

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5426**

61st Legislature  
2009 Regular Session

Passed by the Senate March 6, 2009  
YEAS 46 NAYS 0

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**President of the Senate**

Passed by the House April 7, 2009  
YEAS 98 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5426** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SENATE BILL 5426**

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Passed Legislature - 2009 Regular Session

**State of Washington                      61st Legislature                      2009 Regular Session**

**By** Senators Kastama, Berkey, and Fairley

Read first time 01/22/09.      Referred to Committee on Government  
Operations & Elections.

1            AN ACT Relating to authorizing certain areas in cities or towns  
2 with a population greater than five thousand but less than ten thousand  
3 to annex to a fire protection district; and amending RCW 52.04.061,  
4 52.04.071, 52.04.081, 52.04.091, 52.04.101, 52.04.111, 52.04.121, and  
5 52.04.131.

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

7            **Sec. 1.** RCW 52.04.061 and 1999 c 105 s 3 are each amended to read  
8 as follows:

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



1 NO . . . . . "

2 If a majority of the persons voting on the proposition in the city,  
3 partial city as set forth in RCW 52.04.061(2), or town and a majority  
4 of the persons voting on the proposition in the fire protection  
5 district vote in favor thereof, the city, partial city as set forth in  
6 RCW 52.04.061(2), or town shall be annexed and shall be a part of the  
7 fire protection district.

8 **Sec. 3.** RCW 52.04.081 and 1984 c 230 s 17 are each amended to read  
9 as follows:

10 The annual tax levies authorized by chapter 52.16 RCW shall be  
11 imposed throughout the fire protection district, including any city,  
12 partial city as set forth in RCW 52.04.061(2), or town annexed thereto.  
13 Any city, partial city as set forth in RCW 52.04.061(2), or town  
14 annexed to a fire protection district is entitled to levy up to three  
15 dollars and sixty cents per thousand dollars of assessed valuation less  
16 any regular levy made by the fire protection district or by a library  
17 district under RCW 27.12.390 in the incorporated area: PROVIDED, That  
18 the limitations upon regular property taxes imposed by chapter 84.55  
19 RCW apply.

20 **Sec. 4.** RCW 52.04.091 and 1989 c 76 s 1 are each amended to read  
21 as follows:

22 When any city, code city, partial city as set forth in RCW  
23 52.04.061(2), or town is annexed to a fire protection district under  
24 RCW 52.04.061 and 52.04.071, thereafter, any territory annexed by the  
25 city shall also be annexed and be a part of the fire protection  
26 district.

27 **Sec. 5.** RCW 52.04.101 and 1979 ex.s. c 179 s 3 are each amended to  
28 read as follows:

29 The legislative body of such a city, partial city as set forth in  
30 RCW 52.04.061(2), or town which has annexed to such a fire protection  
31 district, may, by resolution, present to the voters of such city,  
32 partial city as set forth in RCW 52.04.061(2), or town a proposition to  
33 withdraw from said fire protection district at any general election  
34 held at least three years following the annexation to the fire  
35 protection district. If the voters approve such a proposition to

1 withdraw from said fire protection district, the city, partial city as  
2 set forth in RCW 52.04.061(2), or town shall have a vested right in the  
3 capital assets of the district proportionate to the taxes levied within  
4 the corporate boundaries of the city, partial city as set forth in RCW  
5 52.04.061(2), or town and utilized by the fire district to acquire such  
6 assets.

7 **Sec. 6.** RCW 52.04.111 and 1986 c 254 s 10 are each amended to read  
8 as follows:

9 When any city, code city, partial city as set forth in RCW  
10 52.04.061(2), or town is annexed to a fire protection district under  
11 RCW 52.04.061 and 52.04.071, any employee of the fire department of  
12 such city, code city, partial city as set forth in RCW 52.04.061(2), or  
13 town who (1) was at the time of annexation employed exclusively or  
14 principally in performing the powers, duties, and functions which are  
15 to be performed by the fire protection district (2) will, as a direct  
16 consequence of annexation, be separated from the employ of the city,  
17 code city, partial city as set forth in RCW 52.04.061(2), or town, and  
18 (3) can perform the duties and meet the minimum requirements of the  
19 position to be filled, then such employee may transfer his employment  
20 to the fire protection district as provided in this section and RCW  
21 52.04.121 and 52.04.131.

22 For purposes of this section and RCW 52.04.121 and 52.04.131,  
23 employee means an individual whose employment with a city, code city,  
24 partial city as set forth in RCW 52.04.061(2), or town has been  
25 terminated because the city, code city, partial city as set forth in  
26 RCW 52.04.061(2), or town was annexed by a fire protection district for  
27 purposes of fire protection.

28 **Sec. 7.** RCW 52.04.121 and 1994 c 73 s 4 are each amended to read  
29 as follows:

30 (1) An eligible employee may transfer into the fire protection  
31 district civil service system, if any, or if none, then may request  
32 transfer of employment under this section by filing a written request  
33 with the board of fire commissioners of the fire protection district  
34 and by giving written notice to the legislative authority of the city,  
35 code city, partial city as set forth in RCW 52.04.061(2), or town.  
36 Upon receipt of such request by the board of fire commissioners the

1 transfer of employment shall be made. The employee so transferring  
2 will (a) be on probation for the same period as are new employees of  
3 the fire protection district in the position filled, but if the  
4 transferring employee has already completed a probationary period as a  
5 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 fire protection district in the position  
12 filled, and (d) in all other matters, such as retirement, vacation, and  
13 sick leave, have all the rights, benefits, and privileges to which he  
14 or she would have been entitled as an employee of the fire protection  
15 district from the beginning of employment with the city, code city,  
16 partial city as set forth in RCW 52.04.061(2), or town fire department:  
17 PROVIDED, That for purposes of layoffs by the annexing fire agency,  
18 only the time of service accrued with the annexing agency shall apply  
19 unless an agreement is reached between the collective bargaining  
20 representatives of the employees of the annexing and annexed fire  
21 agencies and the annexing and annexed fire agencies. The city, code  
22 city, partial city as set forth in RCW 52.04.061(2), or town shall,  
23 upon receipt of such notice, transmit to the board of fire  
24 commissioners a record of the employee's service with the city, code  
25 city, partial city as set forth in RCW 52.04.061(2), or town which  
26 shall be credited to such employee as a part of the period of  
27 employment in the fire protection district. All accrued benefits are  
28 transferable provided that the recipient agency provides comparable  
29 benefits. All benefits shall then accrue based on the combined  
30 seniority of each employee in the recipient agency.

31 (2) As many of the transferring employees shall be placed upon the  
32 payroll of the fire protection district as the district determines are  
33 needed to provide services. These needed employees shall be taken in  
34 order of seniority and the remaining employees who transfer as provided  
35 in this section and RCW 52.04.111 and 52.04.131 shall head the list for  
36 employment in the civil service system in order of their seniority, to  
37 the end that they shall be the first to be reemployed in the fire  
38 protection district when appropriate positions become available:

1 PROVIDED, That employees who are not immediately hired by the fire  
2 protection district shall be placed on a reemployment list for a period  
3 not to exceed thirty-six months unless a longer period is authorized by  
4 an agreement reached between the collective bargaining representatives  
5 of the employees of the annexing and annexed fire agencies and the  
6 annexing and annexed fire agencies.

7 **Sec. 8.** RCW 52.04.131 and 1986 c 254 s 12 are each amended to read  
8 as follows:

9 When a city, code city, partial city as set forth in RCW  
10 52.04.061(2), or town is annexed to a fire protection district and as  
11 a result any employee is laid off who is eligible to transfer to the  
12 fire protection district pursuant to this section and RCW 52.04.111 and  
13 52.04.121, the city, code city, partial city as set forth in RCW  
14 52.04.061(2), or town shall notify the employee of the right to  
15 transfer and the employee shall have ninety days to transfer employment  
16 to the fire protection district.

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