
HOUSE BILL 1458

State of Washington

66th Legislature

2019 Regular Session

By Representative Blake

Read first time 01/22/19. Referred to Committee on Local Government.

1 AN ACT Relating to municipal police districts; amending RCW
2 41.56.030; and adding a new chapter to Title 35 RCW.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that municipal
5 police departments represent the largest general fund expense for
6 most municipalities. It is the intent of the legislature to provide
7 municipalities with greater flexibility to manage their
8 responsibility to provide police services. This chapter details the
9 creation, management, and dissolution of municipal police districts.

10 NEW SECTION. **Sec. 2.** The definitions in this section apply
11 throughout this chapter unless the context clearly requires
12 otherwise.

13 (1) "Commission" means the governing body of a municipal police
14 district.

15 (2) "Municipal police district" or "district" means a special
16 purpose district whose boundaries are coextensive with two or more
17 contiguous cities or towns that is a public body corporate and
18 politic that has been created under this chapter to implement a
19 municipal police district plan.

1 (3) "Municipal police district plan" or "plan" means a plan to
2 develop and finance a municipal police district including, but not
3 limited to, specific capital projects, all law enforcement services,
4 and the preservation and maintenance of existing and future
5 facilities.

6 (4) "Municipal police district planning committee" or "planning
7 committee" means the advisory committee created under section 3 of
8 this act to create and propose to cities or towns a municipal police
9 district plan to design, finance, and develop a municipal police
10 district.

11 NEW SECTION. **Sec. 3.** Municipal police district planning
12 committees are advisory entities that are created, convened, and
13 empowered as follows:

14 (1) Any two or more contiguous cities or towns may create a
15 municipal police district planning committee. No city or town may
16 participate in more than one created district.

17 (2) Each governing body of the cities or towns participating in
18 planning under this chapter shall appoint to the planning committee:
19 (a) One elected official; and (b) the chief of police of the city or
20 town.

21 (3) Members of the planning committee may not receive
22 compensation for attendance at planning committee meetings or for
23 other services on behalf of the district, but may be reimbursed for
24 travel and incidental expenses at the discretion of the governing
25 body of their city or town.

26 (4) A planning committee may receive funding from the
27 participating cities or towns as determined by the governing bodies
28 of the cities and towns by interlocal agreement.

29 (5) The planning committee shall conduct its affairs and
30 formulate a municipal police district plan as provided under section
31 4 of this act.

32 (6) The planning committee may dissolve itself at any time by a
33 majority vote of the total membership of the planning committee. Any
34 participating city or town may withdraw upon thirty calendar days'
35 written notice to the other cities or towns.

36 NEW SECTION. **Sec. 4.** (1) A municipal police district planning
37 committee shall adopt a municipal police district plan providing for

1 the governance, design, financing, and development of law enforcement
2 services.

3 (2) The planning committee may coordinate its activities with
4 neighboring cities and towns, and other local governments that engage
5 in law enforcement services.

6 (3) The planning committee shall:

7 (a) Create opportunities for public input in the development of
8 the plan;

9 (b) Adopt a plan proposing the creation of a municipal police
10 district and recommending governance, design, financing, and
11 development of law enforcement service facilities and operations,
12 including maintenance and preservation of facilities or systems; and

13 (c) Recommend a plan for financing the district. The financing
14 plan must include: (i) A proposed budget for the first year of the
15 district; (ii) the proposed funding that is required to be provided
16 by each participating city or town; and (iii) the method for
17 calculating each city's or town's financial contribution. The
18 financing plan must be adopted by the governing bodies of the
19 participating cities or towns by interlocal agreement.

20 (4) Once adopted, the municipal police district plan must be
21 forwarded to the governing bodies of the participating cities or
22 towns to initiate the election process under section 5 of this act.

23 (5) If the ballot measure is not approved, the planning committee
24 may redefine the municipal police district, financing plan, and the
25 ballot measure. The governing bodies of participating cities or towns
26 may approve the new plan and ballot measure, and may then submit the
27 revised proposition to the voters at a subsequent election or a
28 special election. If a ballot measure is not approved by the voters
29 by the third vote, the planning committee is dissolved.

30 NEW SECTION. **Sec. 5.** Upon receipt of the municipal police
31 district plan under section 4 of this act, the governing bodies of
32 two or more contiguous cities or towns may certify the plan to the
33 ballot. The governing bodies of the cities or towns may draft a
34 ballot title, give notice as required by law for ballot measures, and
35 perform other duties as required to put the plan before the voters of
36 the proposed district for their approval or rejection as a single
37 ballot measure that both approves formation of the district and
38 approves the plan. Districts may negotiate interlocal agreements
39 necessary to implement the plan. The electorate is the voters voting

1 within the boundaries of the proposed municipal police district.
2 Sixty percent of the total persons voting on the single ballot
3 measure to approve the plan and establish the district is required
4 for approval. The district must act in accordance with the general
5 election laws of the state. The district is liable for its
6 proportionate share of the costs when the elections are held under
7 RCW 29A.04.321 and 29A.04.330.

8 NEW SECTION. **Sec. 6.** If the voters approve the plan, including
9 creation of a municipal police district, and the election results are
10 certified, the district is formed on the effective date as set forth
11 in the plan or the next January 1st or July 1st, whichever occurs
12 first. A party challenging the procedure or the formation of a voter-
13 approved district must file the challenge in writing by serving the
14 prosecuting attorney of each county within, or partially within, the
15 municipal police district and the attorney general within thirty days
16 after the final certification of the election. Failure to challenge
17 within that time forever bars further challenge of the district's
18 valid formation.

19 NEW SECTION. **Sec. 7.** (1) A city or town that is contiguous to
20 the boundary of a municipal police district is eligible for
21 annexation by the district.

22 (2) An annexation is initiated by the adoption of a resolution by
23 the governing body of a city or town requesting the annexation. The
24 resolution requesting annexation must then be filed with the
25 commission of the district that is requested to annex the city or
26 town.

27 (3) Except as otherwise provided in the municipal police district
28 plan, upon receipt of the resolution requesting annexation, the
29 commission of the district may adopt a resolution amending its plan
30 to establish terms and conditions of the requested annexation and
31 submit the resolution and plan amendment to the municipal police
32 district requesting annexation. An election to authorize the
33 annexation may be held only if the governing body of the city or town
34 seeking annexation adopts a resolution approving both the annexation
35 and the related plan amendment.

36 (4) (a) An annexation is authorized if the voters in the city or
37 town proposed to be annexed approve a single ballot measure approving
38 the annexation and related plan amendment. The ballot measure is

1 approved if sixty percent of the total persons voting on the single
2 ballot measure vote to approve the measure.

3 (b) An annexation is effective on the date specified in the
4 ballot measure. In the event the ballot measure does not specify an
5 effective date, the effective date is on the subsequent January 1st
6 or July 1st, whichever occurs first.

7 NEW SECTION. **Sec. 8.** (1) As provided in this section, a city or
8 town may withdraw from a municipal police district or reannex to the
9 municipal police district.

10 (2)(a) In order to withdraw from a district, the governing body
11 of a city or town must adopt a resolution approving the withdrawal.

12 (b) After adoption of the resolution approving the withdrawal,
13 the governing body of the city or town may draft a ballot title, give
14 notice as required by law for ballot measures, and perform other
15 duties as required to put the measure approving or not approving the
16 withdrawal before the voters of the city or town. The ballot measure
17 is approved if sixty percent of the total persons voting on the
18 ballot measure vote to approve the withdrawal.

19 (c) A withdrawal under this section is effective at the end of
20 the day on the thirty-first day of December in the year in which the
21 ballot measure under (b) of this subsection is approved.

22 (3)(a) A city or town that has withdrawn from the boundaries of a
23 municipal police district under this section may be reannexed into
24 the district upon: (i) Adoption of a resolution by the commission
25 proposing the reannexation; and (ii) adoption of a resolution by the
26 city or town governing body approving the reannexation. After
27 adoption of the resolutions proposing and approving the reannexation,
28 the governing body of the city or town to be reannexed may draft a
29 ballot title, give notice as required by law for ballot measures, and
30 perform other duties as required to put the measure approving or not
31 approving the reannexation before the voters of the city or town. The
32 ballot measure is approved if sixty percent of the total persons
33 voting on the ballot measure vote to approve the reannexation.

34 (b) A reannexation under this section shall be effective at the
35 end of the day on the thirty-first day of December in the year in
36 which the measure under (a) of this subsection is approved.

37 NEW SECTION. **Sec. 9.** (1) A municipal police district may be
38 dissolved as provided in this section.

1 (2) A commission may initiate the dissolution of a municipal
2 police district by adopting a resolution that proposes dissolution of
3 the district. After adoption of the resolution proposing dissolution
4 of the district, the commission may draft a ballot title, give notice
5 as required by law for ballot measures, and perform other duties as
6 required to put the measure approving the dissolution before the
7 voters of the district. The ballot measure is approved if sixty
8 percent of the total persons voting on the ballot measure vote to
9 approve the dissolution. A dissolution under this subsection is
10 effective at the end of the day on the thirty-first day of December
11 in the year in which the dissolution measure is approved.

12 (3) A municipal police district is automatically dissolved if
13 after the withdrawal of participating cities or towns there is only
14 one remaining city or town in the district.

15 NEW SECTION. **Sec. 10.** The members of the planning committee who
16 are elected officials shall serve as the commissioners of the
17 district for a term of one year from the date the district is formed.
18 Thereafter, the governing bodies of the participating cities and
19 towns must each appoint one commissioner to the commission, each to
20 serve a one-year term. Only elected officials of participating cities
21 or towns are eligible to be appointed to serve as commissioners.

22 NEW SECTION. **Sec. 11.** The commission of the district is
23 responsible for the execution of the voter-approved plan.
24 Participating cities or towns shall review the plan every ten years.
25 The commission may:

26 (1) Enter into agreements with federal, state, local, and
27 regional entities and departments as necessary to accomplish district
28 purposes and protect the district's investments;

29 (2) Accept gifts, grants, or other contributions of funds that
30 will support the purposes and programs of the district;

31 (3) Monitor and audit the progress and execution of district
32 projects to protect the investment of the public and annually make
33 public its findings;

34 (4) Pay for services and enter into leases and contracts,
35 including professional service contracts;

36 (5) Hire, manage, and terminate employees; and

37 (6) Exercise powers and perform duties as the commission
38 determines necessary to carry out the purposes, functions, and

1 projects of the district in accordance with the municipal police
2 district plan and applicable laws.

3 NEW SECTION. **Sec. 12.** The commission shall appoint a person to
4 fill the position of chief of the municipal police district and shall
5 notify the governing bodies of each participating city or town of its
6 appointment. The appointment is only effective after each
7 participating city or town adopts a resolution approving of the
8 person appointed by the commission. In the event of a vacancy in the
9 position of chief of police, the commission shall appoint an interim
10 chief to fill the position until a permanent appointment is made by
11 the commission and approved by resolution of the governing body of
12 each participating city or town.

13 NEW SECTION. **Sec. 13.** (1) Except as otherwise provided in the
14 municipal police district plan, all powers, duties, and functions of
15 a participating city or town pertaining to law enforcement services
16 shall be transferred to the municipal police district on its creation
17 date or on the effective date that a city or town is subsequently
18 annexed into a district.

19 (2)(a) Except as otherwise provided in the municipal police
20 district plan, and on the creation date of the municipal police
21 district or on the effective date that a city or town is subsequently
22 annexed into a district, all reports, documents, surveys, books,
23 records, files, papers, or written material in the possession of the
24 participating cities or towns pertaining to law enforcement services
25 powers, functions, and duties shall be delivered to the municipal
26 police district; all real property and personal property including
27 cabinets, furniture, office equipment, motor vehicles, and other
28 tangible property employed by the participating cities or towns in
29 carrying out the fire protection and emergency services powers,
30 functions, and duties shall be transferred to the municipal police
31 district; and all funds, credits, or other assets held by the
32 participating cities or towns in connection with law enforcement
33 powers, functions, and duties shall be transferred and credited to
34 the municipal police district.

35 (b) Except as otherwise provided in the municipal police district
36 plan, whenever any question arises as to the transfer of any
37 personnel, funds, books, documents, records, papers, files,
38 equipment, or other tangible property used or held in the exercise of

1 the powers and the performance of the duties and functions
2 transferred, the governing body of the participating city or town
3 shall make a determination as to the proper allocation.

4 (3) Except as otherwise provided in the municipal police district
5 plan, all rules and all pending business before the participating
6 cities or towns pertaining to the powers, functions, and duties
7 transferred shall be continued and acted upon by the municipal police
8 district, and all existing contracts and obligations shall remain in
9 full force and shall be performed by the municipal police district.

10 (4) The transfer of the powers, duties, functions, and personnel
11 of the participating cities or towns shall not affect the validity of
12 any act performed before creation of the municipal police district.

13 (5)(a) Subject to (c) of this subsection, all employees of the
14 police departments of participating cities or towns are transferred
15 to the jurisdiction of the municipal police district on its creation
16 date or on the effective date that a city or town is subsequently
17 annexed into a district. Upon transfer, unless an agreement for
18 different terms of transfer is reached between the collective
19 bargaining representatives of the transferring employees and the
20 participating cities or towns, an employee is entitled to the
21 employee rights, benefits, and privileges to which he or she would
22 have been entitled as an employee of a participating city or town,
23 including rights to:

24 (i) Compensation at least equal to the level at the time of
25 transfer;

26 (ii) Retirement, vacation, sick leave, and any other accrued
27 benefit;

28 (iii) Promotion and service time accrual; and

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

32 (b) If any or all of the participating cities or towns provide
33 for civil service in their police departments, the collective
34 bargaining representatives of the transferring employees and the
35 participating cities or towns must negotiate regarding the
36 establishment of a civil service system within the district. This
37 subsection does not apply if none of the participating cities or
38 towns provide for civil service.

39 (c) Nothing contained in this section may be construed to alter
40 any existing collective bargaining unit or the provisions of any

1 existing collective bargaining agreement until the agreement has
2 expired or until the bargaining unit has been modified as provided by
3 law.

4 NEW SECTION. **Sec. 14.** Sections 1 through 13 of this act
5 constitute a new chapter in Title 35 RCW.

6 **Sec. 15.** RCW 41.56.030 and 2018 c 253 s 6 are each amended to
7 read as follows:

8 As used in this chapter:

9 (1) "Adult family home provider" means a provider as defined in
10 RCW 70.128.010 who receives payments from the medicaid and state-
11 funded long-term care programs.

12 (2) "Bargaining representative" means any lawful organization
13 which has as one of its primary purposes the representation of
14 employees in their employment relations with employers.

15 (3) "Child care subsidy" means a payment from the state through a
16 child care subsidy program established pursuant to RCW 74.12.340, 45
17 C.F.R. Sec. 98.1 through 98.17, or any successor program.

18 (4) "Collective bargaining" means the performance of the mutual
19 obligations of the public employer and the exclusive bargaining
20 representative to meet at reasonable times, to confer and negotiate
21 in good faith, and to execute a written agreement with respect to
22 grievance procedures and collective negotiations on personnel
23 matters, including wages, hours and working conditions, which may be
24 peculiar to an appropriate bargaining unit of such public employer,
25 except that by such obligation neither party shall be compelled to
26 agree to a proposal or be required to make a concession unless
27 otherwise provided in this chapter.

28 (5) "Commission" means the public employment relations
29 commission.

30 (6) "Executive director" means the executive director of the
31 commission.

32 (7) "Family child care provider" means a person who: (a) Provides
33 regularly scheduled care for a child or children in the home of the
34 provider or in the home of the child or children for periods of less
35 than twenty-four hours or, if necessary due to the nature of the
36 parent's work, for periods equal to or greater than twenty-four
37 hours; (b) receives child care subsidies; and (c) under chapter

1 43.216 RCW, is either licensed by the state or is exempt from
2 licensing.

3 (8) "Individual provider" means an individual provider as defined
4 in RCW 74.39A.240(3) who, solely for the purposes of collective
5 bargaining, is a public employee as provided in RCW 74.39A.270.

6 (9) "Institution of higher education" means the University of
7 Washington, Washington State University, Central Washington
8 University, Eastern Washington University, Western Washington
9 University, The Evergreen State College, and the various state
10 community colleges.

11 (10)(a) "Language access provider" means any independent
12 contractor who provides spoken language interpreter services, whether
13 paid by a broker, language access agency, or the respective
14 department:

15 (i) For department of social and health services appointments,
16 department of children, youth, and families appointments, medicaid
17 enrollee appointments, or who provided these services on or after
18 January 1, 2011, and before June 10, 2012;

19 (ii) For department of labor and industries authorized medical
20 and vocational providers, or who provided these services on or after
21 January 1, 2016, and before July 1, 2018; or

22 (iii) For state agencies, or who provided these services on or
23 after January 1, 2016, and before July 1, 2018.

24 (b) "Language access provider" does not mean a manager or
25 employee of a broker or a language access agency.

26 (11) "Public employee" means any employee of a public employer
27 except any person (a) elected by popular vote, or (b) appointed to
28 office pursuant to statute, ordinance or resolution for a specified
29 term of office as a member of a multimember board, commission, or
30 committee, whether appointed by the executive head or body of the
31 public employer, or (c) whose duties as deputy, administrative
32 assistant or secretary necessarily imply a confidential relationship
33 to (i) the executive head or body of the applicable bargaining unit,
34 or (ii) any person elected by popular vote, or (iii) any person
35 appointed to office pursuant to statute, ordinance or resolution for
36 a specified term of office as a member of a multimember board,
37 commission, or committee, whether appointed by the executive head or
38 body of the public employer, or (d) who is a court commissioner or a
39 court magistrate of superior court, district court, or a department
40 of a district court organized under chapter 3.46 RCW, or (e) who is a

1 personal assistant to a district court judge, superior court judge,
2 or court commissioner. For the purpose of (e) of this subsection, no
3 more than one assistant for each judge or commissioner may be
4 excluded from a bargaining unit.

5 (12) "Public employer" means any officer, board, commission,
6 council, or other person or body acting on behalf of any public body
7 governed by this chapter, or any subdivision of such public body. For
8 the purposes of this section, the public employer of district court
9 or superior court employees for wage-related matters is the
10 respective county legislative authority, or person or body acting on
11 behalf of the legislative authority, and the public employer for
12 nonwage-related matters is the judge or judge's designee of the
13 respective district court or superior court.

14 (13) "Uniformed personnel" means: (a) Law enforcement officers as
15 defined in RCW 41.26.030 employed by the governing body of any city
16 (~~(or)~~), town, or municipal police district with a population of two
17 thousand five hundred or more and law enforcement officers employed
18 by the governing body of any county with a population of ten thousand
19 or more; (b) correctional employees who are uniformed and
20 nonuniformed, commissioned and noncommissioned security personnel
21 employed in a jail as defined in RCW 70.48.020(9), by a county with a
22 population of seventy thousand or more, and who are trained for and
23 charged with the responsibility of controlling and maintaining
24 custody of inmates in the jail and safeguarding inmates from other
25 inmates; (c) general authority Washington peace officers as defined
26 in RCW 10.93.020 employed by a port district in a county with a
27 population of one million or more; (d) security forces established
28 under RCW 43.52.520; (e) firefighters as that term is defined in RCW
29 41.26.030; (f) employees of a port district in a county with a
30 population of one million or more whose duties include crash fire
31 rescue or other firefighting duties; (g) employees of fire
32 departments of public employers who dispatch exclusively either fire
33 or emergency medical services, or both; (h) employees in the several
34 classes of advanced life support technicians, as defined in RCW
35 18.71.200, who are employed by a public employer; or (i) court
36 marshals of any county who are employed by, trained for, and
37 commissioned by the county sheriff and charged with the
38 responsibility of enforcing laws, protecting and maintaining security
39 in all county-owned or contracted property, and performing any other

1 duties assigned to them by the county sheriff or mandated by judicial
2 order.

3 NEW SECTION. **Sec. 16.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

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