

ESSB 5628 - H COMM AMD
By Committee on Local Government

ADOPTED 04/11/2017

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 may by resolution, subject to the
8 approval of the voters, establish a fire protection district with
9 boundaries that are the same as the corporate boundaries of the city
10 or town for the provision of fire prevention services, fire
11 suppression services, and emergency medical services, and for the
12 protection of life and property within the city or town.

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

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

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

21 (b) The financing plan in the resolution adopted by the city or
22 town must contain the following information regarding property taxes
23 that will be imposed by the fire protection district and city or town
24 subsequent to the formation of the district:

25 (i) The dollar amount the fire protection district will levy in
26 the first year in which the fire protection district imposes any of
27 the regular property taxes in RCW 52.16.130, 52.16.140, or 52.16.160;

28 (ii) The city's or town's highest lawful levy for the purposes of
29 RCW 84.55.092, reduced by the fire protection district's levy amount
30 from (b)(i) of this subsection. This reduced highest lawful levy
31 becomes the city's or town's highest lawful levy since 1986 for
32 subsequent levy limit calculations under chapter 84.55 RCW; and

1 (iii) The estimated aggregate net dollar amount impact on
2 property owners within the city or town based on the changes
3 described in (b)(i) and (ii) of this subsection (1).

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

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

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

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

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

21 (b) An election to approve or reject a resolution forming a fire
22 protection district, including the proposed financial plan and any
23 imposition of revenue sources for the fire protection district, must
24 be conducted by the election officials of the county or counties in
25 which the proposed district is located in accordance with the general
26 election laws of the state. If a resolution forming a fire protection
27 district provides that the fire protection district will be governed
28 by a board of fire commissioners, as permitted under section 6 of
29 this act, then the initial fire commissioners must be elected at the
30 same election where the resolution is submitted to the voters
31 authorizing the creation of the fire protection district. The
32 election must be held at the next general election date, according to
33 RCW 29A.04.321 and 29A.04.330, occurring after the date of the public
34 hearing on the resolution adopted by the city or town legislative
35 authority. The ballot title must include the information regarding
36 property taxes that is required to be in the financing plan of the
37 resolution under subsection (1)(b) of this section.

38 (c) If a ballot proposition on the resolution is approved by
39 voters, as provided in (a) of this subsection, the county legislative

1 authority shall by resolution declare the fire protection district
2 organized under the name designated in the ballot proposition.

3 (d) Nothing contained in this chapter may be construed to alter a
4 municipal airport fire department or affect any powers authorized
5 under RCW 14.08.120(2). If a question arises as to whether this
6 chapter modifies the affairs of municipal airports in any way, the
7 answer is no.

8 (3) A city or town must reduce its general fund regular property
9 tax levy by the total combined levy of the fire protection district
10 as proposed by the district in accordance with subsection (1)(b)(i)
11 of this section. The reduced levy amount of the city or town must
12 occur in the first year in which the fire protection district imposes
13 any of the property taxes in RCW 52.16.130, 52.16.140, or 52.16.160
14 and must be specified in the financing plan and ballot proposition as
15 provided in this section. If the fire protection district does not
16 impose all three levies under RCW 52.16.130, 52.16.140, and 52.16.160
17 when it begins operations, the city must further reduce its general
18 fund regular property tax levy if the district initially imposes any
19 of the levies in subsequent years, by the amount of such levy or
20 levies initially imposed in a subsequent year.

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

23 (1) A fire protection district may establish an ambulance service
24 to be operated as a public utility. However, the fire protection
25 district may not provide for the establishment of an ambulance
26 service utility that would compete with any existing private
27 ambulance service unless the fire protection district determines that
28 the area served by the fire protection district, or a substantial
29 portion of that area, is not adequately served by an existing private
30 ambulance service.

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

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

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

12 (4) A private ambulance service that abandons service in the area
13 served by the fire protection district, or a substantial portion of
14 the area served by the fire protection district, is not entitled to a
15 sixty-day period to demonstrate adequacy, and the fire protection
16 district may immediately issue a call for bids or establish an
17 ambulance service utility. If a fire protection district becomes
18 aware of an intent to abandon service at a future date, the fire
19 protection district may immediately issue a call for bids or
20 establish an ambulance service utility to avoid an interruption in
21 service.

22 (5) For purposes of this section, "fire protection district"
23 means a fire protection district established by the legislative
24 authority of a city or town pursuant to section 1 of this act.

25 **Sec. 3.** RCW 84.55.092 and 1998 c 16 s 3 are each amended to read
26 as follows:

27 (1) The regular property tax levy for each taxing district other
28 than the state may be set at the amount which would be allowed
29 otherwise under this chapter if the regular property tax levy for the
30 district for taxes due in prior years beginning with 1986 had been
31 set at the full amount allowed under this chapter including any levy
32 authorized under RCW 52.16.160 that would have been imposed but for
33 the limitation in RCW 52.18.065, applicable upon imposition of the
34 benefit charge under chapter 52.18 RCW.

35 (2) The purpose of subsection (1) of this section is to remove
36 the incentive for a taxing district to maintain its tax levy at the
37 maximum level permitted under this chapter, and to protect the future
38 levy capacity of a taxing district that reduces its tax levy below
39 the level that it otherwise could impose under this chapter, by

1 removing the adverse consequences to future levy capacities resulting
2 from such levy reductions.

3 (3) Subsection (1) of this section does not apply to any portion
4 of a city or town's regular property tax levy that has been reduced
5 as part of the formation of a fire protection district under section
6 1 of this act.

7 **Sec. 4.** RCW 29A.36.071 and 2015 c 172 s 3 are each amended to
8 read as follows:

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

31 (2) A referendum measure on the enactment of a unit of local
32 government ((shall)) must be advertised in the manner provided for
33 nominees for elective office.

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

37 NEW SECTION. **Sec. 5.** A new section is added to chapter 52.02
38 RCW to read as follows:

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

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

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

13 (ii) All real property and personal property including cabinets,
14 furniture, office equipment, motor vehicles, and other tangible
15 property employed by the city or town fire department in carrying out
16 the fire protection and emergency services powers, functions, and
17 duties; and

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

21 (b) Any appropriations made to the city or town fire department
22 for carrying out the fire protection and emergency services powers,
23 functions, and duties of the city or town must be transferred and
24 credited to the fire protection district.

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

32 (3) All rules and all pending business before the city or town
33 fire department pertaining to the fire protection and emergency
34 services powers, functions, and duties transferred must be continued
35 and acted upon by the fire protection district, and all existing
36 contracts and obligations remain in full force and must be performed
37 by the fire protection district.

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

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

4 (6)(a) Subject to (c) of this subsection, all employees of the
5 city or town fire department are transferred to the fire protection
6 district on its creation date. Upon transfer, unless an agreement for
7 different terms of transfer is reached between the collective
8 bargaining representatives of the transferring employees and the fire
9 protection district, an employee is entitled to the employee rights,
10 benefits, and privileges to which he or she would have been entitled
11 as an employee of the city or town fire department, including rights
12 to:

13 (i) Compensation at least equal to the level at the time of
14 transfer;

15 (ii) Retirement, vacation, sick leave, and any other accrued
16 benefit;

17 (iii) Promotion and service time accrual; and

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

21 (b) If a city or town provides for civil service in its fire
22 department, the collective bargaining representatives of the
23 transferring employees and the fire protection district must
24 negotiate regarding the establishment of a civil service system
25 within the fire protection district.

26 (c) Nothing contained in this section may be construed to alter
27 any existing collective bargaining unit or the provisions of any
28 existing collective bargaining agreement until the agreement has
29 expired or until the bargaining unit has been modified as provided by
30 law.

31 NEW SECTION. **Sec. 6.** A new section is added to chapter 52.14
32 RCW to read as follows:

33 (1) The members of the legislative authority of a city or town
34 shall serve ex officio, by virtue of their office, as the fire
35 commissioners of a fire protection district created under section 1
36 of this act.

37 (2) The legislative authority of a city or town may, within the
38 initial resolution establishing the district's formation, relinquish
39 governance authority of a fire protection district created under this

1 act to an independently elected board of commissioners to be elected
2 in accordance with RCW 52.14.060.

3 (3)(a) The legislative authority of a city or town may, by a
4 majority vote of its members in an open public meeting, relinquish
5 governance authority of a fire protection district created under this
6 act to an appointed board of three fire commissioners at any time
7 after formation. Each appointed commissioner serves until successors
8 are elected at the next qualified election.

9 At the next qualified election, the person who receives the
10 greatest number of votes for each commissioner position is elected to
11 that position. The terms of office for the initial elected fire
12 commissioners are staggered as follows:

13 (i) The person who is elected receiving the greatest number of
14 votes is elected to a six-year term of office if the election is held
15 in an odd-numbered year, or a five-year term of office if the
16 election is held in an even-numbered year;

17 (ii) The person who is elected receiving the next greatest number
18 of votes is elected to a four-year term of office if the election is
19 held in an odd-numbered year, or a three-year term of office if the
20 election is held in an even-numbered year; and

21 (iii) The other person who is elected is elected to a two-year
22 term of office if the election is held in an odd-numbered year, or a
23 one-year term of office if the election is held in an even-numbered
24 year. The term of office for each subsequent commissioner is six
25 years.

26 (b) If the legislative authority of a city or town relinquishes
27 governance authority of a fire protection district after formation
28 under this section, and that fire protection district maintains a
29 fire department consisting wholly of personnel employed on a full-
30 time, fully paid basis, that district shall have five fire
31 commissioners. The terms of office for the initial elected fire
32 commissioners are staggered as follows:

33 (i) The two people elected receiving the two greatest number of
34 votes are elected to six-year terms of office if the election is held
35 in an odd-numbered year, or five-year terms of office if the election
36 is held in an even-numbered year;

37 (ii) The two people who are elected receiving the next two
38 greatest number of votes are elected to four-year terms of office if
39 the election is held in an odd-numbered year, or three-year terms of
40 office if the election is held in an even-numbered year; and

1 (iii) The other person who is elected is elected to a two-year
2 term of office if the election is held in an odd-numbered year, or a
3 one-year term of office if the election is held in an even-numbered
4 year. The term of office for each subsequent commissioner is six
5 years.

6 (c) If the legislative authority of a city or town relinquishes
7 governance authority of a fire protection district after formation
8 under this section, and that fire protection district has an annual
9 budget of ten million dollars or more, that district must have seven
10 fire commissioners. The terms of office for the initial elected fire
11 commissioners are staggered as follows:

12 (i) The three people who are elected receiving the three greatest
13 number of votes are elected to six-year terms of office if the
14 election is held in an odd-numbered year, or five-year terms of
15 office if the election is held in an even-numbered year;

16 (ii) The two people who are elected receiving the next two
17 greatest number of votes are elected to four-year terms of office if
18 the election is held in an odd-numbered year, or three-year terms of
19 office if the election is held in an even-numbered year; and

20 (iii) The other two people who are elected are elected to two-
21 year terms of office if the election is held in an odd-numbered year,
22 or one-year terms of office if the election is held in an even-
23 numbered year. The term of office for each subsequent commissioner is
24 six years.

25 **Sec. 7.** RCW 52.14.010 and 2012 c 174 s 1 are each amended to
26 read as follows:

27 (1) The affairs of the district shall be managed by a board of
28 fire commissioners composed initially of three registered voters
29 residing in the district, except as provided otherwise in RCW
30 52.14.015 ~~((and))~~, 52.14.020, and section 6 of this act.

31 (2)(a) Each member of an elected board of fire commissioners
32 shall each receive one hundred four dollars per day or portion
33 thereof, not to exceed nine thousand nine hundred eighty-four dollars
34 per year, for time spent in actual attendance at official meetings of
35 the board or in performance of other services or duties on behalf of
36 the district. Members serving in an ex officio capacity on a board of
37 fire commissioners may not receive compensation, but shall receive
38 necessary expenses in accordance with (b) of this subsection.

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

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

16 (3) The board shall fix the compensation to be paid the secretary
17 and all other agents and employees of the district. The board may, by
18 resolution adopted by unanimous vote, authorize any of its members to
19 serve as volunteer firefighters without compensation. A commissioner
20 actually serving as a volunteer firefighter may enjoy the rights and
21 benefits of a volunteer firefighter.

22 (4) The dollar thresholds established in this section must be
23 adjusted for inflation by the office of financial management every
24 five years, beginning July 1, 2008, based upon changes in the
25 consumer price index during that time period. "Consumer price index"
26 means, for any calendar year, that year's annual average consumer
27 price index, for Washington state, for wage earners and clerical
28 workers, all items, compiled by the bureau of labor and statistics,
29 United States department of labor. If the bureau of labor and
30 statistics develops more than one consumer price index for areas
31 within the state, the index covering the greatest number of people,
32 covering areas exclusively within the boundaries of the state, and
33 including all items shall be used for the adjustments for inflation
34 in this section. The office of financial management must calculate
35 the new dollar threshold and transmit it to the office of the code
36 reviser for publication in the Washington State Register at least one
37 month before the new dollar threshold is to take effect.

38 (5) A person holding office as commissioner for two or more
39 special purpose districts or serving ex officio as commissioner as a
40 member of the legislative authority of a city or town shall receive

1 only that per diem compensation authorized for one of his or her
2 (~~commissioner~~) official positions as compensation for attending an
3 official meeting or conducting official services or duties while
4 representing more than one (~~of his or her districts~~) district or
5 representing a municipality and a district. However, such
6 commissioner may receive additional per diem compensation if approved
7 by resolution of (~~all~~) the boards of (~~the~~) an affected
8 commission(~~s~~), city, or town.

9 **Sec. 8.** RCW 52.14.020 and 2012 c 174 s 2 are each amended to
10 read as follows:

11 (1) In a fire protection district (~~maintaining~~) with elected
12 commissioners that maintains a fire department consisting wholly of
13 personnel employed on a full-time, fully-paid basis, there shall be
14 five fire commissioners. A fire protection district with an annual
15 budget of ten million dollars or more may have seven fire
16 commissioners.

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

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

34 **Sec. 9.** RCW 84.09.030 and 2012 c 186 s 17 are each amended to
35 read as follows:

36 (1)(a) Except as provided in (b) (~~and~~), (c), and (d) of this
37 subsection (1), for the purposes of property taxation and the levy of
38 property taxes, the boundaries of counties, cities, and all other

1 taxing districts shall be the established official boundaries of such
2 districts existing on the first day of August of the year in which
3 the property tax levy is made.

4 (b) The boundaries for a newly incorporated port district or
5 regional fire protection service authority shall be established on
6 the first day of October if the boundaries of the newly incorporated
7 port district or regional fire protection service authority are
8 coterminous with the boundaries of another taxing district or
9 districts, as they existed on the first day of August of that year.

10 (c) The boundaries of a school district that is required to
11 receive or annex territory due to the dissolution of a financially
12 insolvent school district under RCW 28A.315.225 must be the
13 established official boundaries of such districts existing on the
14 first day of September of the year in which the property tax levy is
15 made.

16 (d) The boundaries of a newly established fire protection
17 district authorized under section 1 of this act are the established
18 official boundaries of the district as of the date that the voter-
19 approved proposition required under section 1 of this act is
20 certified.

21 (2) In any case where any instrument setting forth the official
22 boundaries of any newly established taxing district, or setting forth
23 any change in the boundaries, is required by law to be filed in the
24 office of the county auditor or other county official, the instrument
25 shall be filed in triplicate. The officer with whom the instrument is
26 filed shall transmit two copies of the instrument to the county
27 assessor.

28 (3) No property tax levy shall be made for any taxing district
29 whose boundaries are not established as of the dates provided in this
30 section."

31 Correct the title.

EFFECT: Makes the following changes to provisions relating to the
authority of a fire protection district to establish an ambulance
service:

- (1) Strikes all provisions and moves them to a new section;
- (2) Strikes all references to "city or town fire protection
district" and "district" and replaces them with the term "fire
protection district"; and

(3) Defines "fire protection district," as a fire protection district established by the legislative authority of a city or town under the provisions of the bill.

--- END ---