

SENATE BILL REPORT

SB 6505

As Reported By Senate Committee On:
Government Operations, February 1, 1996

Title: An act relating to clarifying and harmonizing provisions in Titles 35 and 41 RCW.

Brief Description: Clarifying and harmonizing provisions relating to cities and towns.

Sponsors: Senators Hale and Haugen.

Brief History:

Committee Activity: Government Operations: 1/30/96, 2/1/96 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 6505 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Staff: Rod McAulay (786-7754)

Background: General state law provides that no person shall hold any elective public office within any municipal corporation or other district or political subdivision unless he is a citizen of the state and an elector of such municipality or other district. There is no parallel provision for towns within the statutes governing cities and towns.

The procedure for the disincorporation of a city or town requires that a recent census reflect that the population of the city or town is less than 4,000.

The authority of cities and towns to impose a license or tax on gross revenues from retail sales of tangible property and the limitations on the amounts of and increases in such taxes do not apply to business activities subject to the public utilities tax. It is not clear whether this authority and limitations apply to activities subject to the refuse collection tax.

Any appointive officer or employee of a city governed by a commission form of government who exerts influence to induce other officers or employees of the city to favor any candidate for any city office or who contributes anything in any way to a person for election purposes shall be discharged by the commission. There is no similar requirement for appointive officers or employees of cities with other types of governance.

When creating or granting a franchise or privilege, a second class city must do so by ordinance. Except in the case of franchises for rail spurs to warehouses, the ordinance must be published in at least one issue of the official newspaper of the city. The cost of publication shall be paid by the franchise applicant. The ordinance may not be voted on until

30 days after its introduction and must be approved by a two-thirds majority. The city may fix the rates and tolls to be charged by any franchisee and may require a bond.

In a town, all appointive officers and employees shall hold office at the pleasure of the mayor and are not subject to confirmation by the town council. There is no requirement that the mayor be subject to applicable laws or regulations relating to civil service.

General state law provides that the cost of a hospitalization and medical policy is not additional compensation to the employees or elected official covered. Elected officials include, but are not limited to, school board members, and commissioners for fire protection, port, public utility, water, sewer, and hospital districts. Officers of code cities, noncode cities and towns are not expressly included.

Summary of Substitute Bill: Various provisions in the laws governing cities and towns are amended.

- It is provided in the chapter governing second class cities that no person may hold an elective office in a city unless he or she is a resident and elector of the town.
- The requirement that a city or town have a population of less than 4,000 in order to proceed with a disincorporation election is repealed.
- The authority of cities and towns to impose a license fee or tax on gross revenues from retail sales of tangible property and the limitation on the amounts of and increases in such taxes do not apply to activities subject to the refuse collection tax.
- It is expressly provided that the mayor of a town is subject to applicable laws and regulations relating to civil service when appointing, employing or discharging town officers or employees.
- It is expressly provided that the cost of hospitalization and medical insurance for elected officials of code cities, noncode cities and towns is not considered additional compensation.
- Redundant provisions regulating the manner of granting franchises by second class cities are repealed.

Newly incorporated cities which adopt a council-manager form of government may fix the term of the mayor during the interim period.

All assets and liabilities of any park and recreation district located wholly within a newly incorporated city become assets and liabilities of the new city.

Substitute Bill Compared to Original Bill: The substitute makes technical corrections and adds provisions regarding the term of the mayor in a newly incorporated city with a council-manager form of government, and with respect to the transfer of park and recreation district assets and liabilities to a newly incorporated city when the district is located wholly within the new city.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Clarifies and rectifies problems created when the Legislature got rid of 3rd class cities. Continues solid waste tax. Repeals redundant provisions.

Testimony Against: None.

Testified: Stan Finkelstein, AWC (pro); Stan Flemming, Mayor, City of University Place (pro); Dean Heid, Lakewood City Attorney (pro).