

ESHB 2708 - S COMM AMD

By Committee on Government Operations & Security

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 52.02
4 RCW to read as follows:

5 (1) As an alternative to the petition method of formation for
6 fire protection districts provided in this chapter, the legislative
7 authority of a city or town, except as otherwise provided in (d) of
8 this subsection, may by resolution, subject to the approval of the
9 voters, establish a fire protection district with boundaries that are
10 the same as the corporate boundaries of the city or town for the
11 provision of fire prevention services, fire suppression services, and
12 emergency medical services, and for the protection of life and
13 property within the city or town.

14 (a) Any resolution adopted by a city or town under this section
15 to establish a fire protection district must, at a minimum:

16 (i) Contain a financing plan for the fire protection district. As
17 part of the financing plan, the city or town may propose the
18 imposition of revenue sources authorized by this title for fire
19 protection districts, such as property taxes, as provided in chapter
20 52.16 RCW, or benefit charges, as provided in chapter 52.18 RCW; and

21 (ii) Set a date for a public hearing on the resolution.

22 (b) The financing plan in the resolution adopted by the city or
23 town must contain the following information regarding estimated
24 property tax anticipated to be imposed by the fire protection
25 district and city or town subsequent to the formation of the
26 district:

27 (i) The estimated total levy of the fire protection district in
28 the first year the fire protection district levies a property tax
29 under RCW 52.16.130, 52.16.140, or 52.16.160; and

30 (ii) The estimated reduction in the city or town general fund
31 property tax levy in the first year the fire protection district
32 levies a property tax under RCW 52.16.130, 52.16.140, or 52.16.160.

1 (c) If a city or town proposes the initial imposition of a
2 benefit charge as a revenue source for the fire protection district
3 under (a) of this subsection, the resolution adopted by the city or
4 town must comply with the requirements of RCW 52.18.030.

5 (d)(i) The fire protection district established by the city or
6 town legislative authority must be:

7 (A) Coextensive with the corporate boundaries of the city or
8 town; or

9 (B) If a municipal airport is located in whole or in part within
10 the corporate boundaries of the city or town and the governing body
11 of the municipal airport has not approved inclusion of the municipal
12 airport within the fire protection district, coextensive with the
13 corporate boundaries of the city or town excluding any area
14 containing the municipal airport. The boundaries of the proposed fire
15 protection district may include land on which the municipal airport
16 is located only if inclusion in the district is approved by a
17 majority of the governing body of the municipal airport.

18 (ii) For purposes of this subsection, "municipal airport" means
19 an airport owned or operated by a municipality, as defined in RCW
20 14.08.010, other than the city or town, for which the municipality
21 provides fire protection or contracts with any private body or
22 political subdivision of the state to furnish fire protection.

23 (e)(i) The resolution may authorize the fire protection district
24 to establish an ambulance service to be operated by the district or
25 operated by contract after a call for bids. However, the fire
26 protection district may not provide for the establishment of an
27 ambulance service that would compete with any existing private
28 ambulance service, unless the district determines that the area
29 served by the district, or a substantial portion of the area served
30 by the district, is not adequately served by an existing private
31 ambulance service.

32 (ii) In determining the adequacy of an existing private ambulance
33 service, the fire protection district must take into consideration
34 objective, generally accepted medical standards and reasonable levels
35 of service, which must be published by the district. If a fire
36 protection district makes a preliminary conclusion that an existing
37 private ambulance service is inadequate, the district must allow a
38 minimum of sixty days for the private ambulance service to meet the
39 generally accepted medical standards and accepted levels of service.
40 If the fire protection district makes a second preliminary conclusion

1 of inadequacy within a twenty-four month period, the district may
2 immediately issue a call for bids or establish its own ambulance
3 service and is not required to afford the private ambulance service
4 another sixty-day period to meet the generally accepted medical
5 standards and reasonable levels of service.

6 (iii) A private ambulance service that is not licensed by the
7 department of health, or that has had its license denied, suspended,
8 or revoked, is not entitled to a sixty-day period to demonstrate
9 adequacy, and the district may immediately issue a call for bids or
10 establish an ambulance service.

11 (f) Notice of public hearing on a resolution adopted by a city or
12 town must be published for three consecutive weeks in a newspaper of
13 general circulation in the city or town, and must be posted for at
14 least fifteen days prior to the date of the hearing in three public
15 places within the boundaries of the proposed fire protection
16 district. All notices must contain the time, date, and place of the
17 public hearing.

18 (2)(a) A resolution adopted under this section is not effective
19 unless approved by the voters of the city or town at a general
20 election. The resolution must be approved:

21 (i) By a simple majority of the voters of the city or town; or

22 (ii) If the resolution proposes the initial imposition of a
23 benefit charge, by sixty percent of the voters of the city or town.

24 (b) An election to approve or reject a resolution forming a fire
25 protection district, including the proposed financial plan and any
26 imposition of revenue sources for the fire protection district, must
27 be conducted by the election officials of the county or counties in
28 which the proposed district is located in accordance with the general
29 election laws of the state. The election must be held at the next
30 general election date, according to RCW 29A.04.321 and 29A.04.330,
31 occurring after the date of the public hearing on the resolution
32 adopted by the city or town legislative authority. The ballot title
33 must include the information regarding estimated property taxes in
34 the financing plan of the resolution required under subsection (1)(b)
35 of this section.

36 (c) If a ballot proposition on the resolution is approved by
37 voters, as provided in (a) of this subsection, the county legislative
38 authority shall by resolution declare the fire protection district
39 organized under the name designated in the ballot proposition.

1 **Sec. 2.** RCW 29A.36.071 and 2015 c 172 s 3 are each amended to
2 read as follows:

3 (1) Except as provided to the contrary in RCW 82.14.036,
4 82.46.021, or 82.80.090, the ballot title of any referendum filed on
5 an enactment or portion of an enactment of a local government and any
6 other question submitted to the voters of a local government consists
7 of three elements: (a) An identification of the enacting legislative
8 body and a statement of the subject matter; (b) a concise description
9 of the measure; and (c) a question. The ballot title must conform
10 with the requirements and be displayed substantially as provided
11 under RCW 29A.72.050, except that the concise description must not
12 exceed seventy-five words; however, a concise description submitted
13 on behalf of a proposed or existing regional transportation
14 investment district or a proposed fire protection district, as
15 provided in section 1 of this act, may exceed seventy-five words. If
16 the local governmental unit is a city or a town, or if the ballot
17 title is for a referendum under RCW 35.13A.115, the concise statement
18 (~~shall~~) must be prepared by the city or town attorney. If the local
19 governmental unit is a county, the concise statement (~~shall~~) must
20 be prepared by the prosecuting attorney of the county. If the unit is
21 a unit of local government other than a city, town, or county, the
22 concise statement (~~shall~~) must be prepared by the prosecuting
23 attorney of the county within which the majority area of the unit is
24 located.

25 (2) A referendum measure on the enactment of a unit of local
26 government (~~shall~~) must be advertised in the manner provided for
27 nominees for elective office.

28 (3) Subsection (1) of this section does not apply if another
29 provision of law specifies the ballot title for a specific type of
30 ballot question or proposition.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 52.02
32 RCW to read as follows:

33 (1) Except as provided otherwise in the resolution adopted by the
34 legislative authority of a city or town establishing a fire
35 protection district under section 1 of this act, all powers, duties,
36 and functions of the city or town fire department pertaining to fire
37 protection and emergency services of the city or town are transferred
38 to the fire protection district on its creation date.

1 (2)(a) The city or town fire department must transfer or deliver
2 to the fire protection district:

3 (i) All reports, documents, surveys, books, records, files,
4 papers, or written material in the possession of the city or town
5 fire department pertaining to fire protection and emergency services
6 powers, functions, and duties;

7 (ii) All real property and personal property including cabinets,
8 furniture, office equipment, motor vehicles, and other tangible
9 property employed by the city or town fire department in carrying out
10 the fire protection and emergency services powers, functions, and
11 duties; and

12 (iii) All funds, credits, or other assets held by the city or
13 town fire department in connection with fire protection and emergency
14 services powers, functions, and duties.

15 (b) Any appropriations made to the city or town fire department
16 for carrying out the fire protection and emergency services powers,
17 functions, and duties of the city or town must be transferred and
18 credited to the fire protection district.

19 (c) Whenever any question arises as to the transfer of any
20 personnel, funds, books, documents, records, papers, files,
21 equipment, or other tangible property used or held in the exercise of
22 the powers and the performance of the duties and functions
23 transferred to the fire protection district, the legislative
24 authority of the city or town must make a determination as to the
25 proper allocation.

26 (3) All rules and all pending business before the city or town
27 fire department pertaining to the fire protection and emergency
28 services powers, functions, and duties transferred must be continued
29 and acted upon by the fire protection district, and all existing
30 contracts and obligations remain in full force and must be performed
31 by the fire protection district.

32 (4) The transfer of powers, duties, functions, and personnel of
33 the city or town fire department do not affect the validity of any
34 act performed before creation of the fire protection district.

35 (5) If apportionments of budgeted funds are required because of
36 the transfers, the treasurer for the city or town fire department
37 must certify the apportionments.

38 (6)(a) Subject to (c) of this subsection, all employees of the
39 city or town fire department are transferred to the fire protection
40 district on its creation date. Upon transfer, unless an agreement for

1 different terms of transfer is reached between the collective
2 bargaining representatives of the transferring employees and the fire
3 protection district, an employee is entitled to the employee rights,
4 benefits, and privileges to which he or she would have been entitled
5 as an employee of the city or town fire department, including rights
6 to:

7 (i) Compensation at least equal to the level at the time of
8 transfer;

9 (ii) Retirement, vacation, sick leave, and any other accrued
10 benefit;

11 (iii) Promotion and service time accrual; and

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

15 (b) If a city or town provides for civil service in its fire
16 department, the collective bargaining representatives of the
17 transferring employees and the fire protection district must
18 negotiate regarding the establishment of a civil service system
19 within the fire protection district.

20 (c) Nothing contained in this section may be construed to alter
21 any existing collective bargaining unit or the provisions of any
22 existing collective bargaining agreement until the agreement has
23 expired or until the bargaining unit has been modified as provided by
24 law.

25 NEW SECTION. **Sec. 4.** A new section is added to chapter 52.14
26 RCW to read as follows:

27 The members of the legislative authority of a city or town shall
28 serve ex officio, by virtue of their office, as the fire
29 commissioners of a fire protection district created under section 1
30 of this act.

31 **Sec. 5.** RCW 52.14.010 and 2012 c 174 s 1 are each amended to
32 read as follows:

33 (1) The affairs of the district shall be managed by a board of
34 fire commissioners composed initially of three registered voters
35 residing in the district, except as provided otherwise in RCW
36 52.14.015 ((and)), 52.14.020, and section 3 of this act.

37 (2)(a) Each member of an elected board of fire commissioners
38 shall each receive one hundred four dollars per day or portion

1 thereof, not to exceed nine thousand nine hundred eighty-four dollars
2 per year, for time spent in actual attendance at official meetings of
3 the board or in performance of other services or duties on behalf of
4 the district. Members serving in an ex officio capacity on a board of
5 fire commissioners may not receive compensation, but shall receive
6 necessary expenses in accordance with (b) of this subsection.

7 ((In addition, they)) (b) Each member of a board of fire
8 commissioners shall receive necessary expenses incurred in attending
9 meetings of the board or when otherwise engaged in district business,
10 and shall be entitled to receive the same insurance available to all
11 firefighters of the district: PROVIDED, That the premiums for such
12 insurance, except liability insurance, shall be paid by the
13 individual commissioners who elect to receive it.

14 (c) Any commissioner may waive all or any portion of his or her
15 compensation payable under this section as to any month or months
16 during his or her term of office, by a written waiver filed with the
17 secretary as provided in this section. The waiver, to be effective,
18 must be filed any time after the commissioner's election and prior to
19 the date on which the compensation would otherwise be paid. The
20 waiver shall specify the month or period of months for which it is
21 made.

22 (3) The board shall fix the compensation to be paid the secretary
23 and all other agents and employees of the district. The board may, by
24 resolution adopted by unanimous vote, authorize any of its members to
25 serve as volunteer firefighters without compensation. A commissioner
26 actually serving as a volunteer firefighter may enjoy the rights and
27 benefits of a volunteer firefighter.

28 (4) The dollar thresholds established in this section must be
29 adjusted for inflation by the office of financial management every
30 five years, beginning July 1, 2008, based upon changes in the
31 consumer price index during that time period. "Consumer price index"
32 means, for any calendar year, that year's annual average consumer
33 price index, for Washington state, for wage earners and clerical
34 workers, all items, compiled by the bureau of labor and statistics,
35 United States department of labor. If the bureau of labor and
36 statistics develops more than one consumer price index for areas
37 within the state, the index covering the greatest number of people,
38 covering areas exclusively within the boundaries of the state, and
39 including all items shall be used for the adjustments for inflation
40 in this section. The office of financial management must calculate

1 the new dollar threshold and transmit it to the office of the code
2 reviser for publication in the Washington State Register at least one
3 month before the new dollar threshold is to take effect.

4 (5) A person holding office as commissioner for two or more
5 special purpose districts or serving ex officio as commissioner as a
6 member of the legislative authority of a city or town shall receive
7 only that per diem compensation authorized for one of his or her
8 (~~commissioner~~) official positions as compensation for attending an
9 official meeting or conducting official services or duties while
10 representing more than one (~~of his or her districts~~) district or
11 representing a municipality and a district. However, such
12 commissioner may receive additional per diem compensation if approved
13 by resolution of (~~all~~) the boards of (~~the~~) an affected
14 commission(~~s~~), city, or town.

15 **Sec. 6.** RCW 52.14.020 and 2012 c 174 s 2 are each amended to
16 read as follows:

17 (1) In a fire protection district (~~maintaining~~) with elected
18 commissioners that maintains a fire department consisting wholly of
19 personnel employed on a full-time, fully-paid basis, there shall be
20 five fire commissioners. A fire protection district with an annual
21 budget of ten million dollars or more may have seven fire
22 commissioners.

23 (2)(a) If two positions are created on boards of fire
24 commissioners by this section, such positions shall be filled
25 initially as for a vacancy, except that the appointees shall draw
26 lots, one appointee to serve until the next general fire district
27 election after the appointment, at which two commissioners shall be
28 elected for six-year terms, and the other appointee to serve until
29 the second general fire district election after the appointment, at
30 which two commissioners shall be elected for six-year terms.

31 (b) If four positions are created on boards of fire commissioners
32 by this section, such positions shall be filled initially as for a
33 vacancy, except that the appointees shall draw lots, three appointees
34 to serve until the next general fire district election after the
35 appointment, at which three commissioners shall be elected for
36 six-year terms and two commissioners shall be elected for four-year
37 terms, and the other appointee to serve until the second general fire
38 district election after the appointment, at which two commissioners
39 shall be elected for six-year terms.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 52.02
2 RCW to read as follows:

3 (1) If a city or town establishes a fire protection district with
4 boundaries that are the same as the corporate boundaries of the city
5 or town, the general fund levy of the city or town must not exceed
6 three dollars and sixty cents per thousand dollars of assessed
7 valueless:

8 (a) The applicable levy rate of any regular levy made in
9 accordance with RCW 27.12.050, 27.12.150, and 27.12.420, if the city
10 is annexed to a rural library district, island library district, or
11 intercounty rural library district; and

12 (b) The aggregate levy rates of any regular levy made by the city
13 or town fire protection district as authorized in RCW 52.16.130,
14 52.16.140, and 52.16.160.

15 (2) If a fire protection district established by the city or town
16 joins a regional fire protection service authority under chapter
17 52.26 RCW, the general fund levy of the city or town must not exceed
18 the rate authorized in RCW 84.52.043(1)(d) less:

19 (a) The applicable levy rate of any regular levy made in
20 accordance with RCW 27.12.050, 27.12.150, and 27.12.420, if the city
21 is annexed to a rural library district, island library district, or
22 intercounty rural library district; and

23 (b) The aggregate levy rates of any regular levy made by the
24 regional fire protection service authority as authorized in RCW
25 52.26.140(1).

26 **Sec. 8.** RCW 41.16.060 and 1987 c 319 s 2 are each amended to
27 read as follows:

28 (1) It shall be the duty of the legislative authority of each
29 municipality, each year as a part of its annual tax levy, to levy and
30 place in the fund a tax of twenty-two and one-half cents per thousand
31 dollars of assessed value against all the taxable property of such
32 municipality: PROVIDED, That if a report by a qualified actuary on
33 the condition of the fund establishes that the whole or any part of
34 said dollar rate is not necessary to maintain the actuarial soundness
35 of the fund, the levy of said twenty-two and one-half cents per
36 thousand dollars of assessed value may be omitted, or the whole or
37 any part of said dollar rate may be levied and used for any other
38 municipal purpose.

1 (2) It shall be the duty of the legislative authority of each
2 municipality, each year as a part of its annual tax levy and in
3 addition to the city levy limit set forth in RCW 84.52.043, to levy
4 and place in the fund an additional tax of twenty-two and one-half
5 cents per thousand dollars of assessed value against all taxable
6 property of such municipality: PROVIDED, That if a report by a
7 qualified actuary establishes that all or any part of the additional
8 twenty-two and one-half cents per thousand dollars of assessed value
9 levy is unnecessary to meet the estimated demands on the fund under
10 this chapter for the ensuing budget year, the levy of said additional
11 twenty-two and one-half cents per thousand dollars of assessed value
12 may be omitted, or the whole or any part of such dollar rate may be
13 levied and used for any other municipal purpose: PROVIDED FURTHER,
14 That cities that have annexed to library districts according to RCW
15 27.12.360 through 27.12.395 (~~and/or~~), fire protection districts
16 according to RCW 52.04.061 through 52.04.081, and/or formed a fire
17 protection district in accordance with chapter 52.02 RCW shall not
18 levy this additional tax to the extent that it causes the combined
19 levies to exceed the statutory or constitutional limits.

20 (3) The amount of a levy under subsection (1) of this section
21 allocated to the pension fund may be reduced in the same proportion
22 as the regular property tax levy of the municipality is reduced by
23 chapter 84.55 RCW."

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24 On page 1, line 2 of the title, after "approval;" strike the
25 remainder of the title and insert "amending RCW 29A.36.071,
26 52.14.010, 52.14.020, and 41.16.060; adding new sections to chapter
27 52.02 RCW; and adding a new section to chapter 52.14 RCW."

EFFECT: Levy Modifications. Allows the levy information included
in the financing plan and the ballot title to be estimated.
Eliminates the requirement that the financing plan contain an
estimated aggregate net dollar amount impact on property owners.
Eliminates the requirement that a city or town must reduce its
general fund regular property tax levy by the total combined levy of
the fire protection district. Removes limits on a city or town's
banked levy capacity. Limits the general fund levy of a city or town
that establishes a fire protection district to \$3.60 per \$1,000 of

assessed value, less the aggregate levy rates of the fire protection district. Limits the general fund levy of a city or town with an established fire protection district, which later joins a regional fire protection service authority, to \$3.37 and one-half cent per \$1,000 of assessed value, less the aggregate levy rates of the regional fire protection service authority. These city and town levy amounts are to be further reduced by the applicable levy rates of a library district, if that city or town is annexed to a library district. Prohibits a city or town that has established a fire protection district from levying an additional firefighters pension fund levy if it causes combined levies to exceed statutory or constitutional limits.

Municipal Airport. Prohibits the inclusion of a municipal airport within a proposed fire protection district established by a city or town, unless the governing body of the airport agrees to the airport's inclusion.

Ambulance Service. Prohibits a fire protection district established by a city or town from establishing an ambulance service that would compete with an existing adequate ambulance service. Provides a process for determining if an ambulance service is adequate.

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