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SENATE BILL 6163

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State of Washington

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By Senators Kastama, Oke, Kohl-Welles and Rockefeller

Read first time 01/09/2006. Referred to Committee on Government Operations & Elections.

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 a new section 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)~~). The plan may authorize the authority to  
37 provide ambulance service (~~((may be recommended unless the regional fire~~

1 ~~protection service)), directly or by contract after call for bids, only~~  
2 ~~after the board of the~~ authority determines that the participating fire  
3 protection jurisdictions (~~(that are members of the authority))~~) are not  
4 adequately served by existing private ambulance service (~~(in which case~~  
5 ~~the authority may provide for the establishment of a system of~~  
6 ~~ambulance service to be operated by the authority or operated by~~  
7 ~~contract after a call for bids))~~); and

8 (c) In the plan, recommend sources of revenue authorized by RCW  
9 52.26.050, identify the portions of the plan that may be amended by the  
10 board of the authority without voter approval, consistent with RCW  
11 52.26.050, and recommend a financing plan to fund selected fire  
12 protection (~~(service))~~ and emergency services and projects.

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

16 (5) If the ballot measure is not approved, the planning committee  
17 may redefine the selected regional fire protection service authority  
18 projects, financing plan, and the ballot measure. The fire protection  
19 jurisdictions' governing bodies may approve the new plan and ballot  
20 measure, and may then submit the revised proposition to the voters at  
21 a subsequent election or a special election. If a ballot measure is  
22 not approved by the voters by the third vote, the planning committee is  
23 dissolved.

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

26 (1) A regional fire protection service authority planning committee  
27 may, as part of a regional fire protection service authority plan,  
28 recommend the imposition of some or all of the following revenue  
29 sources, which a regional fire protection service authority may impose  
30 upon approval of the voters as provided in this chapter:

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

32 (b) Property taxes under RCW 52.26.140 through 52.26.170 and  
33 84.52.044 and RCW 84.09.030, 84.52.010, 84.52.052, and 84.52.069; or

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

35 (2) The authority may impose taxes and benefit charges (~~(may not be~~  
36 ~~imposed unless they are identified))~~ as set forth in the regional fire  
37 protection service authority plan (~~(and the plan is))~~ upon creation of

1 the authority, or as provided for in this chapter after creation of the  
2 authority. If the plan authorizes the authority to impose benefit  
3 charges or sixty percent voter approved taxes, the plan and creation of  
4 the authority must be approved by an affirmative vote of sixty percent  
5 of the voters within the boundaries of the authority voting on a ballot  
6 proposition as set forth in RCW 52.26.060. However, if the plan  
7 provides for alternative sources of revenue that become effective if  
8 the plan and creation of the authority is approved only by a majority  
9 vote, then the plan with alternative sources of revenue and creation of  
10 the authority may be approved by an affirmative vote of the majority of  
11 those voters. If the plan does not authorize the authority to impose  
12 benefit charges or sixty percent voter approved taxes, the plan and  
13 creation of the authority must be approved by an affirmative vote of  
14 the majority of the voters within the boundaries of the authority  
15 voting on a ballot proposition as set forth in RCW 52.26.060. ((The  
16 voter approval requirement)) Except as provided in this section ((is in  
17 addition to any)), all other voter approval requirements under law for  
18 the levying of property taxes or the imposition of benefit charges  
19 apply. Revenues from these taxes and benefit charges may be used only  
20 to implement the plan as set forth in this chapter.

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

23 The governing bodies of two or more adjacent fire protection  
24 jurisdictions, upon receipt of the regional fire protection service  
25 authority plan under RCW 52.26.040, may certify the plan to the ballot,  
26 including identification of the ((tax)) revenue options ((necessary))  
27 specified to fund the plan. The governing bodies of the fire  
28 protection jurisdictions may draft a ballot title, give notice as  
29 required by law for ballot measures, and perform other duties as  
30 required to put the plan before the voters of the proposed authority  
31 for their approval or rejection as a single ballot measure that both  
32 approves formation of the authority and approves the plan. Authorities  
33 may negotiate interlocal agreements necessary to implement the plan.  
34 The electorate is the voters voting within the boundaries of the  
35 proposed regional fire protection service authority. A simple majority  
36 of the total persons voting on the single ballot measure to approve the  
37 plan((7)) and establish the authority((7 and approve the taxes)) is

1 required for approval. However, if the plan authorizes the authority  
2 to impose benefit charges or sixty percent voter approved taxes, then  
3 the percentage of total persons voting on the single ballot measure to  
4 approve the plan and establish the authority is the same as in RCW  
5 52.26.050. The authority must act in accordance with the general  
6 election laws of the state. The authority is liable for its  
7 proportionate share of the costs when the elections are held under RCW  
8 ((29A.04.320)) 29A.04.321 and 29A.04.330.

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

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

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

27 (1) The governing board of the authority is responsible for the  
28 execution of the voter-approved plan. Participating jurisdictions  
29 shall review the plan every ten years. The board ((shall)) may:

30 (a) Levy ((and impose)) taxes and impose benefit charges as  
31 authorized in the plan and approved by authority voters;

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

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

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

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

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

7 (g) Exercise (~~other~~) powers and perform duties as (~~may be~~  
8 ~~reasonable~~) the board determines necessary to carry out the purposes,  
9 functions, and projects of the authority in accordance with Title 52  
10 RCW if one of the fire protection jurisdictions is a fire district,  
11 unless provided otherwise in the regional fire protection service  
12 authority plan, or in accordance with the statutes identified in the  
13 plan if none of the fire protection jurisdictions is a fire district.

14 (~~2~~) (~~An authority may acquire, hold, or dispose of real property.~~

15 (~~3~~) ~~An authority may exercise the powers of eminent domain.~~

16 (~~4~~) An authority may enforce fire codes as provided under chapter  
17 19.27 RCW.

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

20 (1) Except as otherwise provided in the regional fire protection  
21 service authority plan, all powers, duties, and functions of a  
22 participating fire protection jurisdiction pertaining to (~~providing~~)  
23 fire protection and emergency services (~~may~~) shall be transferred(~~(~~  
24 ~~by resolution,~~) to the regional fire protection service authority on  
25 its creation date.

26 (2)(a) Except as otherwise provided in the regional fire protection  
27 service authority plan, and on the creation date of the regional fire  
28 protection service authority, all reports, documents, surveys, books,  
29 records, files, papers, or written material in the possession of the  
30 participating fire protection jurisdiction pertaining to (~~the~~) fire  
31 protection and emergency services powers, functions, and duties  
32 (~~transferred~~) shall be delivered to the (~~custody of the~~) regional  
33 fire protection service authority(~~(~~); all real property and personal  
34 property including cabinets, furniture, office equipment, motor  
35 vehicles, and other tangible property employed by the participating  
36 fire protection jurisdiction in carrying out the fire protection and  
37 emergency services powers, functions, and duties (~~transferred~~) shall

1 be (~~made available~~) transferred to the regional fire protection  
2 service authority(~~(-)~~); and all funds, credits, or other assets held by  
3 the participating fire protection jurisdiction in connection with the  
4 fire protection and emergency services powers, functions, and duties  
5 (~~transferred~~) shall be (~~assigned~~) transferred and credited to the  
6 regional fire protection service authority.

7 (b) Except as otherwise provided in the regional fire protection  
8 service authority plan, any appropriations made to the participating  
9 fire protection jurisdiction for carrying out the fire protection and  
10 emergency services powers, functions, and duties (~~transferred~~)  
11 shall(~~(, on the effective date of the resolution,)~~) be transferred and  
12 credited to the regional fire protection service authority.

13 (c) Except as otherwise provided in the regional fire protection  
14 service authority plan, whenever any question arises as to the transfer  
15 of any personnel, funds, books, documents, records, papers, files,  
16 equipment, or other tangible property used or held in the exercise of  
17 the powers and the performance of the duties and functions transferred,  
18 the governing body of the participating fire protection jurisdiction  
19 shall make a determination as to the proper allocation.

20 (3) Except as otherwise provided in the regional fire protection  
21 service authority plan, all rules and all pending business before the  
22 participating fire protection jurisdiction pertaining to the powers,  
23 functions, and duties transferred shall be continued and acted upon by  
24 the regional fire protection service authority(~~(-)~~), and all existing  
25 contracts and obligations shall remain in full force and shall be  
26 performed by the regional fire protection service authority.

27 (4) The transfer of the powers, duties, functions, and personnel of  
28 the participating fire protection jurisdiction shall not affect the  
29 validity of any act performed before (~~the effective date of the~~  
30 ~~resolution~~) creation of the regional fire protection service  
31 authority.

32 (5) If apportionments of budgeted funds are required because of the  
33 transfers (~~directed by the resolution~~), the treasurer (~~under RCW~~  
34 ~~52.26.170~~) for the authority shall certify the apportionments.

35 (6) Nothing contained in this section may be construed to alter any  
36 existing collective bargaining unit or the provisions of any existing  
37 collective bargaining agreement until the agreement has expired or

1 until the bargaining unit has been modified as provided by law. RCW  
2 (~~35.13.215 through 35.13.235~~) 52.06.110 through 52.06.130 apply to  
3 the transfer of employees under this section.

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

6 Territory that is annexed to a participating jurisdiction is  
7 annexed to the authority as of the effective date of the annexation.  
8 The statutes regarding transfer of assets and employees do not apply to  
9 the participating jurisdictions in the annexation.

10 Sec. 9. RCW 52.26.130 and 2004 c 129 s 14 are each amended to read  
11 as follows:

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

30 revenue pledged by an ((agreement)) interlocal contract may not  
31 be eliminated or modified if it would impair the pledge of the  
32 ((agreement)) contract. An authority may also issue general obligation  
33 bonds for capital purposes not to exceed an amount, together with any  
34 outstanding general obligation debt, equal to one and one-half percent  
35 of the value of the taxable property within the authority, and to  
36 provide for the retirement thereof by excess property tax levies, when



1 the voters of the authority have approved a proposition authorizing  
2 indebtedness and levies by an affirmative vote of three-fifths of those  
3 voting on the proposition at an election, at which election the total  
4 number of persons voting constitutes not less than forty percent of the  
5 voters in the authority who voted at the last preceding general state  
6 election. The maximum term of the bonds may not exceed twenty-five  
7 years. Elections shall be held as provided in RCW 39.36.050.  
8 Obligations of an authority shall be issued and sold in accordance with  
9 chapters 39.46 and 39.50 RCW, as applicable.

10 **Sec. 10.** RCW 52.26.140 and 2004 c 129 s 15 are each amended to  
11 read as follows:

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

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

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

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

33 (2) Levies in excess of the amounts provided in subsection (1) of  
34 this section or in excess of the aggregate dollar rate limitations or  
35 both may be made for any authority purpose when so authorized at a  
36 special election under RCW 84.52.052. Any such tax when levied must be  
37 certified to the proper county officials for the collection of the tax

1 as for other general taxes. The taxes when collected shall be placed  
2 in the appropriate authority fund or funds as provided by law, and must  
3 be paid out on warrants of the auditor of the county in which all, or  
4 the largest portion of, the authority is located, upon authorization of  
5 the governing board of the authority.

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

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

22 **Sec. 11.** RCW 52.26.220 and 2004 c 129 s 28 are each amended to  
23 read as follows:

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

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

5 "Shall . . . . . the regional fire protection service  
6 authority composed of (insert the participating fire protection  
7 jurisdictions) . . . . . be authorized to impose benefit  
8 charges each year for . . . . (insert number of years not to  
9 exceed six) years, not to exceed an amount equal to sixty  
10 percent of its operating budget, and be prohibited from  
11 imposing an additional property tax under RCW 52.26.140(1)(c)?

12 YES NO  
13

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

16 "Shall . . . . . the regional fire protection service authority  
17 composed of (insert the participating fire protection  
18 jurisdictions) . . . . . be authorized to continue voter-  
19 authorized benefit charges each year for . . . . (insert number  
20 of years not to exceed six) years, not to exceed an amount  
21 equal to sixty percent of its operating budget, and be  
22 prohibited from imposing an additional property tax under RCW  
23 52.26.140(1)(c)?

24 YES NO  
25

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