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**SUBSTITUTE HOUSE BILL 1751**

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**State of Washington                      65th Legislature                      2017 Regular Session**

**By** House Local Government (originally sponsored by Representatives Farrell and Goodman)

READ FIRST TIME 02/17/17.

1            AN ACT Relating to allowing fire protection district annexations  
2 and mergers within a reasonable geographic proximity and eliminating  
3 cross-county restrictions for annexations to a fire protection  
4 district; and amending RCW 52.04.061, 52.04.071, 52.04.081,  
5 52.04.091, 52.04.101, 52.04.111, 52.04.121, 52.04.131, 52.04.171, and  
6 52.06.010.

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

8            **Sec. 1.** RCW 52.04.061 and 2010 c 136 s 2 are each amended to  
9 read as follows:

10            (1) A city or town (~~lying adjacent~~) located within reasonable  
11 proximity to a fire protection district may be annexed to such  
12 district if at the time of the initiation of annexation the  
13 population of the city or town is 300,000 or less. The legislative  
14 authority of the city or town may initiate annexation by the adoption  
15 of an ordinance stating an intent to join the fire protection  
16 district and finding that the public interest will be served thereby.  
17 If the board of fire commissioners of the fire protection district  
18 shall concur in the annexation, notification thereof shall be  
19 transmitted to the legislative authority or authorities of the  
20 counties in which the city or town and the district are situated.

1           (2) (~~When a city or town is located in two counties, and at~~  
2 ~~least eighty percent of the population resides in one county, all of~~  
3 ~~that portion of the city lying in that county and encompassing eighty~~  
4 ~~percent of the population may be annexed to a fire protection~~  
5 ~~district if at the time of the initiation of annexation the proposed~~  
6 ~~area lies adjacent to a fire protection district, and the population~~  
7 ~~of the proposed area is greater than five thousand but less than ten~~  
8 ~~thousand. The legislative authority of the city or town may initiate~~  
9 ~~annexation by the adoption of an ordinance stating an intent to join~~  
10 ~~the fire protection district and finding that the public interest~~  
11 ~~will be served thereby. If the board of fire commissioners of the~~  
12 ~~fire protection district shall concur in the annexation, notification~~  
13 ~~thereof must be transmitted to the legislative authority or~~  
14 ~~authorities of the counties in which the city or town and the~~  
15 ~~district are situated.)) For the purposes of this section,  
16 "reasonable proximity" means geographical areas near enough to each  
17 other so that governance, management, and services can be delivered  
18 effectively.~~

19           **Sec. 2.** RCW 52.04.071 and 2011 c 10 s 82 are each amended to  
20 read as follows:

21           The county legislative authority or authorities shall by  
22 resolution call a special election to be held in the city(~~(, partial~~  
23 ~~city as set forth in RCW 52.04.061(2),)~~) or town and in the fire  
24 protection district at the next date according to RCW 29A.04.321, and  
25 shall cause notice of the election to be given as provided for in RCW  
26 29A.52.355.

27           The election on the annexation of the city(~~(, partial city as set~~  
28 ~~forth in RCW 52.04.061(2),)~~) or town into the fire protection  
29 district shall be conducted by the auditor of the county or counties  
30 in which the city(~~(, partial city as set forth in RCW 52.04.061(2),)~~)  
31 or town and the fire protection district are located in accordance  
32 with the general election laws of the state. The results thereof  
33 shall be canvassed by the canvassing board of the county or counties.  
34 No person is entitled to vote at the election unless he or she is a  
35 qualified elector in the city(~~(, partial city as set forth in RCW~~  
36 ~~52.04.061(2),)~~) or town or unless he or she is a qualified elector  
37 within the boundaries of the fire protection district. The ballot  
38 proposition shall be in substantially the following form:

1 "Shall the city(~~(, partial city as set forth in RCW~~  
2 ~~52.04.061(2),~~) or town of . . . . . be annexed to and be a part  
3 of . . . . . fire protection district?

4 YES . . . . .

5 NO . . . . . "

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

12 **Sec. 3.** RCW 52.04.081 and 2009 c 115 s 3 are each amended to  
13 read as follows:

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

24 **Sec. 4.** RCW 52.04.091 and 2009 c 115 s 4 are each amended to  
25 read as follows:

26 When any city, code city, (~~(partial city as set forth in RCW~~  
27 ~~52.04.061(2),~~) or town is annexed to a fire protection district  
28 under RCW 52.04.061 and 52.04.071, thereafter, any territory annexed  
29 by the city shall also be annexed and be a part of the fire  
30 protection district.

31 **Sec. 5.** RCW 52.04.101 and 2009 c 115 s 5 are each amended to  
32 read as follows:

33 The legislative body of such a city(~~(, partial city as set forth~~  
34 ~~in RCW 52.04.061(2),~~) or town which has annexed to such a fire  
35 protection district(~~(,)~~) may, by resolution, present to the voters of  
36 such city(~~(, partial city as set forth in RCW 52.04.061(2),~~) or town

1 a proposition to withdraw from said fire protection district at any  
2 general election held at least three years following the annexation  
3 to the fire protection district. If the voters approve such a  
4 proposition to withdraw from said fire protection district, the  
5 city(~~(, partial city as set forth in RCW 52.04.061(2),)~~) or town  
6 shall have a vested right in the capital assets of the district  
7 proportionate to the taxes levied within the corporate boundaries of  
8 the city(~~(, partial city as set forth in RCW 52.04.061(2),)~~) or town  
9 and utilized by the fire protection district to acquire such assets.

10 **Sec. 6.** RCW 52.04.111 and 2010 c 8 s 15001 are each amended to  
11 read as follows:

12 (1) When any city, code city, (~~(partial city as set forth in RCW~~  
13 ~~52.04.061(2),)~~) or town is annexed to a fire protection district  
14 under RCW 52.04.061 and 52.04.071, any employee of the fire  
15 department of such city, code city, (~~(partial city as set forth in~~  
16 ~~RCW 52.04.061(2),)~~) or town who (~~((1))~~): (a) Was at the time of  
17 annexation employed exclusively or principally in performing the  
18 powers, duties, and functions which are to be performed by the fire  
19 protection district (~~((2))~~); (b) will, as a direct consequence of  
20 annexation, be separated from the employ of the city, code city,  
21 (~~(partial city as set forth in RCW 52.04.061(2),)~~) or town(~~((7))~~); and  
22 (~~((3))~~) (c) can perform the duties and meet the minimum requirements  
23 of the position to be filled, then such employee may transfer his or  
24 her employment to the fire protection district as provided in this  
25 section and RCW 52.04.121 and 52.04.131.

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

32 **Sec. 7.** RCW 52.04.121 and 2009 c 115 s 7 are each amended to  
33 read as follows:

34 (1) An eligible employee may transfer into the fire protection  
35 district civil service system, if any, or if none, then may request  
36 transfer of employment under this section by filing a written request  
37 with the board of fire commissioners of the fire protection district  
38 and by giving written notice to the legislative authority of the

1 city, code city, (~~partial city as set forth in RCW 52.04.061(2),~~)  
2 or town. Upon receipt of such request by the board of fire  
3 commissioners the transfer of employment shall be made. The employee  
4 so transferring will: (a) Be on probation for the same period as are  
5 new employees of the fire protection district in the position filled,  
6 but if the transferring employee has already completed a probationary  
7 period as a firefighter prior to the transfer, then the employee may  
8 only be terminated during the probationary period for failure to  
9 adequately perform assigned duties, not meeting the minimum  
10 qualifications of the position, or behavior that would otherwise be  
11 subject to disciplinary action(~~(τ)~~); (b) be eligible for promotion no  
12 later than after completion of the probationary period(~~(τ)~~); (c)  
13 receive a salary at least equal to that of other new employees of the  
14 fire protection district in the position filled(~~(τ)~~); and (d) in all  
15 other matters, such as retirement, vacation, and sick leave, have all  
16 the rights, benefits, and privileges to which he or she would have  
17 been entitled as an employee of the fire protection district from the  
18 beginning of employment with the city, code city, (~~partial city as~~  
19 ~~set forth in RCW 52.04.061(2),~~) or town fire department: PROVIDED,  
20 That for purposes of layoffs by the annexing fire agency, only the  
21 time of service accrued with the annexing agency shall apply unless  
22 an agreement is reached between the collective bargaining  
23 representatives of the employees of the annexing and annexed fire  
24 agencies and the annexing and annexed fire agencies. The city, code  
25 city, (~~partial city as set forth in RCW 52.04.061(2),~~) or town  
26 shall, upon receipt of such notice, transmit to the board of fire  
27 commissioners a record of the employee's service with the city, code  
28 city, (~~partial city as set forth in RCW 52.04.061(2),~~) or town  
29 which shall be credited to such employee as a part of the period of  
30 employment in the fire protection district. All accrued benefits are  
31 transferable provided that the recipient agency provides comparable  
32 benefits. All benefits shall then accrue based on the combined  
33 seniority of each employee in the recipient agency.

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

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

9 **Sec. 8.** RCW 52.04.131 and 2009 c 115 s 8 are each amended to  
10 read as follows:

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

19 **Sec. 9.** RCW 52.04.171 and 2010 c 63 s 1 are each amended to read  
20 as follows:

21 All property located within the boundaries of a city, (~~(partial~~  
22 ~~city as set forth in RCW 52.04.061(2),~~) or town annexing into a fire  
23 protection district, which property is subject to an excess levy by  
24 the city or town for the repayment of voter-approved indebtedness for  
25 fire protection related capital improvements incurred prior to the  
26 effective date of the annexation, is exempt from voter-approved  
27 excess property taxes levied by the annexing fire protection district  
28 for the repayment of indebtedness issued prior to the effective date  
29 of the annexation.

30 **Sec. 10.** RCW 52.06.010 and 1989 c 63 s 13 are each amended to  
31 read as follows:

32 (1) A fire protection district may merge with another  
33 (~~(adjacent)~~) fire protection district located within a reasonable  
34 proximity, on such terms and conditions as they agree upon, in the  
35 manner provided in this title. The fire protection districts may be  
36 located in different counties. The district desiring to merge with  
37 another district, or the district from which it is proposed that a

1 portion of the district be merged with another district, shall be  
2 called the "merging district." The district into which the merger is  
3 to be made shall be called the "merger district." The merger of any  
4 districts under chapter 52.06 RCW is subject to potential review by  
5 the boundary review board or boards of the county in which the  
6 merging district, or the portion of the merging district that is  
7 proposed to be merged with another district, is located.

8 (2) For the purposes of this section, "reasonable proximity"  
9 means a geographical separation that does not jeopardize the  
10 effective operations of the fire protection district.

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