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SENATE BILL 5760

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State of Washington

56th Legislature

1999 Regular Session

By Senators Goings, Haugen, McCaslin and Patterson

Read first time 02/08/1999. Referred to Committee on State & Local Government.

1 AN ACT Relating to fire protection districts; and amending RCW  
2 52.04.011, 52.04.031, and 52.04.061.

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

4 **Sec. 1.** RCW 52.04.011 and 1989 c 63 s 8 are each amended to read  
5 as follows:

6 (1) A territory (~~contiguous~~) adjacent to a fire protection  
7 district and not within the boundaries of a city, town, or other fire  
8 protection district may be annexed to the fire protection district by  
9 petition of fifteen percent of the qualified registered electors  
10 residing within the territory proposed to be annexed. Such  
11 (~~contiguous~~) territory may be located in a county or counties other  
12 than the county or counties within which the fire protection district  
13 is located. The petition shall be filed with the fire commissioners of  
14 the fire protection district and if the fire commissioners concur in  
15 the petition they shall file the petition with the county auditor of  
16 the county within which the territory is located. If this territory is  
17 located in more than one county, the original petition shall be filed  
18 with the auditor of the county within which the largest portion of the  
19 territory is located, who shall be designated as the lead auditor, and

1 a copy shall be filed with the auditor of each other county within  
2 which such territory is located. Within thirty days after the date of  
3 the filing of the petition the auditor shall examine the signatures on  
4 the petition and certify to the sufficiency or insufficiency of the  
5 signatures. If this territory is located in more than one county, the  
6 auditor of each other county who receives a copy of the petition shall  
7 examine the signatures and certify to the lead auditor the number of  
8 valid signatures and the number of registered voters residing in that  
9 portion of the territory that is located within the county. The lead  
10 auditor shall certify the sufficiency or insufficiency of the  
11 signatures.

12 After the county auditor has certified the sufficiency of the  
13 petition, the county legislative authority or authorities, or the  
14 boundary review board or boards, of the county or counties in which  
15 such territory is located shall consider the proposal under the same  
16 basis that a proposed incorporation of a fire protection district is  
17 considered, with the same authority to act on the proposal as in a  
18 proposed incorporation, as provided under chapter 52.02 RCW. If the  
19 proposed annexation is approved by the county legislative authority or  
20 boundary review board, the board of fire commissioners shall adopt a  
21 resolution requesting the county auditor to call a special election, as  
22 specified under RCW 29.13.020, at which the ballot proposition is to be  
23 submitted. No annexation shall occur when the territory proposed to be  
24 annexed is located in more than one county unless the county  
25 legislative authority or boundary review board of each county approves  
26 the proposed annexation.

27 (2) The county legislative authority or authorities of the county  
28 or counties within which such territory is located have the authority  
29 and duty to determine on an equitable basis, the amount of any  
30 obligation which the territory to be annexed to the district shall  
31 assume to place the property owners of the existing district on a fair  
32 and equitable relationship with the property owners of the territory to  
33 be annexed as a result of the benefits of annexing to a district  
34 previously supported by the property owners of the existing district.  
35 If a boundary review board has had its jurisdiction invoked on the  
36 proposal and approves the proposal, the county legislative authority of  
37 the county within which such territory is located may exercise the  
38 authority granted in this subsection and require such an assumption of  
39 indebtedness. This obligation may be paid to the district in yearly

1 benefit charge installments to be fixed by the county legislative  
2 authority. This benefit charge shall be collected with the annual tax  
3 levies against the property in the annexed territory until fully paid.  
4 The amount of the obligation and the plan of payment established by the  
5 county legislative authority shall be described in general terms in the  
6 notice of election for annexation and shall be described in the ballot  
7 proposition on the proposed annexation that is presented to the voters  
8 for their approval or rejection. Such benefit charge shall be limited  
9 to an amount not to exceed a total of fifty cents per thousand dollars  
10 of assessed valuation: PROVIDED, HOWEVER, That the special election on  
11 the proposed annexation shall be held only within the boundaries of the  
12 territory proposed to be annexed to the fire protection district.

13 (3) On the entry of the order of the county legislative authority  
14 incorporating the territory into the existing fire protection district,  
15 the territory shall become subject to the indebtedness, bonded or  
16 otherwise, of the existing district. If the petition is signed by  
17 sixty percent of the qualified registered electors residing within the  
18 territory proposed to be annexed, and if the board of fire  
19 commissioners concur, an election in the territory and a hearing on the  
20 petition shall be dispensed with and the county legislative authority  
21 shall enter its order incorporating the territory into the existing  
22 fire protection district.

23 **Sec. 2.** RCW 52.04.031 and 1989 c 63 s 9 are each amended to read  
24 as follows:

25 A petition for annexation of an area (~~(contiguous)~~) adjacent to a  
26 fire district shall be in writing, addressed to and filed with the  
27 board of fire commissioners of the district to which annexation is  
28 desired. Such (~~(contiguous)~~) territory may be located in a county or  
29 counties other than the county or counties within which the fire  
30 protection district is located. It must be signed by the owners,  
31 according to the records of the county auditor or auditors, of not less  
32 than sixty percent of the area of land included in the annexation  
33 petition, shall set forth a legal description of the property and shall  
34 be accompanied by a plat which outlines the boundaries of the property  
35 to be annexed. The petition shall state the financial obligation, if  
36 any, to be assumed by the area to be annexed.

1       **Sec. 3.** RCW 52.04.061 and 1985 c 313 s 1 are each amended to read  
2 as follows:

3       A city or town lying (~~contiguous~~) adjacent to a fire protection  
4 district may be annexed to such district if at the time of the  
5 initiation of annexation the population of the city or town is 100,000  
6 or less. The legislative authority of the city or town may initiate  
7 annexation by the adoption of an ordinance stating an intent to join  
8 the fire protection district and finding that the public interest will  
9 be served thereby. If the board of fire commissioners of the fire  
10 protection district shall concur in the annexation, notification  
11 thereof shall be transmitted to the legislative authority or  
12 authorities of the counties in which the city or town and the district  
13 are situated.

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