

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5336

Chapter 361, Laws of 1997
(partial veto)

55th Legislature
1997 Regular Session

CITIES AND TOWNS--CLARIFICATION AND HARMONIZATION OF PROVISIONS

EFFECTIVE DATE: 7/27/97

Passed by the Senate April 26, 1997
YEAS 39 NAYS 7

BRAD OWEN

President of the Senate

Passed by the House April 25, 1997
YEAS 65 NAYS 32

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved May 14, 1997, with the
exception of sections 1, 5, 18, 19, 20,
21, and 24, which are vetoed.

CERTIFICATE

I, Mike O Connell, Secretary of the
Senate of the State of Washington, do
hereby certify that the attached is
SUBSTITUTE SENATE BILL 5336 as passed
by the Senate and the House of
Representatives on the dates hereon
set forth.

MIKE O'CONNELL

Secretary

FILED

May 14, 1997 - 2:24 p.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5336

AS RECOMMENDED BY CONFERENCE COMMITTEE

Passed Legislature - 1997 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators Horn and Haugen)

Read first time 03/05/97.

1 AN ACT Relating to clarifying and harmonizing provisions affecting
2 cities and towns; amending RCW 19.16.500, 39.30.010, 35.27.070,
3 35.07.040, 9.41.050, 35A.12.010, 35.27.080, 35.01.020, 35.01.040,
4 35.02.130, 35.22.010, 35.23.051, 35.33.020, 35.34.020, 35.86.010,
5 35A.06.020, 35.13.005, 35A.14.005, 35.13.180, and 36.70A.110; adding a
6 new section to chapter 35.23 RCW; recodifying RCW 35.21.620; repealing
7 RCW 35.07.030, 35.17.160, 35.23.390, 35.23.400, 35.21.600, 35.21.610,
8 and 35A.61.010; and declaring an emergency.

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

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

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

16 *(2) No debt may be assigned to a collection agency unless (a) there*
17 *has been an attempt to advise the debtor (i) of the existence of the*
18 *debt and (ii) that the debt may be assigned to a collection agency for*

1 collection if the debt is not paid, and (b) at least thirty days have
2 elapsed from the time the notice was sent.

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

6 (4) For purposes of this section, the term debt shall include
7 fines, fees, penalties, reasonable costs, assessments, and other debts.

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

11 *Sec. 1 was vetoed. See message at end of chapter.

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

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

1 limitation of any city ((or)), town ((or)), metropolitan park district
2 ((or)), county, or library district that participates in the jointly
3 executed contract. The term "value of the taxable property" shall have
4 the meaning set forth in RCW 39.36.015.

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

7 The government of a town shall be vested in a mayor and a council
8 consisting of five members and a treasurer, all elective; the mayor
9 shall appoint a clerk and a marshal; and may appoint a town attorney,
10 pound master, street superintendent, a civil engineer, and such police
11 and other subordinate officers and employees as may be provided for by
12 ordinance. All appointive officers and employees shall hold office at
13 the pleasure of the mayor, subject to any applicable law, rule, or
14 regulation relating to civil service, and shall not be subject to
15 confirmation by the town council.

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

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

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

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

28 (b) *Every licensee shall have his or her concealed pistol license*
29 *in his or her immediate possession at all times that he or she is*
30 *required by this section to have a concealed pistol license and shall*
31 *display the same upon demand to any police officer or to any other*
32 *person when and if required by law to do so. Any violation of this*
33 *subsection (1)(b) shall be a class 1 civil infraction under chapter*
34 *((7.84)) 7.80 RCW and shall be punished accordingly pursuant to chapter*
35 *((7.84)) 7.80 RCW and the infraction rules for courts of limited*
36 *jurisdiction.*

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

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

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

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

15 (b) In attendance at a hunter's safety course or a firearms safety
16 course;

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

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

24 (e) Engaging in a lawful outdoor recreational activity such as
25 hunting, fishing, camping, hiking, or horseback riding, only if,
26 considering all of the attendant circumstances, including but not
27 limited to whether the person has a valid hunting or fishing license,
28 it is reasonable to conclude that the person is participating in lawful
29 outdoor activities or is traveling to or from a legitimate outdoor
30 recreation area;

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

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

36 (h) Traveling in a motor vehicle with a firearm, other than a
37 pistol, that is unloaded and locked in the trunk or other compartment
38 of the vehicle, placed in a gun rack, or otherwise secured in place in
39 a vehicle, provided that this subsection (4)(h) does not apply to motor

1 homes if the firearms are not within the driver's compartment of the
2 motor home while the vehicle is in operation. Notwithstanding (a) of
3 this subsection, and subject to federal and state park regulations
4 regarding firearm possession therein, a motor home shall be considered
5 a residence when parked at a recreational park, campground, or other
6 temporary residential setting for the purposes of enforcement of this
7 chapter;

8 (i) On real property under the control of the person or a relative
9 of the person;

10 (j) At his or her residence;

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

13 (l) Is a law enforcement officer;

14 (m) Carrying a firearm from or to a vehicle for the purpose of
15 taking or removing the firearm to or from a place of business for
16 repair; or

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

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

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

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

26 *Sec. 5 was vetoed. See message at end of chapter.

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

29 The government of any noncharter code city or charter code city
30 electing to adopt the mayor-council plan of government authorized by
31 this chapter shall be vested in an elected mayor and an elected
32 council. The council of a noncharter code city having less than
33 twenty-five hundred inhabitants shall consist of five members; when
34 there are twenty-five hundred or more inhabitants, the council shall
35 consist of seven members(~~(:—PROVIDED, That)~~). A city with a
36 population of less than twenty-five hundred at the time of
37 reclassification as an optional municipal code city may choose to
38 maintain a seven-member council. The decision concerning the number of

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

25 A noncharter code city of less than five thousand inhabitants which
26 has elected the mayor-council plan of government and which has seven
27 councilmanic offices may establish a five-member council in accordance
28 with the following procedure. At least six months prior to a municipal
29 general election, the city council shall adopt an ordinance providing
30 for reduction in the number of councilmanic offices to five. The
31 ordinance shall specify which two councilmanic offices, the terms of
32 which expire at the next general election, are to be terminated. The
33 ordinance shall provide for the renumbering of council positions and
34 shall also provide for a two-year extension of the term of office of a
35 retained councilmanic office, if necessary, in order to comply with RCW
36 35A.12.040.

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

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

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

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

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

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

12 A second class city is a city with a population of (~~(more than)~~)
13 fifteen hundred or more at the time of its organization or
14 reorganization that does not have a charter adopted under Article XI,
15 section 10, of the state Constitution, and does not operate under Title
16 35A RCW.

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

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

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

23 The city or town officially shall become incorporated at a date
24 from one hundred eighty days to three hundred sixty days after the date
25 of the election on the question of incorporation. An interim period
26 shall exist between the time the newly elected officials have been
27 elected and qualified and this official date of incorporation. During
28 this interim period, the newly elected officials are authorized to
29 adopt ordinances and resolutions which shall become effective on or
30 after the official date of incorporation, and to enter into contracts
31 and agreements to facilitate the transition to becoming a city or town
32 and to ensure a continuation of governmental services after the
33 official date of incorporation. Periods of time that would be required
34 to elapse between the enactment and effective date of such ordinances,
35 including but not limited to times for publication or for filing

1 referendums, shall commence upon the date of such enactment as though
2 the city or town were officially incorporated.

3 During this interim period, the city or town governing body may
4 adopt rules establishing policies and procedures under the state
5 environmental policy act, chapter 43.21C RCW, and may use these rules
6 and procedures in making determinations under the state environmental
7 policy act, chapter 43.21C RCW.

8 During this interim period, the newly formed city or town and its
9 governing body shall be subject to the following as though the city or
10 town were officially incorporated: RCW 4.24.470 relating to immunity;
11 chapter 42.17 RCW relating to open government; chapter 40.14 RCW
12 relating to the preservation and disposition of public records;
13 chapters 42.20 and 42.23 RCW relating to ethics and conflicts of
14 interest; chapters 42.30 and 42.32 RCW relating to open public meetings
15 and minutes; RCW 35.22.288, (~~(35.23.310, 35.24.220)~~) 35.23.221,
16 35.27.300, 35A.12.160, as appropriate, and chapter 35A.65 RCW relating
17 to the publication of notices and ordinances; RCW 35.21.875 and
18 35A.21.230 relating to the designation of an official newspaper; RCW
19 36.16.138 relating to liability insurance; RCW 35.22.620, 35.23.352,
20 and 35A.40.210, as appropriate, and statutes referenced therein
21 relating to public contracts and bidding; and chapter 39.34 RCW
22 relating to interlocal cooperation. Tax anticipation or revenue
23 anticipation notes or warrants and other short-term obligations may be
24 issued and funds may be borrowed on the security of these instruments
25 during this interim period, as provided in chapter 39.50 RCW. Funds
26 also may be borrowed from federal, state, and other governmental
27 agencies in the same manner as if the city or town were officially
28 incorporated.

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

34 The governing body of the new city or town may acquire needed
35 facilities, supplies, equipment, insurance, and staff during this
36 interim period as if the city or town were in existence. An interim
37 city manager or administrator, who shall have such administrative
38 powers and duties as are delegated by the governing body, may be
39 appointed to serve only until the official date of incorporation.

1 After the official date of incorporation the governing body of such a
2 new city organized under the council manager form of government may
3 extend the appointment of such an interim manager or administrator with
4 such limited powers as the governing body determines, for up to ninety
5 days. This governing body may submit ballot propositions to the voters
6 of the city or town to authorize taxes to be collected on or after the
7 official date of incorporation, or authorize an annexation of the city
8 or town by a fire protection district or library district to be
9 effective immediately upon the effective date of the incorporation as
10 a city or town.

11 The boundaries of a newly incorporated city or town shall be deemed
12 to be established for purposes of RCW 84.09.030 on the date that the
13 results of the initial election on the question of incorporation are
14 certified or the first day of January following the date of this
15 election if the newly incorporated city or town does not impose
16 property taxes in the same year that the voters approve the
17 incorporation.

18 The newly elected officials shall take office immediately upon
19 their election and qualification with limited powers during this
20 interim period as provided in this section. They shall acquire their
21 full powers as of the official date of incorporation and shall continue
22 in office until their successors are elected and qualified at the next
23 general municipal election after the official date of incorporation:
24 PROVIDED, That if the date of the next general municipal election is
25 less than twelve months after the date of the first election of
26 councilmembers, those initially elected councilmembers shall serve
27 until their successors are elected and qualified at the next following
28 general municipal election as provided in RCW 29.04.170. For purposes
29 of this section, the general municipal election shall be the date on
30 which city and town general elections are held throughout the state of
31 Washington, pursuant to RCW 29.13.020.

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

36 The official date of incorporation shall be on a date from one
37 hundred eighty to three hundred sixty days after the date of the
38 election on the question of incorporation, as specified in a resolution
39 adopted by the governing body during this interim period. A copy of

1 the resolution shall be filed with the county legislative authority of
2 the county in which all or the major portion of the newly incorporated
3 city or town is located. If the governing body fails to adopt such a
4 resolution, the official date of incorporation shall be three hundred
5 sixty days after the date of the election on the question of
6 incorporation. The county legislative authority of the county in which
7 all or the major portion of the newly incorporated city or town is
8 located shall file a notice with the county assessor that the city or
9 town has been authorized to be incorporated immediately after the
10 favorable results of the election on the question of incorporation have
11 been certified. The county legislative authority shall file a notice
12 with the secretary of state that the city or town is incorporated as of
13 the official date of incorporation.

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

16 Cities of the first class shall be organized and governed according
17 to the law providing for the government of cities having a population
18 of ~~((twenty))~~ ten thousand or more inhabitants that have adopted a
19 charter in accordance with Article ~~((11))~~ XI, section 10 of the state
20 Constitution.

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

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

26 The terms of office of the mayor, city attorney, clerk, and
27 treasurer shall be four years and until their successors are elected
28 and qualified and assume office in accordance with RCW 29.04.170:
29 PROVIDED, That if the offices of city attorney, clerk, and treasurer
30 are made appointive, the city attorney, clerk, and treasurer shall not
31 be appointed for a definite term: PROVIDED FURTHER, That the term of
32 the elected treasurer shall not commence in the same biennium in which
33 the term of the mayor commences, nor in which the terms of the city
34 attorney and clerk commence if they are elected.

35 Council positions shall be numbered in each second class city so
36 that council position seven has a two-year term of office and council
37 positions one through six shall each have four-year terms of office.

1 Each councilmember shall remain in office until a successor is elected
2 and qualified and assumes office in accordance with RCW 29.04.170.

3 In its discretion the council of a second class city may divide the
4 city by ordinance, into a convenient number of wards, not exceeding
5 six, fix the boundaries of the wards, and change the ward boundaries
6 from time to time and as provided in RCW 29.70.100. No change in the
7 boundaries of any ward shall be made within one hundred twenty days
8 next before the date of a general municipal election, nor within twenty
9 months after the wards have been established or altered. However, if
10 a boundary change results in one ward being represented by more
11 councilmembers than the number to which it is entitled, those having
12 the shortest unexpired terms shall be assigned by the council to wards
13 where there is a vacancy, and the councilmembers so assigned shall be
14 deemed to be residents of the wards to which they are assigned for
15 purposes of determining whether those positions are vacant.

16 Whenever such city is so divided into wards, the city council shall
17 designate by ordinance the number of councilmembers to be elected from
18 each ward, apportioning the same in proportion to the population of the
19 wards. Thereafter the councilmembers so designated shall be elected by
20 the voters resident in such ward, or by general vote of the whole city
21 as may be designated in such ordinance. Council position seven shall
22 not be associated with a ward and the person elected to that position
23 may reside anywhere in the city and voters throughout the city may vote
24 at a primary to nominate candidates for position seven, when a primary
25 is necessary, and at a general election to elect the person to council
26 position seven. ~~((When))~~ Additional territory that is added to the
27 city ~~((it may))~~ shall, by act of the council, be annexed to contiguous
28 wards without affecting the right to redistrict at the expiration of
29 twenty months after last previous division. The removal of a
30 councilmember from the ward for which he or she was elected shall
31 create a vacancy in such office.

32 Wards shall be redrawn as provided in chapter 29.70 RCW. Wards
33 shall be used as follows: (1) Only a resident of the ward may be a
34 candidate for, or hold office as, a councilmember of the ward; and (2)
35 only voters of the ward may vote at a primary to nominate candidates
36 for a councilmember of the ward. Voters of the entire city may vote at
37 the general election to elect a councilmember of a ward, unless the
38 city had prior to January 1, 1994, limited the voting in the general
39 election for any or all council positions to only voters residing

1 within the ward associated with the council positions. If a city had
2 so limited the voting in the general election to only voters residing
3 within the ward, then the city shall be authorized to continue to do
4 so. The elections for the remaining council position or council
5 positions that are not associated with a ward shall be conducted as if
6 the wards did not exist.

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

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

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

16 This chapter applies to all cities of the first(~~((7))~~) and second(~~((7~~
17 ~~and third))~~) classes and to all towns (~~((which))~~), that have by ordinance
18 adopted this chapter authorizing the adoption of a fiscal biennium
19 budget.

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

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

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

31 The classifications of municipalities (~~((which existed prior to the~~
32 ~~time this title goes into effect~~~~«))~~) as first class cities, second class
33 cities, unclassified cities, and towns(~~((«))~~), and the restrictions,
34 limitations, duties, and obligations specifically imposed by law upon
35 such classes of cities and towns, shall have no application to

1 noncharter code cities, but every noncharter code city, by adopting
2 such classification, has elected to be governed by the provisions of
3 this title, with the powers granted hereby. However, any code city
4 that retains its old plan of government is subject to the laws
5 applicable to that old plan of government until the city abandons its
6 old plan of government and reorganizes and adopts a plan of government
7 under chapter 35A.12 or 35A.13 RCW.

8 *Sec. 18. RCW 35.13.005 and 1990 1st ex.s. c 17 s 30 are each
9 amended to read as follows:

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

14 *Sec. 18 was vetoed. See message at end of chapter.

15 *Sec. 19. RCW 35A.14.005 and 1990 1st ex.s. c 17 s 31 are each
16 amended to read as follows:

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

21 *Sec. 19 was vetoed. See message at end of chapter.

22 *Sec. 20. RCW 35.13.180 and 1994 c 81 s 11 are each amended to
23 read 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. 20 was vetoed. See message at end of chapter.

31 *Sec. 21. RCW 36.70A.110 and 1995 c 400 s 2 are each amended to
32 read as follows:

33 (1) Each county that is required or chooses to plan under RCW
34 36.70A.040 shall designate an urban growth area or areas within which
35 urban growth shall be encouraged and outside of which growth can occur
36 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 *Sec. 21 was vetoed. See message at end of chapter.

33 NEW SECTION. **Sec. 22.** RCW 35.21.620 shall be recodified as a
34 section in chapter 35.22 RCW.

35 NEW SECTION. **Sec. 23.** The following acts or parts of acts are
36 each repealed:

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

- 1 (2) RCW 35.17.160 and 1965 c 7 s 35.17.160;
2 (3) RCW 35.23.390 and 1965 c 7 s 35.23.390;
3 (4) RCW 35.23.400 and 1965 c 7 s 35.23.400;
4 (5) RCW 35.21.600 and 1979 c 151 s 27, 1965 ex.s. c 47 s 6, & 1965
5 c 7 s 35.21.600;
6 (6) RCW 35.21.610 and 1965 ex.s. c 47 s 1; and
7 (7) RCW 35A.61.010 and 1967 ex.s. c 119 s 35A.61.010.

8 ****NEW SECTION. Sec. 24. This act is necessary for the immediate***
9 ***preservation of the public peace, health, or safety, or support of the***
10 ***state government and its existing public institutions, and takes effect***
11 ***immediately.***

12 ****Sec. 24 was vetoed. See message at end of chapter.***

Passed the Senate April 26, 1997.

Passed the House April 25, 1997.

Approved by the Governor May 14, 1997, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 14, 1997.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to sections 1, 5,
3 18, 19, 20, 21, and 24, Substitute Senate Bill No. 5336 entitled:

4 "AN ACT Relating to clarifying and harmonizing provisions affecting
5 cities and towns;"

6 Substitute Senate Bill No. 5336 is primarily a technical bill
7 relating to the internal operations of cities and towns. It deletes
8 some archaic statutes and references, aligns some other statutes to
9 current practice, and makes others more usable.

10 Section 1 of this bill would provide that the reasonable costs
11 involved in the collection of debts through the use of a collection
12 agency by a governmental entity are reasonable costs that may be added
13 to, and included in the debt to be paid by the debtor. I support this
14 concept, however, I find the language in Substitute Senate Bill 5827,
15 dealing with this same subject, preferable because it offers more
16 precision regarding what can be considered reasonable costs.

17 Section 5 would correct a reference regarding civil infractions for
18 violation of concealed weapons laws. This reference was also corrected
19 in Senate Bill No. 5326 which I have already signed into law, therefore
20 this section is duplicative.

21 Sections 18 through 21 of this bill would allow cities, code
22 cities, and towns to unilaterally annex territory located in a county,
23 beyond the urban growth area, if the area to be annexed is owned by the
24 city or town and the annexation is for a municipal purpose. The
25 authority that would be granted by these sections goes well beyond the
26 changes to annexation laws recommended by the Land Use Study
27 Commission.

1 These sections could create a very large loophole in our growth
2 management laws. "Municipal purpose." is not clearly defined in the
3 bill. Without a definition of "municipal purpose", the annexation
4 authority could be exercised much too broadly. Nothing in the bill
5 requires a city to maintain a use of the annexed property that would be
6 appropriate outside of an urban growth area, after an annexation is
7 completed. Also, over-broad annexation authority would erode the
8 financial base of some of our counties.

9 Section 24 is an emergency clause. Although this bill is
10 important, it is not a matter for the immediate preservation of the
11 public peace, health or safety, or support of the state government and
12 its existing public institutions.

13 For these reasons, I have vetoed sections 1, 5, 18, 19, 20, 21 and
14 24 of Substitute Senate Bill No. 5336.

15 With the exception of sections 1, 5, 18, 19, 20, 21 and 24,
16 Substitute Senate Bill No. 5336 is approved."