H-4309.1

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**HOUSE BILL 2912**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Representative Fitzgibbon

AN ACT Relating to term lengths of fire district commissioners; amending RCW 52.14.020, 52.14.060, 52.14.140, and 29A.04.330; and adding a new section to chapter 52.14 RCW.

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

**Sec.**  RCW 52.14.020 and 2017 c 328 s 8 are each amended to read as follows:

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

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

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

**Sec.**  RCW 52.14.060 and 2015 c 53 s 75 are each amended to read as follows:

The initial three members of the board of fire commissioners shall be elected at the same election as when the ballot proposition is submitted to the voters authorizing the creation of the fire protection district. If the district is not authorized to be created, the election of the initial fire commissioners shall be null and void. If the district is authorized to be created, the initial fire commissioners shall take office immediately when qualified. Candidates shall file for each of the three separate fire commissioner positions. Elections shall be held as provided in chapter 29A.52 RCW, with the county auditor opening up a special filing period as provided in RCW 29A.24.171 and 29A.24.181, as if there were a vacancy. The person who receives the greatest number of votes for each position shall be elected to that position. The terms of office of the initial fire commissioners shall be staggered as follows: (1) The person who is elected receiving the greatest number of votes shall be elected to a ((~~six-year~~)) three-year term of office ((~~if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year~~)); (2) the person who is elected receiving the next greatest number of votes shall be elected to a ((~~four-year~~)) two-year term of office ((~~if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year~~)); and (3) the other person who is elected shall be elected to a ((~~two-year~~)) one-year term of office ((~~if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year~~)). The initial commissioners shall take office immediately when elected and qualified and their terms of office shall be calculated from the first day of January in the year following their election.

The term of office of each subsequent commissioner shall be ((~~six~~)) three years. Each commissioner shall serve until a successor is elected and qualified and assumes office in accordance with RCW 29A.60.280. General elections for commissioner positions shall be held on the first Tuesday following the first Monday in November in both even and odd-numbered years.

**Sec.**  RCW 52.14.140 and 2017 c 328 s 6 are each amended to read as follows:

(1) The members of the legislative authority of a city or town shall serve ex officio, by virtue of their office, as the fire commissioners of a fire protection district created under RCW 52.02.160.

(2) The legislative authority of a city or town may, within the initial resolution establishing the district's formation, relinquish governance authority of a fire protection district created under chapter 328, Laws of 2017 to an independently elected board of commissioners to be elected in accordance with RCW 52.14.060.

(3)(a) The legislative authority of a city or town may, by a majority vote of its members in an open public meeting, relinquish governance authority of a fire protection district created under chapter 328, Laws of 2017 to an appointed board of three fire commissioners at any time after formation. Each appointed commissioner serves until successors are elected at the next qualified election.

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

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

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

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

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

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

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

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

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

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

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

(iii) The other two people who are elected are elected to ((~~two-year~~)) one-year terms of office ((~~if the election is held in an odd-numbered year, or one-year terms of office if the election is held in an even-numbered year~~)).

(d) The term of office for each subsequent commissioner is ((~~six~~)) three years. General elections for commissioner positions shall be held on the first Tuesday following the first Monday in November in both even and odd-numbered years.

**Sec.**  RCW 29A.04.330 and 2015 c 146 s 2 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

(a) Elections for the recall of any elective public officer;

(b) Public utility districts, conservation districts, or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto;

(c) Consolidation proposals as provided for in RCW 28A.315.235 and nonhigh capital fund aid proposals as provided for in chapter 28A.540 RCW; ((~~and~~))

(d) Special flood control districts consisting of three or more counties; and

(e) Fire protection districts, for which general elections shall be held on the first Tuesday following the first Monday in November in both even and odd-numbered years.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to the auditor prior to the proposed election date, shall call a special election in such city, town, or district, and for the purpose of such special election he or she may combine, unite, or divide precincts. Such a special election shall be held on one of the following dates as decided by the governing body:

(a) The second Tuesday in February;

(b) The fourth Tuesday in April;

(c) The day of the primary election as specified by RCW 29A.04.311; or

(d) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) and (b) of this section must be presented to the county auditor at least sixty days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)(c) of this section must be presented to the county auditor no later than the Friday immediately before the first day of regular candidate filing. A resolution calling for a special election on a date set forth in subsection (2)(d) of this section must be presented to the county auditor no later than the day of the primary.

(4) In addition to subsection (2)(a) through (d) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in subsection (2)(c) and (d) of this section. Such special election shall be conducted and notice thereof given in the manner provided by law.

(5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

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

A fire commissioner serving on the effective date of this section shall continue to serve the term length for which the commissioner was elected. All terms thereafter shall be three years.

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