this act as the
33 result of a decision by a growth management hearings board.

34 This section expires July 1, 1999.

1 NEW SECTION. **Sec. 19.** A new section is added to chapter 35A.14
2 RCW to read as follows:

3 A code city may not annex territory located in a county in which
4 the city is not currently located, if the territory proposed to be
5 annexed is characterized by industrial or commercial development and
6 was designated as all or part of an urban growth area under RCW
7 36.70A.110 within two years of the effective date of this act as the
8 result of a decision by a growth management hearings board.

9 This section expires July 1, 1999.

10 **Sec. 20.** RCW 35.13.005 and 1990 1st ex.s. c 17 s 30 are each
11 amended to read as follows:

12 (~~No~~) A city or town may not annex territory located in a county
13 in which urban growth areas have been designated under RCW 36.70A.110
14 (~~may annex territory~~) that is located beyond an urban growth area
15 unless the territory is annexed under RCW 35.13.180.

16 **Sec. 21.** RCW 35A.14.005 and 1990 1st ex.s. c 17 s 31 are each
17 amended to read as follows:

18 (~~No~~) A code city may not annex territory located in a county in
19 which urban growth areas have been designated under RCW 36.70A.110
20 (~~may annex territory~~) that is located beyond an urban growth area
21 unless the territory is annexed under RCW 35A.14.300.

22 **Sec. 22.** RCW 35.13.180 and 1994 c 81 s 11 are each amended to read
23 as follows:

24 City and town councils (~~of second class cities and towns~~) may by
25 a majority vote annex new unincorporated territory outside the city or
26 town limits, whether contiguous or noncontiguous for park, cemetery, or
27 other municipal purposes when such territory is owned by the city or
28 town (~~or all of the owners of the real property in the territory give~~
29 ~~their written consent to the annexation~~)).

30 **Sec. 23.** RCW 36.70A.110 and 1995 c 400 s 2 are each amended to
31 read as follows:

32 (1) Each county that is required or chooses to plan under RCW
33 36.70A.040 shall designate an urban growth area or areas within which
34 urban growth shall be encouraged and outside of which growth can occur
35 only if it is not urban in nature. Each city that is located in such

1 a county shall be included within an urban growth area, except that an
2 area owned by a city or town that was annexed to the city or town under
3 RCW 35.13.180 or 35A.14.300 may be located outside of an urban growth
4 area. An urban growth area may include more than a single city. An
5 urban growth area may include territory that is located outside of a
6 city only if such territory already is characterized by urban growth
7 whether or not the urban growth area includes a city, or is adjacent to
8 territory already characterized by urban growth, or is a designated new
9 fully contained community as defined by RCW 36.70A.350.

10 (2) Based upon the growth management population projection made for
11 the county by the office of financial management, the urban growth
12 areas in the county shall include areas and densities sufficient to
13 permit the urban growth that is projected to occur in the county for
14 the succeeding twenty-year period. Each urban growth area shall permit
15 urban densities and shall include greenbelt and open space areas. An
16 urban growth area determination may include a reasonable land market
17 supply factor and shall permit a range of urban densities and uses. In
18 determining this market factor, cities and counties may consider local
19 circumstances. Cities and counties have discretion in their
20 comprehensive plans to make many choices about accommodating growth.

21 Within one year of July 1, 1990, each county that as of June 1,
22 1991, was required or chose to plan under RCW 36.70A.040, shall begin
23 consulting with each city located within its boundaries and each city
24 shall propose the location of an urban growth area. Within sixty days
25 of the date the county legislative authority of a county adopts its
26 resolution of intention or of certification by the office of financial
27 management, all other counties that are required or choose to plan
28 under RCW 36.70A.040 shall begin this consultation with each city
29 located within its boundaries. The county shall attempt to reach
30 agreement with each city on the location of an urban growth area within
31 which the city is located. If such an agreement is not reached with
32 each city located within the urban growth area, the county shall
33 justify in writing why it so designated the area an urban growth area.
34 A city may object formally with the department over the designation of
35 the urban growth area within which it is located. Where appropriate,
36 the department shall attempt to resolve the conflicts, including the
37 use of mediation services.

38 (3) Urban growth should be located first in areas already
39 characterized by urban growth that have adequate existing public

1 facility and service capacities to serve such development, second in
2 areas already characterized by urban growth that will be served
3 adequately by a combination of both existing public facilities and
4 services and any additional needed public facilities and services that
5 are provided by either public or private sources, and third in the
6 remaining portions of the urban growth areas. Urban growth may also be
7 located in designated new fully contained communities as defined by RCW
8 36.70A.350.

9 (4) In general, cities are the units of local government most
10 appropriate to provide urban governmental services. In general, it is
11 not appropriate that urban governmental services be extended to or
12 expanded in rural areas except in those limited circumstances shown to
13 be necessary to protect basic public health and safety and the
14 environment and when such services are financially supportable at rural
15 densities and do not permit urban development.

16 (5) On or before October 1, 1993, each county that was initially
17 required to plan under RCW 36.70A.040(1) shall adopt development
18 regulations designating interim urban growth areas under this chapter.
19 Within three years and three months of the date the county legislative
20 authority of a county adopts its resolution of intention or of
21 certification by the office of financial management, all other counties
22 that are required or choose to plan under RCW 36.70A.040 shall adopt
23 development regulations designating interim urban growth areas under
24 this chapter. Adoption of the interim urban growth areas may only
25 occur after public notice; public hearing; and compliance with the
26 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.
27 Such action may be appealed to the appropriate growth management
28 hearings board under RCW 36.70A.280. Final urban growth areas shall be
29 adopted at the time of comprehensive plan adoption under this chapter.

30 (6) Each county shall include designations of urban growth areas in
31 its comprehensive plan.

32 NEW SECTION. **Sec. 24.** RCW 35.21.620 shall be recodified as a
33 section in chapter 35.22 RCW.

34 NEW SECTION. **Sec. 25.** The following acts or parts of acts are
35 each repealed:

36 (1) RCW 35.07.030 and 1965 c 7 s 35.07.030;

37 (2) RCW 35.17.160 and 1965 c 7 s 35.17.160;

- 1 (3) RCW 35.23.390 and 1965 c 7 s 35.23.390;
2 (4) RCW 35.23.400 and 1965 c 7 s 35.23.400;
3 (5) RCW 35.21.600 and 1979 c 151 s 27, 1965 ex.s. c 47 s 6, & 1965
4 c 7 s 35.21.600;
5 (6) RCW 35.21.610 and 1965 ex.s. c 47 s 1; and
6 (7) RCW 35A.61.010 and 1967 ex.s. c 119 s 35A.61.010.

7 NEW SECTION. **Sec. 26.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 immediately."

11 Correct the title accordingly.

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