
HOUSE BILL 2912

State of Washington

66th Legislature

2020 Regular Session

By Representative Fitzgibbon

Read first time 01/31/20. Referred to Committee on Local Government.

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

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

5 **Sec. 1.** RCW 52.14.020 and 2017 c 328 s 8 are each amended to
6 read as follows:

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

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

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

11 **Sec. 2.** RCW 52.14.060 and 2015 c 53 s 75 are each amended to
12 read as follows:

13 The initial three members of the board of fire commissioners
14 shall be elected at the same election as when the ballot proposition
15 is submitted to the voters authorizing the creation of the fire
16 protection district. If the district is not authorized to be created,
17 the election of the initial fire commissioners shall be null and
18 void. If the district is authorized to be created, the initial fire
19 commissioners shall take office immediately when qualified.
20 Candidates shall file for each of the three separate fire
21 commissioner positions. Elections shall be held as provided in
22 chapter 29A.52 RCW, with the county auditor opening up a special
23 filing period as provided in RCW 29A.24.171 and 29A.24.181, as if
24 there were a vacancy. The person who receives the greatest number of
25 votes for each position shall be elected to that position. The terms
26 of office of the initial fire commissioners shall be staggered as
27 follows: (1) The person who is elected receiving the greatest number
28 of votes shall be elected to a (~~six-year~~) three-year term of office
29 (~~if the election is held in an odd-numbered year or a five-year term~~
30 ~~of office if the election is held in an even-numbered year~~); (2) the
31 person who is elected receiving the next greatest number of votes
32 shall be elected to a (~~four-year~~) two-year term of office (~~if the~~
33 ~~election is held in an odd-numbered year or a three-year term of~~
34 ~~office if the election is held in an even-numbered year~~); and (3)
35 the other person who is elected shall be elected to a (~~two-year~~)
36 one-year term of office (~~if the election is held in an odd-numbered~~
37 ~~year or a one-year term of office if the election is held in an even-~~
38 ~~numbered year~~). The initial commissioners shall take office
39 immediately when elected and qualified and their terms of office

1 shall be calculated from the first day of January in the year
2 following their election.

3 The term of office of each subsequent commissioner shall be
4 ~~((six))~~ three years. Each commissioner shall serve until a successor
5 is elected and qualified and assumes office in accordance with RCW
6 29A.60.280. General elections for commissioner positions shall be
7 held on the first Tuesday following the first Monday in November in
8 both even and odd-numbered years.

9 **Sec. 3.** RCW 52.14.140 and 2017 c 328 s 6 are each amended to
10 read as follows:

11 (1) The members of the legislative authority of a city or town
12 shall serve ex officio, by virtue of their office, as the fire
13 commissioners of a fire protection district created under RCW
14 52.02.160.

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

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

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

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

35 (ii) The person who is elected receiving the next greatest number
36 of votes is elected to a ~~((four-year))~~ two-year term of office ~~((if~~
37 ~~the election is held in an odd-numbered year, or a three-year term of~~
38 ~~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-~~
2 ~~year~~) one-year term of office (~~(if the election is held in an odd-~~
3 ~~numbered year, or a one-year term of office if the election is held~~
4 ~~in an even-numbered year)~~). The term of office for each subsequent
5 commissioner is (~~six~~) three years.

6 (b) 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 maintains a
9 fire department consisting wholly of personnel employed on a full-
10 time, fully paid basis, that district shall have five fire
11 commissioners. The terms of office for the initial elected fire
12 commissioners are staggered as follows:

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

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

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

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

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

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

1 ~~three-year terms of office if the election is held in an even-~~
2 ~~numbered year)); and~~

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

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

11 **Sec. 4.** RCW 29A.04.330 and 2015 c 146 s 2 are each amended to
12 read as follows:

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

16 This section shall not apply to:

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

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

22 (c) Consolidation proposals as provided for in RCW 28A.315.235
23 and nonhigh capital fund aid proposals as provided for in chapter
24 28A.540 RCW; (~~and~~)

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

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

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

38 (a) The second Tuesday in February;

39 (b) The fourth Tuesday in April;

1 (c) The day of the primary election as specified by RCW
2 29A.04.311; or

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

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

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

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

27 NEW SECTION. **Sec. 5.** A new section is added to chapter 52.14
28 RCW to read as follows:

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

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