

SHB 2345 - S AMD 295
By Senator Kastama

ADOPTED 03/03/2006

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 52.26.020 and 2004 c 129 s 2 are each amended to read
4 as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Board" means the governing body of a regional fire protection
8 service authority.

9 (2) "Regional fire protection service authority" or "authority"
10 means a municipal corporation, an independent taxing authority within
11 the meaning of Article VII, section 1 of the state Constitution, and a
12 taxing district within the meaning of Article VII, section 2 of the
13 state Constitution, whose boundaries are coextensive with two or more
14 adjacent fire protection jurisdictions and that has been created by a
15 vote of the people under this chapter to implement a regional fire
16 protection service authority plan.

17 (3) "Regional fire protection service authority planning committee"
18 or "planning committee" means the advisory committee created under RCW
19 52.26.030 to create and propose to fire protection jurisdictions a
20 regional fire protection service authority plan to design, finance, and
21 develop fire protection and emergency service projects.

22 (4) "Regional fire protection service authority plan" or "plan"
23 means a plan to develop and finance a fire protection service authority
24 project or projects, including, but not limited to, specific capital
25 projects, fire operations and emergency service operations pursuant to
26 RCW 52.26.040(3)(b), and preservation and maintenance of existing or
27 future facilities.

28 (5) "Fire protection jurisdiction" means a fire district, city,
29 town, port district, or Indian tribe.

1 (6) "Regular property taxes" has the same meaning as in RCW
2 84.04.140.

3 **Sec. 2.** RCW 52.26.040 and 2004 c 129 s 4 are each amended to read
4 as follows:

5 (1) A regional fire protection service authority planning committee
6 shall adopt a regional fire protection service authority plan providing
7 for the design, financing, and development of fire protection and
8 emergency services. The planning committee may consider the following
9 factors in formulating its plan:

- 10 (a) Land use planning criteria; and
- 11 (b) The input of cities and counties located within, or partially
12 within, a participating fire protection jurisdiction.

13 (2) The planning committee may coordinate its activities with
14 neighboring cities, towns, and other local governments that engage in
15 fire protection planning.

16 (3) The planning committee shall:

17 (a) Create opportunities for public input in the development of the
18 plan;

19 (b) Adopt a plan proposing the creation of a regional fire
20 protection service authority and recommending design, financing, and
21 development of fire protection and emergency service facilities and
22 operations, including maintenance and preservation of facilities or
23 systems(~~(, except that no ambulance service may be recommended unless~~
24 ~~the regional fire protection service authority determines that the fire~~
25 ~~protection jurisdictions that are members of the authority are not~~
26 ~~adequately served by existing private ambulance service in which case~~
27 ~~the authority may provide for the establishment of a system of~~
28 ~~ambulance service to be operated by the authority or operated by~~
29 ~~contract after a call for bids)). The plan may authorize the authority
30 to establish a system of ambulance service to be operated by the
31 authority or operated by contract after a call for bids. However, the
32 authority shall not provide for the establishment of an ambulance
33 service that would compete with any existing private ambulance service,
34 unless the authority determines that the region served by the
35 authority, or a substantial portion of the region served by the
36 authority, is not adequately served by an existing private ambulance
37 service. In determining the adequacy of an existing private ambulance~~

1 service, the authority shall take into consideration objective
2 generally accepted medical standards and reasonable levels of service
3 which must be published by the authority. Following the preliminary
4 conclusion by the authority that the existing private ambulance service
5 is inadequate, and before establishing an ambulance service or issuing
6 a call for bids, the authority shall allow a minimum of sixty days for
7 the private ambulance service to meet the generally accepted medical
8 standards and accepted levels of service. In the event of a second
9 preliminary conclusion of inadequacy within a twenty-four-month period,
10 the authority may immediately issue a call for bids or establish its
11 own ambulance service and is not required to afford the private
12 ambulance service another sixty-day period to meet the generally
13 accepted medical standards and reasonable levels of service. A private
14 ambulance service that is not licensed by the department of health or
15 whose license is denied, suspended, or revoked is not entitled to a
16 sixty-day period within which to demonstrate adequacy and the authority
17 may immediately issue a call for bids or establish an ambulance
18 service; and

19 (c) In the plan, recommend sources of revenue authorized by RCW
20 52.26.050, identify the portions of the plan that may be amended by the
21 board of the authority without voter approval, consistent with RCW
22 52.26.050, and recommend a financing plan to fund selected fire
23 protection ((service)) and emergency services and projects.

24 (4) Once adopted, the plan must be forwarded to the participating
25 fire protection jurisdictions' governing bodies to initiate the
26 election process under RCW 52.26.060.

27 (5) If the ballot measure is not approved, the planning committee
28 may redefine the selected regional fire protection service authority
29 projects, financing plan, and the ballot measure. The fire protection
30 jurisdictions' governing bodies may approve the new plan and ballot
31 measure, and may then submit the revised proposition to the voters at
32 a subsequent election or a special election. If a ballot measure is
33 not approved by the voters by the third vote, the planning committee is
34 dissolved.

35 **Sec. 3.** RCW 52.26.050 and 2004 c 129 s 5 are each amended to read
36 as follows:

37 (1) A regional fire protection service authority planning committee

1 may, as part of a regional fire protection service authority plan,
2 recommend the imposition of some or all of the following revenue
3 sources, which a regional fire protection service authority may impose
4 upon approval of the voters as provided in this chapter:

5 (a) Benefit charges under RCW 52.26.180 through 52.26.270;

6 (b) Property taxes under RCW 52.26.140 through 52.26.170 and
7 84.52.044 and RCW 84.09.030, 84.52.010, 84.52.052, and 84.52.069; or

8 (c) Both (a) and (b) of this subsection.

9 (2) The authority may impose taxes and benefit charges (~~((may not be~~
10 ~~imposed unless they are identified))~~) as set forth in the regional fire
11 protection service authority plan (~~((and the plan is))~~) upon creation of
12 the authority, or as provided for in this chapter after creation of the
13 authority. If the plan authorizes the authority to impose benefit
14 charges or sixty percent voter approved taxes, the plan and creation of
15 the authority must be approved by an affirmative vote of sixty percent
16 of the voters within the boundaries of the authority voting on a ballot
17 proposition as set forth in RCW 52.26.060. However, if the plan
18 provides for alternative sources of revenue that become effective if
19 the plan and creation of the authority is approved only by a majority
20 vote, then the plan with alternative sources of revenue and creation of
21 the authority may be approved by an affirmative vote of the majority of
22 those voters. If the plan does not authorize the authority to impose
23 benefit charges or sixty percent voter approved taxes, the plan and
24 creation of the authority must be approved by an affirmative vote of
25 the majority of the voters within the boundaries of the authority
26 voting on a ballot proposition as set forth in RCW 52.26.060. (~~The~~
27 ~~voter approval requirement~~) Except as provided in this section (~~(is in~~
28 ~~addition to any))~~), all other voter approval requirements under law for
29 the levying of property taxes or the imposition of benefit charges
30 apply. Revenues from these taxes and benefit charges may be used only
31 to implement the plan as set forth in this chapter.

32 **Sec. 4.** RCW 52.26.060 and 2004 c 129 s 6 are each amended to read
33 as follows:

34 The governing bodies of two or more adjacent fire protection
35 jurisdictions, upon receipt of the regional fire protection service
36 authority plan under RCW 52.26.040, may certify the plan to the ballot,
37 including identification of the (~~(tax))~~) revenue options (~~(necessary))~~)

1 specified to fund the plan. The governing bodies of the fire
2 protection jurisdictions may draft a ballot title, give notice as
3 required by law for ballot measures, and perform other duties as
4 required to put the plan before the voters of the proposed authority
5 for their approval or rejection as a single ballot measure that both
6 approves formation of the authority and approves the plan. Authorities
7 may negotiate interlocal agreements necessary to implement the plan.
8 The electorate is the voters voting within the boundaries of the
9 proposed regional fire protection service authority. A simple majority
10 of the total persons voting on the single ballot measure to approve the
11 plan(~~(7)~~) and establish the authority(~~(7, and approve the taxes)~~) is
12 required for approval. However, if the plan authorizes the authority
13 to impose benefit charges or sixty percent voter approved taxes, then
14 the percentage of total persons voting on the single ballot measure to
15 approve the plan and establish the authority is the same as in RCW
16 52.26.050. The authority must act in accordance with the general
17 election laws of the state. The authority is liable for its
18 proportionate share of the costs when the elections are held under RCW
19 (~~(29A.04.320)~~) 29A.04.321 and 29A.04.330.

20 **Sec. 5.** RCW 52.26.070 and 2004 c 129 s 7 are each amended to read
21 as follows:

22 If the voters approve the plan, including creation of a regional
23 fire protection service authority and imposition of taxes and benefit
24 charges, if any, the authority is formed on the next January 1st or
25 July 1st, whichever occurs first. The appropriate county election
26 officials shall, within fifteen days of the final certification of the
27 election results, publish a notice in a newspaper or newspapers of
28 general circulation in the authority declaring the authority formed.
29 A party challenging the procedure or the formation of a voter-approved
30 authority must file the challenge in writing by serving the prosecuting
31 attorney of each county within, or partially within, the regional fire
32 protection service authority and the attorney general within thirty
33 days after the final certification of the election. Failure to
34 challenge within that time forever bars further challenge of the
35 authority's valid formation.

1 **Sec. 6.** RCW 52.26.090 and 2004 c 129 s 9 are each amended to read
2 as follows:

3 (1) The governing board of the authority is responsible for the
4 execution of the voter-approved plan. Participating jurisdictions
5 shall review the plan every ten years. The board (~~(shall)~~) may:

6 (a) Levy (~~(and impose)~~) taxes and impose benefit charges as
7 authorized in the plan and approved by authority voters;

8 (b) Enter into agreements with federal, state, local, and regional
9 entities and departments as necessary to accomplish authority purposes
10 and protect the authority's investments;

11 (c) Accept gifts, grants, or other contributions of funds that will
12 support the purposes and programs of the authority;

13 (d) Monitor and audit the progress and execution of fire protection
14 and emergency service projects to protect the investment of the public
15 and annually make public its findings;

16 (e) Pay for services and enter into leases and contracts, including
17 professional service contracts;

18 (f) Hire, manage, and terminate employees; and

19 (g) Exercise (~~(other)~~) powers and perform duties as (~~(may be~~
20 ~~reasonable)~~) the board determines necessary to carry out the purposes,
21 functions, and projects of the authority in accordance with Title 52
22 RCW if one of the fire protection jurisdictions is a fire district,
23 unless provided otherwise in the regional fire protection service
24 authority plan, or in accordance with the statutes identified in the
25 plan if none of the fire protection jurisdictions is a fire district.

26 (2) (~~An authority may acquire, hold, or dispose of real property.~~

27 ~~(3) An authority may exercise the powers of eminent domain.~~

28 ~~(4))~~) An authority may enforce fire codes as provided under chapter
29 19.27 RCW.

30 **Sec. 7.** RCW 52.26.100 and 2004 c 129 s 10 are each amended to read
31 as follows:

32 (1) Except as otherwise provided in the regional fire protection
33 service authority plan, all powers, duties, and functions of a
34 participating fire protection jurisdiction pertaining to (~~(providing)~~)
35 fire protection and emergency services (~~(may)~~) shall be transferred(~~(~~
36 ~~by resolution,~~) to the regional fire protection service authority on
37 its creation date.

1 (2)(a) Except as otherwise provided in the regional fire protection
2 service authority plan, and on the creation date of the regional fire
3 protection service authority, all reports, documents, surveys, books,
4 records, files, papers, or written material in the possession of the
5 participating fire protection jurisdiction pertaining to ~~((the))~~ fire
6 protection and emergency services powers, functions, and duties
7 ~~((transferred))~~ shall be delivered to the ~~((custody of the))~~ regional
8 fire protection service authority~~((-))~~; all real property and personal
9 property including cabinets, furniture, office equipment, motor
10 vehicles, and other tangible property employed by the participating
11 fire protection jurisdiction in carrying out the fire protection and
12 emergency services powers, functions, and duties ~~((transferred))~~ shall
13 be ~~((made available))~~ transferred to the regional fire protection
14 service authority~~((-))~~; and all funds, credits, or other assets held by
15 the participating fire protection jurisdiction in connection with the
16 fire protection and emergency services powers, functions, and duties
17 ~~((transferred))~~ shall be ~~((assigned))~~ transferred and credited to the
18 regional fire protection service authority.

19 (b) Except as otherwise provided in the regional fire protection
20 service authority plan, any appropriations made to the participating
21 fire protection jurisdiction for carrying out the fire protection and
22 emergency services powers, functions, and duties ~~((transferred))~~
23 shall~~((, on the effective date of the resolution,))~~ be transferred and
24 credited to the regional fire protection service authority.

25 (c) Except as otherwise provided in the regional fire protection
26 service authority plan, whenever any question arises as to the transfer
27 of any personnel, funds, books, documents, records, papers, files,
28 equipment, or other tangible property used or held in the exercise of
29 the powers and the performance of the duties and functions transferred,
30 the governing body of the participating fire protection jurisdiction
31 shall make a determination as to the proper allocation.

32 (3) Except as otherwise provided in the regional fire protection
33 service authority plan, all rules and all pending business before the
34 participating fire protection jurisdiction pertaining to the powers,
35 functions, and duties transferred shall be continued and acted upon by
36 the regional fire protection service authority~~((-))~~, and all existing
37 contracts and obligations shall remain in full force and shall be
38 performed by the regional fire protection service authority.

1 (4) The transfer of the powers, duties, functions, and personnel of
2 the participating fire protection jurisdiction shall not affect the
3 validity of any act performed before (~~the effective date of the~~
4 ~~resolution~~) creation of the regional fire protection service
5 authority.

6 (5) If apportionments of budgeted funds are required because of the
7 transfers (~~directed by the resolution~~), the treasurer (~~under RCW~~
8 ~~52.26.170~~) for the authority shall certify the apportionments.

9 (6)(a) Subject to (c) of this subsection, all employees of the
10 participating fire protection jurisdictions are transferred to the
11 jurisdiction of the regional fire protection service authority on its
12 creation date. Upon transfer, unless an agreement for different terms
13 of transfer is reached between the collective bargaining
14 representatives of the transferring employees and the participating
15 fire protection jurisdictions, an employee is entitled to the employee
16 rights, benefits, and privileges to which he or she would have been
17 entitled as an employee of a participating fire protection
18 jurisdiction, including rights to:

19 (i) Compensation at least equal to the level at the time of
20 transfer;

21 (ii) Retirement, vacation, sick leave, and any other accrued
22 benefit;

23 (iii) Promotion and service time accrual; and

24 (iv) The length or terms of probationary periods, including no
25 requirement for an additional probationary period if one had been
26 completed before the transfer date.

27 (b) If any or all of the participating fire protection
28 jurisdictions provide for civil service in their fire departments, the
29 collective bargaining representatives of the transferring employees and
30 the participating fire protection jurisdictions must negotiate
31 regarding the establishment of a civil service system within the
32 authority. This subsection does not apply if none of the participating
33 fire protection districts provide for civil service.

34 (c) Nothing contained in this section may be construed to alter any
35 existing collective bargaining unit or the provisions of any existing
36 collective bargaining agreement until the agreement has expired or
37 until the bargaining unit has been modified as provided by law. ((RCW

1 ~~35.13.215 through 35.13.235 apply to the transfer of employees under~~
2 ~~this section.))~~

3 NEW SECTION. **Sec. 8.** A new section is added to chapter 52.26 RCW
4 to read as follows:

5 (1) Subject to subsection (2) of this section, a regional fire
6 protection service authority may, by resolution of its board, provide
7 for civil service for its employees in the same manner, with the same
8 powers, and with the same force and effect as provided by chapter 41.08
9 RCW for cities, towns, and municipalities, including restrictions
10 against the discharge of an employee because of residence outside the
11 limits of the regional fire protection service authority.

12 (2) If an agreement is reached to provide for civil service under
13 RCW 52.26.100(6), the regional fire protection service authority shall
14 establish such a system as is required by the agreement.

15 NEW SECTION. **Sec. 9.** A new section is added to chapter 52.26 RCW
16 to read as follows:

17 Territory that is annexed to a participating jurisdiction is
18 annexed to the authority as of the effective date of the annexation.
19 The statutes regarding transfer of assets and employees do not apply to
20 the participating jurisdictions in the annexation.

21 **Sec. 10.** RCW 52.26.130 and 2004 c 129 s 14 are each amended to
22 read as follows:

23 ~~((Unless contrary to this section, chapter 39.42 RCW applies to~~
24 ~~debt and bonding under this section. The authority may borrow money,~~
25 ~~but may not issue any debt of its own for more than ten years'~~
26 ~~duration. An authority may issue notes or other evidences of~~
27 ~~indebtedness with a maturity of not more than twenty years. An~~
28 ~~authority may, when authorized by the plan, enter into agreements with~~
29 ~~the state to pledge taxes or other revenues of the authority for the~~
30 ~~purpose of paying in part or whole principal and interest on bonds~~
31 ~~issued by the authority. The contracts pledging revenues and taxes are~~
32 ~~binding for the term of the agreement, but not to exceed twenty five~~
33 ~~years, and no tax pledged by an agreement may be eliminated or modified~~
34 ~~if it would impair the pledge of the agreement.))~~ (1) An authority may
35 incur general indebtedness for authority purposes, issue bonds, notes,

1 or other evidences of indebtedness not to exceed an amount, together
2 with any outstanding nonvoter approved general obligation debt, equal
3 to three-fourths of one percent of the value of the taxable property
4 within the authority. The maximum term of the obligations may not
5 exceed twenty years. The obligations may pledge benefit charges and
6 may pledge payments to an authority from the state, the federal
7 government, or any fire protection jurisdiction under an interlocal
8 contract. The interlocal contracts pledging revenues and taxes are
9 binding for a term not to exceed twenty-five years, and taxes or other
10 revenue pledged by an interlocal contract may not be eliminated or
11 modified if it would impair the pledge of the contract.

12 (2) An authority may also issue general obligation bonds for
13 capital purposes not to exceed an amount, together with any outstanding
14 general obligation debt, equal to one and one-half percent of the value
15 of the taxable property within the authority. The authority may
16 provide for the retirement of the bonds by excess property tax levies.
17 The voters of the authority must approve a proposition authorizing the
18 bonds and levies by an affirmative vote of three-fifths of those voting
19 on the proposition at an election. At the election, the total number
20 of persons voting must constitute not less than forty percent of the
21 voters in the authority who voted at the last preceding general state
22 election. The maximum term of the bonds may not exceed twenty-five
23 years. Elections shall be held as provided in RCW 39.36.050.

24 (3) Obligations of an authority shall be issued and sold in
25 accordance with chapters 39.46 and 39.50 RCW, as applicable.

26 **Sec. 11.** RCW 52.26.140 and 2004 c 129 s 15 are each amended to
27 read as follows:

28 (1) To carry out the purposes for which a regional fire protection
29 service authority is created, as authorized in the plan and approved by
30 the voters, the governing board of an authority may annually levy the
31 following taxes:

32 (a) An ad valorem tax on all taxable property located within the
33 authority not to exceed fifty cents per thousand dollars of assessed
34 value;

35 (b) An ad valorem tax on all property located within the authority
36 not to exceed fifty cents per thousand dollars of assessed value and
37 which will not cause the combined levies to exceed the constitutional

1 or statutory limitations. This levy, or any portion of this levy, may
2 also be made when dollar rates of other taxing units are released by
3 agreement with the other taxing units from their authorized levies; and

4 (c) An ad valorem tax on all taxable property located within the
5 authority not to exceed fifty cents per thousand dollars of assessed
6 value if the authority has at least one full-time, paid employee, or
7 contracts with another municipal corporation for the services of at
8 least one full-time, paid employee. This levy may be made only if it
9 will not affect dollar rates which other taxing districts may lawfully
10 claim nor cause the combined levies to exceed the constitutional or
11 statutory limitations or both.

12 (2) Levies in excess of the amounts provided in subsection (1) of
13 this section or in excess of the aggregate dollar rate limitations or
14 both may be made for any authority purpose when so authorized at a
15 special election under RCW 84.52.052. Any such tax when levied must be
16 certified to the proper county officials for the collection of the tax
17 as for other general taxes. The taxes when collected shall be placed
18 in the appropriate authority fund or funds as provided by law, and must
19 be paid out on warrants of the auditor of the county in which all, or
20 the largest portion of, the authority is located, upon authorization of
21 the governing board of the authority.

22 (3) (~~Authorities are additionally authorized to incur general~~
23 ~~indebtedness and to issue general obligation bonds for capital purposes~~
24 ~~as provided in RCW 52.26.130.)) Authorities may provide for the~~
25 ~~retirement of general indebtedness by excess property tax levies((~~
26 ~~when the voters of the authority have approved a proposition~~
27 ~~authorizing such indebtedness and levies by an affirmative vote of~~
28 ~~three fifths of those voting on the proposition at such an election, at~~
29 ~~which election the total number of persons voting shall constitute not~~
30 ~~less than forty percent of the voters in the authority who voted at the~~
31 ~~last preceding state general election. Elections must be held as~~
32 ~~provided in RCW 39.36.050. The maximum term of any bonds issued under~~
33 ~~the authority of this section may not exceed ten years and must be~~
34 ~~issued and sold in accordance with chapter 39.46 RCW)) as set forth in
35 RCW 52.26.130.~~

36 (4) For purposes of this (~~section~~) chapter, the term "value of
37 the taxable property" has the same meaning as in RCW 39.36.015.

1 **Sec. 12.** RCW 52.26.220 and 2004 c 129 s 28 are each amended to
2 read as follows:

3 (1) Notwithstanding any other provision in this chapter to the
4 contrary, any benefit charge authorized by this chapter is not
5 effective unless a proposition to impose the benefit charge is approved
6 by a sixty percent majority of the voters of the regional fire
7 protection service authority voting at a general election or at a
8 special election called by the authority for that purpose, held within
9 the authority. A ballot measure that contains an authorization to
10 impose benefit charges and that is approved by the voters pursuant to
11 RCW 52.26.060 meets the proposition approval requirement of this
12 section. An election held under this section must be held not more
13 than twelve months prior to the date on which the first charge is to be
14 assessed. A benefit charge approved at an election expires in six
15 years or fewer as authorized by the voters, unless subsequently
16 reapproved by the voters.

17 (2) The ballot must be submitted so as to enable the voters
18 favoring the authorization of a regional fire protection service
19 authority benefit charge to vote "Yes" and those opposed to vote "No."
20 The ballot question is as follows:

21 "Shall the regional fire protection service
22 authority composed of (insert the participating fire protection
23 jurisdictions) be authorized to impose benefit
24 charges each year for (insert number of years not to
25 exceed six) years, not to exceed an amount equal to sixty
26 percent of its operating budget, and be prohibited from
27 imposing an additional property tax under RCW 52.26.140(1)(c)?

28 YES NO
29

30 (3) Authorities renewing the benefit charge may elect to use the
31 following alternative ballot:

32 "Shall the regional fire protection service authority
33 composed of (insert the participating fire protection
34 jurisdictions) be authorized to continue voter-
35 authorized benefit charges each year for (insert number
36 of years not to exceed six) years, not to exceed an amount

1 equal to sixty percent of its operating budget, and be
2 prohibited from imposing an additional property tax under RCW
3 52.26.140(1)(c)?

4 YES NO
5

SHB 2345 - S AMD
By Senator Kastama

ADOPTED 03/03/2006

6 On page 1, line 1 of the title, after "authorities;" strike the
7 remainder of the title and insert "amending RCW 52.26.020, 52.26.040,
8 52.26.050, 52.26.060, 52.26.070, 52.26.090, 52.26.100, 52.26.130,
9 52.26.140, and 52.26.220; and adding new sections to chapter 52.26
10 RCW."

--- END ---