

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1911

53rd Legislature
1993 Regular Session

Passed by the House April 20, 1993
Yeas 97 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate April 13, 1993
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1911** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1911

AS AMENDED BY THE SENATE

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Zellinsky, Reams and H. Myers

Read first time 02/15/93. Referred to Committee on Local Government.

1 AN ACT Relating to the location of fire protection districts in
2 newly incorporated cities and towns; amending RCW 52.08.025, 35.02.190,
3 and 35.02.205; and adding a new section to chapter 52.04 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 52.04 RCW
6 to read as follows:

7 If the area of a newly incorporated city or town is located in one
8 or more fire protection districts, the city or town is deemed to have
9 been annexed by the fire protection district or districts effective
10 immediately on the city's or town's official date of incorporation,
11 unless the city or town council adopts a resolution during the interim
12 transition period precluding the annexation of the newly incorporated
13 city or town by the fire protection district or districts. The newly
14 incorporated city or town shall remain annexed to the fire protection
15 district or districts for the remainder of the year of the city's or
16 town's official date of incorporation, or through the following year if
17 such extension is approved by resolution adopted by the city or town
18 council and by the board or boards of fire commissioners, and shall be
19 withdrawn from the fire protection district or districts at the end of

1 this period, unless a ballot proposition is adopted by the voters
2 pursuant to RCW 52.04.071 providing for annexation of the city or town
3 to a fire protection district.

4 If the city or town is withdrawn from the fire protection district
5 or districts, the maximum rate of the first property tax levy that is
6 imposed by the city or town after the withdrawal is calculated as if
7 the city or town never had been annexed by the fire protection district
8 or districts.

9 **Sec. 2.** RCW 52.08.025 and 1986 c 234 s 35 are each amended to read
10 as follows:

11 Effective January 1, 1960, every city or town, or portion thereof,
12 which is situated within the boundaries of a fire protection district
13 shall become automatically removed from such fire protection district,
14 and no fire protection district shall thereafter include any city or
15 town, or portion thereof, within its boundaries except as provided for
16 in RCW 52.02.020, 52.04.061, 52.04.071, 52.04.081, (~~and~~) 52.04.101,
17 and section 1 of this act.

18 However, if the area which incorporates or is annexed includes all
19 of a fire protection district, the fire protection district, for
20 purposes of imposing regular property taxes, shall continue in
21 existence: (1)(a) Until the first day of January in the year in which
22 the initial property tax collections of the newly incorporated city or
23 town will be made, if a resolution is adopted under section 1 of this
24 act precluding annexation of the city or town to the district; (b)
25 until the city or town is withdrawn from the fire protection district,
26 if no such resolution is adopted and no ballot proposition under
27 section 1 of this act is approved; or (c) indefinitely, if such a
28 ballot proposition is approved; or (2) until the first day of January
29 in the year the annexing city or town will collect its property taxes
30 imposed on the newly annexed area. The members of the city or town
31 council or commission shall act as the board of commissioners to
32 impose, receive, and expend these property taxes.

33 **Sec. 3.** RCW 35.02.190 and 1989 c 76 s 2 are each amended to read
34 as follows:

35 If a portion of a fire protection district including at least sixty
36 percent of the assessed valuation of the real property of the district
37 is annexed to or incorporated into a city or town, ownership of all of

1 the assets of the district shall be vested in the city or town, or, if
2 the city or town has been annexed by another fire protection district,
3 in the other fire protection district, upon payment in cash, properties
4 or contracts for fire protection services to the district within one
5 year of the date on which the city or town withdraws from the fire
6 protection district pursuant to section 1 of this act, of a percentage
7 of the value of said assets equal to the percentage of the value of the
8 real property in entire district remaining outside the incorporated or
9 annexed area. The fire protection district may elect, by a vote of a
10 majority of the persons residing outside the annexed or incorporated
11 area who vote on the proposition, to require the annexing or
12 incorporating city or town or fire protection district to assume
13 responsibility for the provision of fire protection, and for the
14 operation and maintenance of the district's property, facilities, and
15 equipment throughout the district and to pay the city or town or fire
16 protection district a reasonable fee for such fire protection,
17 operation, and maintenance. When at least sixty percent, but less than
18 one hundred percent, valuation of the real estate of a district is
19 annexed to or incorporated into a city or town, a proportionate share
20 of the liabilities of the district at the time of such annexation or
21 incorporation, equal to the percentage of the total assessed valuation
22 of the real estate of the district that has been annexed or
23 incorporated, shall be transferred to the annexing or incorporating
24 city or town.

25 If all of a fire protection district is included in an area that
26 incorporates as a city or town or is annexed to a city or town or fire
27 protection district, all of the assets and liabilities of the fire
28 protection district shall be transferred to the newly incorporated city
29 or town (~~upon its official date of incorporation~~) on the date on
30 which the fire protection district ceases to provide fire protection
31 services pursuant to section 1 of this act or to the city or town or
32 fire protection district upon the annexation.

33 **Sec. 4.** RCW 35.02.205 and 1989 c 267 s 3 are each amended to read
34 as follows:

35 (1) A distribution of assets from the fire protection district to
36 the city or town shall occur as provided in this section upon the
37 annexation or, in the case of an incorporation, on the date on which
38 the city or town withdraws from the fire protection district pursuant

1 to section 1 of this act, of an area by the city or town that
2 constitutes less than five percent of the area of the fire protection
3 district upon the adoption of a resolution by the city or town finding
4 that the annexation or incorporation will impose a significant increase
5 in the fire suppression responsibilities of the city or town with a
6 corresponding reduction in fire suppression responsibilities by the
7 fire protection district. Such a resolution must be adopted within
8 sixty days of the effective date of the annexation, or within sixty
9 days of the official date of incorporation of the city. If the fire
10 protection district does not concur in the finding within sixty days of
11 when a copy of the resolution is submitted to the board of
12 commissioners, arbitration shall proceed under subsection (3) of this
13 section over this issue.

14 (2) An agreement on the distribution of assets from the fire
15 protection district to the city or town shall be entered into by the
16 city or town and the fire protection district within ninety days of the
17 concurrence by the fire protection district under subsection (1) of
18 this section, or within ninety days of a decision by the arbitrators
19 under subsection (3) of this section that a significant increase in the
20 fire protection responsibilities will be imposed upon the city or town
21 as a result of the incorporation or annexation. A distribution shall
22 be based upon the extent of the increased fire suppression
23 responsibilities with a corresponding reduction in fire suppression
24 responsibilities by the fire protection district, and shall consider
25 the impact of any debt obligation that may exist on the property that
26 is so annexed or incorporated. If an agreement is not entered into
27 after this ninety-day period, arbitration shall proceed under
28 subsection (3) of this section concerning this issue unless both
29 parties have agreed to an extension of this period.

30 (3) Arbitration shall proceed under this subsection over the issue
31 of whether a significant increase in the fire protection
32 responsibilities will be imposed upon the city or town as a result of
33 the annexation or incorporation with a corresponding reduction in fire
34 suppression responsibilities by the fire protection district, or over
35 the distribution of assets from the fire protection district to the
36 city or town if such a significant increase in fire protection
37 responsibilities will be imposed. A board of arbitrators shall be
38 established for an arbitration that is required under this section.
39 The board of arbitrators shall consist of three persons, one of whom is

1 appointed by the city or town within sixty days of the date when
2 arbitration is required, one of whom is appointed by the fire
3 protection district within sixty days of the date when arbitration is
4 required, and one of whom is appointed by agreement of the other two
5 arbitrators within thirty days of the appointment of the last of these
6 other two arbitrators who is so appointed. If the two are unable to
7 agree on the appointment of the third arbitrator within this thirty-day
8 period, then the third arbitrator shall be appointed by a judge in the
9 superior court of the county within which all or the greatest portion
10 of the area that was so annexed or incorporated lies. The
11 determination by the board of arbitrators shall be binding on both the
12 city or town and the fire protection district.

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