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HOUSE BILL 2020

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State of Washington

61st Legislature

2009 Regular Session

By Representatives Simpson, Chase, Hunter, and Van De Wege

Read first time 02/06/09. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to the annexation of unincorporated areas served by  
2 fire protection districts; amending RCW 35.10.360, 35.10.365,  
3 35.13.130, 35.13.215, and 35.13.225; adding new sections to chapter  
4 35.13 RCW; adding a new section to chapter 35.103 RCW; adding new  
5 sections to chapter 35A.14 RCW; and adding a new section to chapter  
6 35A.92 RCW.

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

8 **Sec. 1.** RCW 35.10.360 and 1986 c 254 s 4 are each amended to read  
9 as follows:

10 (1) If any portion of a fire protection district is proposed for  
11 annexation to or incorporation into a city, code city, or town, both  
12 the fire protection district and the city, code city, or town shall  
13 inform the employees of the fire protection district about hires,  
14 separations, terminations, and any other changes in employment that are  
15 a direct consequence of annexation or incorporations at the earliest  
16 reasonable opportunity.

17 (2) Upon the annexation of two or more cities or code cities, any  
18 employee of the fire department of the former city or cities who  
19 ((+1)) (a) was at the time of annexation employed exclusively or

1 principally in performing the powers, duties, and functions which are  
2 to be performed by the fire department of the annexed city or code  
3 city, as the case may be, ~~((+2))~~ (b) will, as a direct consequence of  
4 annexation, be separated from the employ of the former city, code city  
5 or town, and ~~((+3))~~ (c) can perform the duties and meet the minimum  
6 requirements of the position to be filled, then such employee may  
7 transfer employment to the fire department of the annexing city, as  
8 provided in this section and RCW 35.10.365 and 35.10.370.

9 (3) For purposes of this section and RCW 35.10.365 and 35.10.370,  
10 employee means an individual whose employment has been terminated  
11 because of annexation by a city, code city or town.

12 **Sec. 2.** RCW 35.10.365 and 1994 c 73 s 1 are each amended to read  
13 as follows:

14 (1) An eligible employee may transfer into the civil service system  
15 of the annexing city, code city, or town by filing a written request  
16 with the city, code city, or town civil service commission. Upon  
17 receipt of ~~((such))~~ the request by the civil service commission, the  
18 transfer of employment ~~((shall))~~ must be made. ~~((The employee so~~  
19 ~~transferring will (a) be on probation for the same period as are new~~  
20 ~~employees in the position filled, but if the transferring employee has~~  
21 ~~already completed a probationary period as a firefighter prior to the~~  
22 ~~transfer, then the employee may only be terminated during the~~  
23 ~~probationary period for failure to adequately perform assigned duties,~~  
24 ~~not meeting the minimum qualifications of the position, or behavior~~  
25 ~~that would otherwise be subject to disciplinary action, (b) be eligible~~  
26 ~~for promotion no later than after completion of the probationary~~  
27 ~~period, (c) receive a salary at least equal to that of other new~~  
28 ~~employees in the position filled, and (d) in all other matters, such as~~  
29 ~~retirement, sick leave, and vacation, have, within the city, code city,~~  
30 ~~or town civil service system, all the rights, benefits, and privileges~~  
31 ~~to which he or she would have been entitled as a member of the annexed~~  
32 ~~city, code city, or town fire department from the beginning of his or~~  
33 ~~her employment with the former city or code city fire department:~~  
34 ~~PROVIDED, That for purposes of layoffs by the annexing city or code~~  
35 ~~city, only the time of service accrued with the annexing city or code~~  
36 ~~city shall apply unless an agreement is reached between the collective~~  
37 ~~bargaining representatives of the employees of the annexing and annexed~~

1 ~~fire agencies and the annexing and annexed fire agencies. A record of~~  
2 ~~the employee's service with the former city or code city fire~~  
3 ~~department shall be transmitted to the applicable civil service~~  
4 ~~commission which shall be credited to such employee as a part of the~~  
5 ~~period of employment in the annexed city, code city, or town fire~~  
6 ~~department. All accrued benefits are transferable provided that the~~  
7 ~~recipient agency provides comparable benefits. All benefits shall then~~  
8 ~~accrue based on the combined seniority of each employee in the~~  
9 ~~recipient agency.~~

10 ~~(2) As many of the transferring employees shall be placed upon the~~  
11 ~~payroll of the annexing city, code city, or town fire department as the~~  
12 ~~department determines are needed to provide services. These)) The~~  
13 ~~needed employees shall be taken in order of seniority and the remaining~~  
14 ~~employees who transfer as provided in this section and RCW 35.10.360~~  
15 ~~and 35.10.370 shall head the list for employment in the civil service~~  
16 ~~system in order of their seniority, to the end that they shall be the~~  
17 ~~first to be reemployed in the city, code city, or town fire department~~  
18 ~~when appropriate positions become available: PROVIDED, That employees~~  
19 ~~who are not immediately hired by the city, code city, or town shall be~~  
20 ~~placed on a reemployment list for a period not to exceed thirty-six~~  
21 ~~months unless a longer period is authorized by an agreement reached~~  
22 ~~between the collective bargaining representatives of the employees of~~  
23 ~~the annexing and annexed fire agencies and the annexing and annexed~~  
24 ~~fire agencies.~~

25 (2) Upon transfer, unless an agreement for different terms of  
26 transfer is reached between the collective bargaining representatives  
27 of the transferring employees and the participating fire protection  
28 jurisdictions, an employee is entitled to the employee rights,  
29 benefits, and privileges to which he or she would have been entitled as  
30 an employee of the fire protection district, including rights to:

31 (a) Compensation at least equal to the level of compensation at the  
32 time of transfer, unless the employee's rank and duties have been  
33 reduced as a result of the transfer. If the transferring employee is  
34 placed in a position with reduced rank and duties, the employee's  
35 compensation may be adjusted, but the adjustment may not result in a  
36 decrease of greater than fifty percent of the difference between the  
37 employee's compensation before the transfer and the compensation level  
38 for the position that the employee is transferred to;

1 (b) Retirement, vacation, sick leave, and any other accrued  
2 benefit;

3 (c) Promotion and service time accrual; and

4 (d) The length or terms of probationary periods, including no  
5 requirement for an additional probationary period if one had been  
6 completed before the transfer date.

7 (3) If upon transfer, unless an agreement for different terms of  
8 transfer is reached between the collective bargaining representatives  
9 of the transferring employees and the participating fire protection  
10 jurisdictions, the transferring employee receives the rights, benefits,  
11 and privileges established under subsection (2)(a) through (d) of this  
12 section, those rights, benefits, and privileges are subject to  
13 collective bargaining at the end of the current bargaining period for  
14 the jurisdiction to which the employee has transferred.

15 **Sec. 3.** RCW 35.13.130 and 1990 c 33 s 566 are each amended to read  
16 as follows:

17 A petition for annexation of an area contiguous to a city or town  
18 may be made in writing addressed to and filed with the legislative body  
19 of the municipality to which annexation is desired. Except where all  
20 the property sought to be annexed is property of a school district, and  
21 the school directors thereof file the petition for annexation as in RCW  
22 28A.335.110 authorized, the petition must be signed by the owners of  
23 not less than (~~seventy-five~~) sixty percent in value according to the  
24 assessed valuation for general taxation of the property for which  
25 annexation is petitioned: PROVIDED, That in cities and towns with  
26 populations greater than one hundred sixty thousand located east of the  
27 Cascade mountains, the owner of tax exempt property may sign an  
28 annexation petition and have the tax exempt property annexed into the  
29 city or town, but the value of the tax exempt property shall not be  
30 used in calculating the sufficiency of the required property owner  
31 signatures unless only tax exempt property is proposed to be annexed  
32 into the city or town. The petition shall set forth a description of  
33 the property according to government legal subdivisions or legal plats  
34 which is in compliance with RCW 35.02.170, and shall be accompanied by  
35 a plat which outlines the boundaries of the property sought to be  
36 annexed. If the legislative body has required the assumption of all or  
37 of any portion of city or town indebtedness by the area annexed, and/or

1 the adoption of a comprehensive plan for the area to be annexed, these  
2 facts, together with a quotation of the minute entry of such  
3 requirement or requirements shall be set forth in the petition.

4 **Sec. 4.** RCW 35.13.215 and 1986 c 254 s 7 are each amended to read  
5 as follows:

6 (1) If any portion of a fire protection district is proposed for  
7 annexation to or incorporation into a city, code city, or town, both  
8 the fire protection district and the city, code city, or town shall  
9 inform the employees of the fire protection district about hires,  
10 separations, terminations, and any other changes in employment that are  
11 a direct consequence of annexation or incorporations at the earliest  
12 reasonable opportunity.

13 (2) If any portion of a fire protection district is annexed to or  
14 incorporated into a city, code city or town, any employee of the fire  
15 protection district who ((+1)) (a) was at the time of such annexation  
16 or incorporation employed exclusively or principally in performing the  
17 powers, duties, and functions which are to be performed by the city,  
18 code city or town fire department ((+2)) (b) will, as a direct  
19 consequence of annexation or incorporation, be separated from the  
20 employ of the fire protection district, and ((+3)) (c) can perform the  
21 duties and meet the minimum requirements of the position to be filled,  
22 then such employee may transfer employment to the civil service system  
23 of the city, code city or town fire department as provided for in this  
24 section and RCW 35.13.225 and 35.13.235.

25 (3) For purposes of this section and RCW 35.13.225 and 35.13.235,  
26 employee means an individual whose employment with a fire protection  
27 district has been terminated because the fire protection district was  
28 annexed by a city, code city or town for purposes of fire protection.

29 **Sec. 5.** RCW 35.13.225 and 1994 c 73 s 3 are each amended to read  
30 as follows:

31 (1) An eligible employee may transfer into the civil service system  
32 of the city, code city, or town fire department by filing a written  
33 request with the city, code city, or town civil service commission and  
34 by giving written notice ((thereof)) of the request to the board of  
35 commissioners of the fire protection district. Upon receipt of  
36 ((such)) the request by the civil service commission, the transfer of

1 employment ((shall)) must be made. ((The employee so transferring will  
2 (a) be on probation for the same period as are new employees of the  
3 city, code city, or town fire department in the position filled, but if  
4 the transferring employee has already completed a probationary period  
5 as a firefighter prior to the transfer, then the employee may only be  
6 terminated during the probationary period for failure to adequately  
7 perform assigned duties, not meeting the minimum qualifications of the  
8 position, or behavior that would otherwise be subject to disciplinary  
9 action, (b) be eligible for promotion no later than after completion of  
10 the probationary period, (c) receive a salary at least equal to that of  
11 other new employees of the city, code city, or town fire department in  
12 the position filled, and (d) in all other matters, such as retirement,  
13 sick leave, and vacation, have, within the city, code city, or town  
14 civil service system, all the rights, benefits, and privileges to which  
15 he or she would have been entitled as a member of the city, code city,  
16 or town fire department from the beginning of employment with the fire  
17 protection district: PROVIDED, That for purposes of layoffs by the  
18 annexing fire agency, only the time of service accrued with the  
19 annexing agency shall apply unless an agreement is reached between the  
20 collective bargaining representatives of the employees of the annexing  
21 and annexed fire agencies and the annexing and annexed fire agencies.  
22 The board of commissioners of the fire protection district shall, upon  
23 receipt of such notice, transmit to any applicable civil service  
24 commission a record of the employee's service with the fire protection  
25 district which shall be credited to such employee as a part of the  
26 period of employment in the city, code city, or town fire department.  
27 All accrued benefits are transferable provided that the recipient  
28 agency provides comparable benefits. All benefits shall then accrue  
29 based on the combined seniority of each employee in the recipient  
30 agency.

31 (2) As many of the transferring employees shall be placed upon the  
32 payroll of the city, code city, or town fire department as the  
33 department determines are needed to provide services. These)) The  
34 needed employees shall be taken in order of seniority and the remaining  
35 employees who transfer as provided in this section and RCW 35.13.215  
36 and 35.13.235 shall head the list for employment in the civil service  
37 system in order of their seniority, to the end that they shall be the  
38 first to be reemployed in the city, code city, or town fire department

1 when appropriate positions become available: PROVIDED, That employees  
2 who are not immediately hired by the city, code city, or town shall be  
3 placed on a reemployment list for a period not to exceed thirty-six  
4 months unless a longer period is authorized by an agreement reached  
5 between the collective bargaining representatives of the employees of  
6 the annexing and annexed fire agencies and the annexing and annexed  
7 fire agencies.

8 (2) Upon transfer, unless an agreement for different terms of  
9 transfer is reached between the collective bargaining representatives  
10 of the transferring employees and the participating fire protection  
11 jurisdictions, an employee is entitled to the employee rights,  
12 benefits, and privileges to which he or she would have been entitled as  
13 an employee of the fire protection district, including rights to:

14 (a) Compensation at least equal to the level of compensation at the  
15 time of transfer, unless the employee's rank and duties have been  
16 reduced as a result of the transfer. If the transferring employee is  
17 placed in a position with reduced rank and duties, the employee's  
18 compensation may be adjusted, but the adjustment may not result in a  
19 decrease of greater than fifty percent of the difference between the  
20 employee's compensation before the transfer and the compensation level  
21 for the position that the employee is transferred to;

22 (b) Retirement, vacation, sick leave, and any other accrued  
23 benefit;

24 (c) Promotion and service time accrual; and

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

28 (3) If upon transfer, unless an agreement for different terms of  
29 transfer is reached between the collective bargaining representatives  
30 of the transferring employees and the participating fire protection  
31 jurisdictions, the transferring employee receives the rights, benefits,  
32 and privileges established under subsection (2)(a) through (d) of this  
33 section, those rights, benefits, and privileges are subject to  
34 collective bargaining at the end of the current bargaining period for  
35 the jurisdiction to which the employee has transferred.

36 NEW SECTION. Sec. 6. A new section is added to chapter 35.13 RCW  
37 to read as follows:

1           Upon the written request of a fire protection district, cities and  
2 towns annexing territory under this chapter shall, prior to completing  
3 the annexation, issue a report regarding the likely effects that the  
4 annexation and any associated asset transfers may have upon the safety  
5 of residents within and outside the proposed annexation area. The  
6 report must address, but is not limited to, the provisions of fire  
7 protection and emergency medical services within and outside of the  
8 proposed annexation area. A fire protection district may only request  
9 a report under this section when at least five percent of the assessed  
10 valuation of the fire protection district will be annexed.

11           NEW SECTION.   **Sec. 7.** A new section is added to chapter 35.13 RCW  
12 to read as follows:

13           (1)(a) An annexation by a city or town that is proposing to annex  
14 territory served by one or more fire protection districts may be  
15 accomplished by ordinance after entering into an interlocal agreement  
16 as provided in chapter 39.34 RCW with the county and the fire  
17 protection district or districts that have jurisdiction over the  
18 territory proposed for annexation.

19           (b) The interlocal agreement must describe the boundaries of the  
20 territory proposed for annexation and must be consistent with the  
21 boundaries identified in an ordinance describing the boundaries of the  
22 territory proposed for annexation and setting a date for a public  
23 hearing on the ordinance. If the boundaries of the territory proposed  
24 for annexation are agreed to by all parties, the agreement is not  
25 subject to review by the boundary review board created under RCW  
26 35.13.176.

27           (2)(a) An interlocal agreement providing for a specific annexation  
28 that was entered into between an annexing city or town, a county, and  
29 a fire protection district before the effective date of this section  
30 satisfies the requirements of this section.

31           (b) An interlocal agreement providing general annexation terms for  
32 all annexations by a city or town that was entered into between an  
33 annexing city or town, a county, and a fire protection district before  
34 the effective date of this section satisfies the requirements of this  
35 section.

36           (3) A supplemental interlocal agreement may be negotiated to



1 address issues for a specific annexation if the issues are not  
2 sufficiently addressed in a general interlocal agreement.

3 (4) An interlocal annexation agreement under this section must  
4 include the following:

5 (a) A statement of the goals of the agreement. Goals must include,  
6 but are not limited to:

7 (i) The transfer of revenues and assets between the fire protection  
8 districts and the city or town;

9 (ii) A consideration and discussion of the impact to the level of  
10 service of annexation on the unincorporated area, and an agreement that  
11 the impact on the ability of fire protection and emergency medical  
12 services within the incorporated area must not be negatively impacted  
13 at least through the budget cycle in which the annexation occurs;

14 (iii) A discussion with fire protection districts regarding the  
15 division of assets and its impact to citizens inside and outside the  
16 newly annexed area;

17 (iv) Community involvement, including an agreed upon schedule of  
18 public meetings in the area or areas proposed for annexation;

19 (v) Revenue sharing, if any;

20 (vi) Debt distribution;

21 (vii) Capital facilities obligations of the city, county, and fire  
22 protection districts;

23 (viii) An overall schedule or plan on the timing of any annexations  
24 covered under this agreement; and

25 (ix) A description of which of the annexing cities' development  
26 regulations will apply and be enforced in the area.

27 (b) The subject areas and policies and procedures the parties agree  
28 to undertake in annexations. Subject areas may include, but are not  
29 limited to:

30 (i) Roads and traffic impact mitigation;

31 (ii) Surface and storm water management;

32 (iii) Coordination and timing of comprehensive plan and development  
33 regulation updates;

34 (iv) Outstanding bonds and special or improvement district  
35 assessments;

36 (v) Annexation procedures;

37 (vi) Distribution of debt and revenue sharing for annexation  
38 proposals, code enforcement, and inspection services;

1 (vii) Financial and administrative services; and

2 (viii) Consultation with other service providers, including water-  
3 sewer districts, if applicable.

4 (c) A term of at least five years, which may be extended by mutual  
5 agreement of the city or town, the county, and the fire protection  
6 district.

7 (5) If the fire protection district, annexing city or town, and  
8 county reach an agreement on the enumerated goals, the annexation  
9 ordinance may proceed and is not subject to referendum. If only the  
10 annexing city or town and county reach an agreement on the enumerated  
11 goals, the city or town and county may proceed with annexation under  
12 the interlocal agreement, but the annexation ordinance provided for in  
13 this section is subject to referendum for forty-five days after its  
14 passage. Upon the filing of a timely and sufficient referendum  
15 petition with the legislative body of the city or town, signed by  
16 qualified electors in a number not less than ten percent of the votes  
17 cast in the last general state election in the area to be annexed, the  
18 question of annexation must be submitted to the voters of the area in  
19 a general election if one is to be held within ninety days or at a  
20 special election called for that purpose according to RCW 29A.04.330.  
21 Notice of the election must be given as provided in RCW 35.13.080, and  
22 the election must be conducted as provided in the general election laws  
23 under Title 29A RCW. The annexation must be deemed approved by the  
24 voters unless a majority of the votes cast on the proposition are in  
25 opposition to the annexation.

26 After the expiration of the forty-fifth day from, but excluding,  
27 the date of passage of the annexation ordinance, if a timely and  
28 sufficient referendum petition has not been filed, the area annexed  
29 becomes a part of the city or town upon the date fixed in the ordinance  
30 of annexation.

31 (6) If any portion of a fire protection district is proposed for  
32 annexation to or incorporation into a city or town, both the fire  
33 protection district and the city or town shall inform the employees of  
34 the fire protection district about hires, separations, terminations,  
35 and any other changes in employment that are a direct consequence of  
36 annexation or incorporation.

37 (7) An eligible employee may transfer into the civil service system  
38 of the city or town fire department by filing a written request with

1 the city or town civil service commission and by giving written notice  
2 of the request to the board of commissioners of the fire protection  
3 district. Upon receipt of the request by the civil service commission,  
4 the transfer of employment must be made. Transfers under this section  
5 must be made in order of seniority.

6 (8) Upon transfer, unless an agreement for different terms of  
7 transfer is reached between the collective bargaining representatives  
8 of the transferring employees and the participating fire protection  
9 jurisdictions, an employee is entitled to the employee rights,  
10 benefits, and privileges to which he or she would have been entitled as  
11 an employee of the fire protection district, including rights to:

12 (a) Compensation at least equal to the level of compensation at the  
13 time of transfer;

14 (b) Retirement, vacation, sick leave, and any other accrued  
15 benefit;

16 (c) Promotion and service time accrual; and

17 (d) The length or terms of probationary periods, including no  
18 requirement for an additional probationary period if one had been  
19 completed before the transfer date.

20 NEW SECTION. **Sec. 8.** A new section is added to chapter 35.103 RCW  
21 to read as follows:

22 Cities and towns conducting annexations of all or part of fire  
23 protection districts shall, at least through the budget cycle in which  
24 the annexation occurs, maintain existing fire protection and emergency  
25 services response times in the newly annexed areas consistent with  
26 response times recorded prior to the annexation as defined in the  
27 previous annual report for the fire protection district and as reported  
28 in RCW 52.33.040. If the city or town is unable to maintain these  
29 service levels in the newly annexed area, the transfer of firefighters  
30 from the annexed fire protection district as a direct result of the  
31 annexation must occur as outlined in section 7(6) through (8) of this  
32 act.

33 NEW SECTION. **Sec. 9.** A new section is added to chapter 35A.14 RCW  
34 to read as follows:

35 (1)(a) An annexation by a code city proposing to annex territory  
36 served by one or more fire protection districts may be accomplished by

1 ordinance after entering into an interlocal agreement as provided in  
2 chapter 39.34 RCW with the county and the fire protection district or  
3 districts that have jurisdiction over the territory proposed for  
4 annexation.

5 (b) The interlocal agreement must describe the boundaries of the  
6 territory proposed for annexation and must be consistent with the  
7 boundaries identified in an ordinance describing the boundaries of the  
8 territory proposed for annexation and setting a date for a public  
9 hearing on the ordinance. If the boundaries of the territory proposed  
10 for annexation are agreed to by all parties, the agreement is not  
11 subject to review by the boundary review board created under RCW  
12 35A.14.160.

13 (2)(a) An interlocal agreement providing for a specific annexation  
14 that was entered into between an annexing code city, a county, and a  
15 fire protection district before the effective date of this section  
16 satisfies the requirements of this section.

17 (b) An interlocal agreement providing general annexation terms for  
18 all annexations by a code city that was entered into between an  
19 annexing code city, a county, and a fire protection district before the  
20 effective date of this section satisfies the requirements of this  
21 section.

22 (3) A supplemental interlocal agreement may be negotiated to  
23 address issues for a specific annexation if the issues are not  
24 sufficiently addressed in a general interlocal agreement.

25 (4) An interlocal annexation agreement under this section must  
26 include the following:

27 (a) A statement of the goals of the agreement. Goals must include,  
28 but are not limited to:

29 (i) The transfer of revenues and assets between the fire protection  
30 district and the code city;

31 (ii) A consideration and discussion of the impact to the level of  
32 service of annexation on the unincorporated area, and an agreement that  
33 the impact on the ability of fire protection and emergency medical  
34 services within the incorporated area must not be negatively impacted  
35 at least through the budget cycle in which the annexation occurs;

36 (iii) A discussion with fire protection districts regarding the  
37 division of assets and its impact to citizens inside and outside the  
38 newly annexed area;

1 (iv) Community involvement, including an agreed upon schedule of  
2 public meetings in the area or areas proposed for annexation;

3 (v) Revenue sharing, if any;

4 (vi) Debt distribution;

5 (vii) Capital facilities obligations of the code city, county, and  
6 fire protection districts;

7 (viii) An overall schedule or plan on the timing of any annexations  
8 covered under this agreement; and

9 (ix) A description of which of the annexing code cities'  
10 development regulations will apply and be enforced in the area.

11 (b) The subject areas and policies and procedures the parties agree  
12 to undertake in annexations. Subject areas may include, but are not  
13 limited to:

14 (i) Roads and traffic impact mitigation;

15 (ii) Surface and storm water management;

16 (iii) Coordination and timing of comprehensive plan and development  
17 regulation updates;

18 (iv) Outstanding bonds and special or improvement district  
19 assessments;

20 (v) Annexation procedures;

21 (vi) Distribution of debt and revenue sharing for annexation  
22 proposals, code enforcement, and inspection services;

23 (vii) Financial and administrative services; and

24 (viii) Consultation with other service providers, including water-  
25 sewer districts, if applicable.

26 (c) A term of at least five years, which may be extended by mutual  
27 agreement of the code city, the county, and the fire protection  
28 district.

29 (5) If the fire protection district, annexing code city, and county  
30 reach an agreement on the enumerated goals, the annexation ordinance  
31 may proceed and is not subject to referendum. If only the annexing  
32 code city and county reach an agreement on the enumerated goals, the  
33 code city and county may proceed with annexation under the interlocal  
34 agreement, but the annexation ordinance provided for in this section is  
35 subject to referendum for forty-five days after its passage. Upon the  
36 filing of a timely and sufficient referendum petition with the  
37 legislative body of the code city, signed by qualified electors in a  
38 number not less than ten percent of the votes cast in the last general

1 state election in the area to be annexed, the question of annexation  
2 must be submitted to the voters of the area in a general election if  
3 one is to be held within ninety days or at a special election called  
4 for that purpose according to RCW 29A.04.330. Notice of the election  
5 must be given as provided in RCW 35A.14.070, and the election must be  
6 conducted as provided in the general election laws under Title 29A RCW.  
7 The annexation must be deemed approved by the voters unless a majority  
8 of the votes cast on the proposition are in opposition to the  
9 annexation.

10 After the expiration of the forty-fifth day from, but excluding,  
11 the date of passage of the annexation ordinance, if a timely and  
12 sufficient referendum petition has not been filed, the area annexed  
13 becomes a part of the code city upon the date fixed in the ordinance of  
14 annexation.

15 NEW SECTION. **Sec. 10.** A new section is added to chapter 35A.14  
16 RCW to read as follows:

17 (1) If any portion of a fire protection district is proposed for  
18 annexation to or incorporation into a code city, both the fire  
19 protection district and the code city shall inform the employees of the  
20 fire protection district about hires, separations, terminations, and  
21 any other changes in employment that are a direct consequence of  
22 annexation or incorporation at the earliest reasonable opportunity.

23 (2) An eligible employee may transfer into the civil service system  
24 of the code city fire department by filing a written request with the  
25 code city civil service commission and by giving written notice of the  
26 request to the board of commissioners of the fire protection district.  
27 Upon receipt of the request by the civil service commission, the  
28 transfer of employment must be made. The needed employees shall be  
29 taken in order of seniority and the remaining employees who transfer as  
30 provided in this section and RCW 35.10.360 and 35.10.370 shall head the  
31 list for employment in the civil service system in order of their  
32 seniority, to the end that they shall be the first to be reemployed in  
33 the code city fire department when appropriate positions become  
34 available. Employees who are not immediately hired by the code city  
35 shall be placed on a reemployment list for a period not to exceed  
36 thirty-six months unless a longer period is authorized by an agreement

1 reached between the collective bargaining representatives of the  
2 employees of the annexing and annexed fire agencies and the annexing  
3 and annexed fire agencies.

4 (3) Upon transfer, unless an agreement for different terms of  
5 transfer is reached between the collective bargaining representatives  
6 of the transferring employees and the participating fire protection  
7 jurisdictions, an employee is entitled to the employee rights,  
8 benefits, and privileges to which he or she would have been entitled as  
9 an employee of the fire protection district, including rights to:

10 (a) Compensation at least equal to the level of compensation at the  
11 time of transfer, unless the employee's rank and duties have been  
12 reduced as a result of the transfer. If the transferring employee is  
13 placed in a position with reduced rank and duties, the employee's  
14 compensation may be adjusted, but the adjustment may not result in a  
15 decrease of greater than fifty percent of the difference between the  
16 employee's compensation before the transfer and the compensation level  
17 for the position that the employee is transferred to;

18 (b) Retirement, vacation, sick leave, and any other accrued  
19 benefit;

20 (c) Promotion and service time accrual; and

21 (d) The length or terms of probationary periods, including no  
22 requirement for an additional probationary period if one had been  
23 completed before the transfer date.

24 NEW SECTION. **Sec. 11.** A new section is added to chapter 35A.14  
25 RCW to read as follows:

26 Upon the written request of a fire protection district, code cities  
27 annexing territory under this chapter shall, prior to completing the  
28 annexation, issue a report regarding the likely effects that the  
29 annexation and any associated asset transfers may have upon the safety  
30 of residents within and outside the proposed annexation area. The  
31 report must address, but is not limited to, the provisions of fire  
32 protection and emergency medical services within and outside of the  
33 proposed annexation area. A fire protection district may only request  
34 a report under this section when at least five percent of the assessed  
35 valuation of the fire protection district will be annexed.

1        NEW SECTION.    **Sec. 12.**    A new section is added to chapter 35A.92  
2    RCW to read as follows:  
3        Code cities conducting annexations of all or part of fire  
4    protection districts shall, at least through the budget cycle in which  
5    the annexation occurs, maintain existing fire protection and emergency  
6    services response times in the newly annexed areas consistent with  
7    response times recorded prior to the annexation as defined in the  
8    previous annual report for the fire protection district and as reported  
9    in RCW 52.33.040.  If the code city is unable to maintain these service  
10   levels in the newly annexed area, the transfer of firefighters from the  
11   annexed fire protection district as a direct result of the annexation  
12   must occur as outlined in section 10 of this act.

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