

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2345

59th Legislature
2006 Regular Session

Passed by the House March 6, 2006
Yeas 98 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 3, 2006
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2345** 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**

SUBSTITUTE HOUSE BILL 2345

AS AMENDED BY THE SENATE

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By House Committee on Local Government (originally sponsored by Representatives Simpson, Rodne, Appleton and Haler)

READ FIRST TIME 02/03/06.

1 AN ACT Relating to regional fire protection service authorities;
2 amending RCW 52.26.020, 52.26.040, 52.26.050, 52.26.060, 52.26.070,
3 52.26.090, 52.26.100, 52.26.130, 52.26.140, and 52.26.220; and adding
4 new sections to chapter 52.26 RCW.

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

6 **Sec. 1.** RCW 52.26.020 and 2004 c 129 s 2 are each amended to read
7 as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

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

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

1 (3) "Regional fire protection service authority planning committee"
2 or "planning committee" means the advisory committee created under RCW
3 52.26.030 to create and propose to fire protection jurisdictions a
4 regional fire protection service authority plan to design, finance, and
5 develop fire protection and emergency service projects.

6 (4) "Regional fire protection service authority plan" or "plan"
7 means a plan to develop and finance a fire protection service authority
8 project or projects, including, but not limited to, specific capital
9 projects, fire operations and emergency service operations pursuant to
10 RCW 52.26.040(3)(b), and preservation and maintenance of existing or
11 future facilities.

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

14 (6) "Regular property taxes" has the same meaning as in RCW
15 84.04.140.

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

18 (1) A regional fire protection service authority planning committee
19 shall adopt a regional fire protection service authority plan providing
20 for the design, financing, and development of fire protection and
21 emergency services. The planning committee may consider the following
22 factors in formulating its plan:

23 (a) Land use planning criteria; and

24 (b) The input of cities and counties located within, or partially
25 within, a participating fire protection jurisdiction.

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

29 (3) The planning committee shall:

30 (a) Create opportunities for public input in the development of the
31 plan;

32 (b) Adopt a plan proposing the creation of a regional fire
33 protection service authority and recommending design, financing, and
34 development of fire protection and emergency service facilities and
35 operations, including maintenance and preservation of facilities or
36 systems(~~(, except that no ambulance service may be recommended unless~~
37 ~~the regional fire protection service authority determines that the fire~~

1 ~~protection jurisdictions that are members of the authority are not~~
2 ~~adequately served by existing private ambulance service in which case~~
3 ~~the authority may provide for the establishment of a system of~~
4 ~~ambulance service to be operated by the authority or operated by~~
5 ~~contract after a call for bids)).~~ The plan may authorize the authority
6 to establish a system of ambulance service to be operated by the
7 authority or operated by contract after a call for bids. However, the
8 authority shall not provide for the establishment of an ambulance
9 service that would compete with any existing private ambulance service,
10 unless the authority determines that the region served by the
11 authority, or a substantial portion of the region served by the
12 authority, is not adequately served by an existing private ambulance
13 service. In determining the adequacy of an existing private ambulance
14 service, the authority shall take into consideration objective
15 generally accepted medical standards and reasonable levels of service
16 which must be published by the authority. Following the preliminary
17 conclusion by the authority that the existing private ambulance service
18 is inadequate, and before establishing an ambulance service or issuing
19 a call for bids, the authority shall allow a minimum of sixty days for
20 the private ambulance service to meet the generally accepted medical
21 standards and accepted levels of service. In the event of a second
22 preliminary conclusion of inadequacy within a twenty-four-month period,
23 the authority may immediately issue a call for bids or establish its
24 own ambulance service and is not required to afford the private
25 ambulance service another sixty-day period to meet the generally
26 accepted medical standards and reasonable levels of service. A private
27 ambulance service that is not licensed by the department of health or
28 whose license is denied, suspended, or revoked is not entitled to a
29 sixty-day period within which to demonstrate adequacy and the authority
30 may immediately issue a call for bids or establish an ambulance
31 service; and

32 (c) In the plan, recommend sources of revenue authorized by RCW
33 52.26.050, identify the portions of the plan that may be amended by the
34 board of the authority without voter approval, consistent with RCW
35 52.26.050, and recommend a financing plan to fund selected fire
36 protection ((service)) and emergency services and projects.

37 (4) Once adopted, the plan must be forwarded to the participating

1 fire protection jurisdictions' governing bodies to initiate the
2 election process under RCW 52.26.060.

3 (5) If the ballot measure is not approved, the planning committee
4 may redefine the selected regional fire protection service authority
5 projects, financing plan, and the ballot measure. The fire protection
6 jurisdictions' governing bodies may approve the new plan and ballot
7 measure, and may then submit the revised proposition to the voters at
8 a subsequent election or a special election. If a ballot measure is
9 not approved by the voters by the third vote, the planning committee is
10 dissolved.

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

13 (1) A regional fire protection service authority planning committee
14 may, as part of a regional fire protection service authority plan,
15 recommend the imposition of some or all of the following revenue
16 sources, which a regional fire protection service authority may impose
17 upon approval of the voters as provided in this chapter:

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

19 (b) Property taxes under RCW 52.26.140 through 52.26.170 and
20 84.52.044 and RCW 84.09.030, 84.52.010, 84.52.052, and 84.52.069; or

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

22 (2) The authority may impose taxes and benefit charges ((may not be
23 imposed unless they are identified)) as set forth in the regional fire
24 protection service authority plan ((and the plan is)) upon creation of
25 the authority, or as provided for in this chapter after creation of the
26 authority. If the plan authorizes the authority to impose benefit
27 charges or sixty percent voter approved taxes, the plan and creation of
28 the authority must be approved by an affirmative vote of sixty percent
29 of the voters within the boundaries of the authority voting on a ballot
30 proposition as set forth in RCW 52.26.060. However, if the plan
31 provides for alternative sources of revenue that become effective if
32 the plan and creation of the authority is approved only by a majority
33 vote, then the plan with alternative sources of revenue and creation of
34 the authority may be approved by an affirmative vote of the majority of
35 those voters. If the plan does not authorize the authority to impose
36 benefit charges or sixty percent voter approved taxes, the plan and
37 creation of the authority must be approved by an affirmative vote of

1 the majority of the voters within the boundaries of the authority
2 voting on a ballot proposition as set forth in RCW 52.26.060. (~~The~~
3 ~~voter approval requirement~~) Except as provided in this section (~~is in~~
4 ~~addition to any~~), all other voter approval requirements under law for
5 the levying of property taxes or the imposition of benefit charges
6 apply. Revenues from these taxes and benefit charges may be used only
7 to implement the plan as set forth in this chapter.

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

10 The governing bodies of two or more adjacent fire protection
11 jurisdictions, upon receipt of the regional fire protection service
12 authority plan under RCW 52.26.040, may certify the plan to the ballot,
13 including identification of the (~~tax~~) revenue options (~~necessary~~)
14 specified to fund the plan. The governing bodies of the fire
15 protection jurisdictions may draft a ballot title, give notice as
16 required by law for ballot measures, and perform other duties as
17 required to put the plan before the voters of the proposed authority
18 for their approval or rejection as a single ballot measure that both
19 approves formation of the authority and approves the plan. Authorities
20 may negotiate interlocal agreements necessary to implement the plan.
21 The electorate is the voters voting within the boundaries of the
22 proposed regional fire protection service authority. A simple majority
23 of the total persons voting on the single ballot measure to approve the
24 plan(~~7~~) and establish the authority(~~7 and approve the taxes~~) is
25 required for approval. However, if the plan authorizes the authority
26 to impose benefit charges or sixty percent voter approved taxes, then
27 the percentage of total persons voting on the single ballot measure to
28 approve the plan and establish the authority is the same as in RCW
29 52.26.050. The authority must act in accordance with the general
30 election laws of the state. The authority is liable for its
31 proportionate share of the costs when the elections are held under RCW
32 (~~29A.04.320~~) 29A.04.321 and 29A.04.330.

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

35 If the voters approve the plan, including creation of a regional
36 fire protection service authority and imposition of taxes and benefit

1 charges, if any, the authority is formed on the next January 1st or
2 July 1st, whichever occurs first. The appropriate county election
3 officials shall, within fifteen days of the final certification of the
4 election results, publish a notice in a newspaper or newspapers of
5 general circulation in the authority declaring the authority formed.
6 A party challenging the procedure or the formation of a voter-approved
7 authority must file the challenge in writing by serving the prosecuting
8 attorney of each county within, or partially within, the regional fire
9 protection service authority and the attorney general within thirty
10 days after the final certification of the election. Failure to
11 challenge within that time forever bars further challenge of the
12 authority's valid formation.

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

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

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

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

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

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

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

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

31 (g) Exercise (~~other~~) powers and perform duties as (~~may be~~
32 ~~reasonable~~) the board determines necessary to carry out the purposes,
33 functions, and projects of the authority in accordance with Title 52
34 RCW if one of the fire protection jurisdictions is a fire district,
35 unless provided otherwise in the regional fire protection service
36 authority plan, or in accordance with the statutes identified in the
37 plan if none of the fire protection jurisdictions is a fire district.

1 ~~(2) ((An authority may acquire, hold, or dispose of real property.~~
2 ~~(3) An authority may exercise the powers of eminent domain.~~
3 ~~(4))~~) An authority may enforce fire codes as provided under chapter
4 19.27 RCW.

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

7 (1) Except as otherwise provided in the regional fire protection
8 service authority plan, all powers, duties, and functions of a
9 participating fire protection jurisdiction pertaining to ~~((providing))~~
10 fire protection and emergency services ~~((may))~~ shall be transferred~~((~~
11 ~~by resolution,~~~~))~~ to the regional fire protection service authority on
12 its creation date.

13 (2)(a) Except as otherwise provided in the regional fire protection
14 service authority plan, and on the creation date of the regional fire
15 protection service authority, all reports, documents, surveys, books,
16 records, files, papers, or written material in the possession of the
17 participating fire protection jurisdiction pertaining to ~~((the))~~ fire
18 protection and emergency services powers, functions, and duties
19 ~~((transferred))~~ shall be delivered to the ~~((custody of the))~~ regional
20 fire protection service authority~~((~~~~))~~; all real property and personal
21 property including cabinets, furniture, office equipment, motor
22 vehicles, and other tangible property employed by the participating
23 fire protection jurisdiction in carrying out the fire protection and
24 emergency services powers, functions, and duties ~~((transferred))~~ shall
25 be ~~((made available))~~ transferred to the regional fire protection
26 service authority~~((~~~~))~~; and all funds, credits, or other assets held by
27 the participating fire protection jurisdiction in connection with the
28 fire protection and emergency services powers, functions, and duties
29 ~~((transferred))~~ shall be ~~((assigned))~~ transferred and credited to the
30 regional fire protection service authority.

31 (b) Except as otherwise provided in the regional fire protection
32 service authority plan, any appropriations made to the participating
33 fire protection jurisdiction for carrying out the fire protection and
34 emergency services powers, functions, and duties ~~((transferred))~~
35 shall~~((~~~~, on the effective date of the resolution,~~~~))~~ be transferred and
36 credited to the regional fire protection service authority.

1 (c) Except as otherwise provided in the regional fire protection
2 service authority plan, whenever any question arises as to the transfer
3 of any personnel, funds, books, documents, records, papers, files,
4 equipment, or other tangible property used or held in the exercise of
5 the powers and the performance of the duties and functions transferred,
6 the governing body of the participating fire protection jurisdiction
7 shall make a determination as to the proper allocation.

8 (3) Except as otherwise provided in the regional fire protection
9 service authority plan, all rules and all pending business before the
10 participating fire protection jurisdiction pertaining to the powers,
11 functions, and duties transferred shall be continued and acted upon by
12 the regional fire protection service authority(~~-~~), and all existing
13 contracts and obligations shall remain in full force and shall be
14 performed by the regional fire protection service authority.

15 (4) The transfer of the powers, duties, functions, and personnel of
16 the participating fire protection jurisdiction shall not affect the
17 validity of any act performed before (~~the effective date of the~~
18 ~~resolution~~) creation of the regional fire protection service
19 authority.

20 (5) If apportionments of budgeted funds are required because of the
21 transfers (~~directed by the resolution~~), the treasurer (~~under RCW~~
22 ~~52.26.170~~) for the authority shall certify the apportionments.

23 (6)(a) Subject to (c) of this subsection, all employees of the
24 participating fire protection jurisdictions are transferred to the
25 jurisdiction of the regional fire protection service authority on its
26 creation date. Upon transfer, unless an agreement for different terms
27 of transfer is reached between the collective bargaining
28 representatives of the transferring employees and the participating
29 fire protection jurisdictions, an employee is entitled to the employee
30 rights, benefits, and privileges to which he or she would have been
31 entitled as an employee of a participating fire protection
32 jurisdiction, including rights to:

33 (i) Compensation at least equal to the level at the time of
34 transfer;

35 (ii) Retirement, vacation, sick leave, and any other accrued
36 benefit;

37 (iii) Promotion and service time accrual; and

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

4 (b) If any or all of the participating fire protection
5 jurisdictions provide for civil service in their fire departments, the
6 collective bargaining representatives of the transferring employees and
7 the participating fire protection jurisdictions must negotiate
8 regarding the establishment of a civil service system within the
9 authority. This subsection does not apply if none of the participating
10 fire protection districts provide for civil service.

11 (c) Nothing contained in this section may be construed to alter any
12 existing collective bargaining unit or the provisions of any existing
13 collective bargaining agreement until the agreement has expired or
14 until the bargaining unit has been modified as provided by law. ((RCW
15 35.13.215 through 35.13.235 apply to the transfer of employees under
16 this section.))

17 NEW SECTION. Sec. 8. A new section is added to chapter 52.26 RCW
18 to read as follows:

19 (1) Subject to subsection (2) of this section, a regional fire
20 protection service authority may, by resolution of its board, provide
21 for civil service for its employees in the same manner, with the same
22 powers, and with the same force and effect as provided by chapter 41.08
23 RCW for cities, towns, and municipalities, including restrictions
24 against the discharge of an employee because of residence outside the
25 limits of the regional fire protection service authority.

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

29 NEW SECTION. Sec. 9. A new section is added to chapter 52.26 RCW
30 to read as follows:

31 Territory that is annexed to a participating jurisdiction is
32 annexed to the authority as of the effective date of the annexation.
33 The statutes regarding transfer of assets and employees do not apply to
34 the participating jurisdictions in the annexation.

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

3 ~~((Unless contrary to this section, chapter 39.42 RCW applies to~~
4 ~~debt and bonding under this section. The authority may borrow money,~~
5 ~~but may not issue any debt of its own for more than ten years'~~
6 ~~duration. An authority may issue notes or other evidences of~~
7 ~~indebtedness with a maturity of not more than twenty years. An~~
8 ~~authority may, when authorized by the plan, enter into agreements with~~
9 ~~the state to pledge taxes or other revenues of the authority for the~~
10 ~~purpose of paying in part or whole principal and interest on bonds~~
11 ~~issued by the authority. The contracts pledging revenues and taxes are~~
12 ~~binding for the term of the agreement, but not to exceed twenty five~~
13 ~~years, and no tax pledged by an agreement may be eliminated or modified~~
14 ~~if it would impair the pledge of the agreement.)) (1) An authority may~~
15 incur general indebtedness for authority purposes, issue bonds, notes,
16 or other evidences of indebtedness not to exceed an amount, together
17 with any outstanding nonvoter approved general obligation debt, equal
18 to three-fourths of one percent of the value of the taxable property
19 within the authority. The maximum term of the obligations may not
20 exceed twenty years. The obligations may pledge benefit charges and
21 may pledge payments to an authority from the state, the federal
22 government, or any fire protection jurisdiction under an interlocal
23 contract. The interlocal contracts pledging revenues and taxes are
24 binding for a term not to exceed twenty-five years, and taxes or other
25 revenue pledged by an interlocal contract may not be eliminated or
26 modified if it would impair the pledge of the contract.

27 (2) An authority may also issue general obligation bonds for
28 capital purposes not to exceed an amount, together with any outstanding
29 general obligation debt, equal to one and one-half percent of the value
30 of the taxable property within the authority. The authority may
31 provide for the retirement of the bonds by excess property tax levies.
32 The voters of the authority must approve a proposition authorizing the
33 bonds and levies by an affirmative vote of three-fifths of those voting
34 on the proposition at an election. At the election, the total number
35 of persons voting must constitute not less than forty percent of the
36 voters in the authority who voted at the last preceding general state
37 election. The maximum term of the bonds may not exceed twenty-five
38 years. Elections shall be held as provided in RCW 39.36.050.

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

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

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

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

12 (b) An ad valorem tax on all property located within the authority
13 not to exceed fifty cents per thousand dollars of assessed value and
14 which will not cause the combined levies to exceed the constitutional
15 or statutory limitations. This levy, or any portion of this levy, may
16 also be made when dollar rates of other taxing units are released by
17 agreement with the other taxing units from their authorized levies; and

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

26 (2) Levies in excess of the amounts provided in subsection (1) of
27 this section or in excess of the aggregate dollar rate limitations or
28 both may be made for any authority purpose when so authorized at a
29 special election under RCW 84.52.052. Any such tax when levied must be
30 certified to the proper county officials for the collection of the tax
31 as for other general taxes. The taxes when collected shall be placed
32 in the appropriate authority fund or funds as provided by law, and must
33 be paid out on warrants of the auditor of the county in which all, or
34 the largest portion of, the authority is located, upon authorization of
35 the governing board of the authority.

36 (3) ~~((Authorities are additionally authorized to incur general~~
37 ~~indebtedness and to issue general obligation bonds for capital purposes~~

1 ~~as provided in RCW 52.26.130.)~~ Authorities may provide for the
2 retirement of general indebtedness by excess property tax levies(~~(~~
3 ~~when the voters of the authority have approved a proposition~~
4 ~~authorizing such indebtedness and levies by an affirmative vote of~~
5 ~~three fifths of those voting on the proposition at such an election, at~~
6 ~~which election the total number of persons voting shall constitute not~~
7 ~~less than forty percent of the voters in the authority who voted at the~~
8 ~~last preceding state general election. Elections must be held as~~
9 ~~provided in RCW 39.36.050. The maximum term of any bonds issued under~~
10 ~~the authority of this section may not exceed ten years and must be~~
11 ~~issued and sold in accordance with chapter 39.46 RCW)) as set forth in
12 RCW 52.26.130.~~

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

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

17 (1) Notwithstanding any other provision in this chapter to the
18 contrary, any benefit charge authorized by this chapter is not
19 effective unless a proposition to impose the benefit charge is approved
20 by a sixty percent majority of the voters of the regional fire
21 protection service authority voting at a general election or at a
22 special election called by the authority for that purpose, held within
23 the authority. A ballot measure that contains an authorization to
24 impose benefit charges and that is approved by the voters pursuant to
25 RCW 52.26.060 meets the proposition approval requirement of this
26 section. An election held under this section must be held not more
27 than twelve months prior to the date on which the first charge is to be
28 assessed. A benefit charge approved at an election expires in six
29 years or fewer as authorized by the voters, unless subsequently
30 reapproved by the voters.

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

35 "Shall the regional fire protection service
36 authority composed of (insert the participating fire protection
37 jurisdictions) be authorized to impose benefit

1 charges each year for (insert number of years not to
2 exceed six) years, not to exceed an amount equal to sixty
3 percent of its operating budget, and be prohibited from
4 imposing an additional property tax under RCW 52.26.140(1)(c)?

5 YES NO
6

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

9 "Shall the regional fire protection service authority
10 composed of (insert the participating fire protection
11 jurisdictions) be authorized to continue voter-
12 authorized benefit charges each year for (insert number
13 of years not to exceed six) years, not to exceed an amount
14 equal to sixty percent of its operating budget, and be
15 prohibited from imposing an additional property tax under RCW
16 52.26.140(1)(c)?

17 YES NO
18

--- END ---