
SUBSTITUTE SENATE BILL 5336

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, 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, reasonable costs, assessments, and other debts.

6 (5) The reasonable costs involved in the collection of the debts
7 through the use of a collection agency are reasonable costs that shall
8 be added to and 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 percent of the value of the taxable
20 property in such (~~city or town or metropolitan park district or county~~
21 ~~or~~) library district(~~(:—PROVIDED, That)~~) or the maximum amount of
22 nonvoter-approved indebtedness authorized in such county, city, town,
23 or metropolitan park district. If such a proposed contract would
24 result in a total indebtedness in excess of (~~three-fourths of one~~
25 ~~percent of the value of the taxable property of such city or town or~~
26 ~~metropolitan park district or county or library district, as the case~~
27 ~~may be~~) this amount, a proposition in regard to whether or not such a
28 contract may be executed shall be submitted to the voters for approval
29 or rejection in the same manner that bond issues for capital purposes
30 are submitted to the voters(~~(:—PROVIDED FURTHER, That)~~). Any city or
31 town or metropolitan park district or county or library district may
32 jointly execute contracts authorized by this section, if the entire
33 amount of the purchase price does not result in a joint total
34 indebtedness in excess of (~~three-fourths of one percent of the value~~
35 ~~of the taxable property in such~~) the nonvoter-approved indebtedness
36 limitation of any city ((or))_L town ((or))_L metropolitan park district
37 ((or))_L county_L or library district that participates in the jointly

1 executed contract. The term "value of the taxable property" shall have
2 the meaning set forth in RCW 39.36.015.

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (b) In attendance at a hunter's safety course or a firearms safety
28 course;

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

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

36 (e) Engaging in a lawful outdoor recreational activity such as
37 hunting, fishing, camping, hiking, or horseback riding, only if,
38 considering all of the attendant circumstances, including but not
39 limited to whether the person has a valid hunting or fishing license,

1 it is reasonable to conclude that the person is participating in lawful
2 outdoor activities or is traveling to or from a legitimate outdoor
3 recreation area;

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

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

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

20 (i) On real property under the control of the person or a relative
21 of the person;

22 (j) At his or her residence;

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

25 (l) Is a law enforcement officer;

26 (m) Carrying a firearm from or to a vehicle for the purpose of
27 taking or removing the firearm to or from a place of business for
28 repair; or

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

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

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

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

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

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

37 A noncharter code city of less than five thousand inhabitants which
38 has elected the mayor-council plan of government and which has seven
39 councilmanic offices may establish a five-member council in accordance

1 with the following procedure. At least six months prior to a municipal
2 general election, the city council shall adopt an ordinance providing
3 for reduction in the number of councilmanic offices to five. The
4 ordinance shall specify which two councilmanic offices, the terms of
5 which expire at the next general election, are to be terminated. The
6 ordinance shall provide for the renumbering of council positions and
7 shall also provide for a two-year extension of the term of office of a
8 retained councilmanic office, if necessary, in order to comply with RCW
9 35A.12.040.

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

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

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

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

- 19 (1) RCW 35.07.030 and 1965 c 7 s 35.07.030;
- 20 (2) RCW 35.17.160 and 1965 c 7 s 35.17.160;
- 21 (3) RCW 35.23.390 and 1965 c 7 s 35.23.390; and
- 22 (4) RCW 35.23.400 and 1965 c 7 s 35.23.400.

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