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SENATE BILL 5537

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State of Washington                      64th Legislature                      2015 Regular Session

By Senators Habib, Miloscia, Roach, Dandel, Lias, and Fain

Read first time 01/23/15.              Referred to Committee on Government  
Operations & State Security.

1            AN ACT Relating to establishing regional fire protection service  
2 authorities within the boundaries of regional cities; amending RCW  
3 52.26.030, 52.26.040, and 52.26.060; and reenacting and amending RCW  
4 52.26.020.

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

6            **Sec. 1.** RCW 52.26.020 and 2011 c 141 s 1 are each reenacted and  
7 amended to read as follows:

8            The definitions in this section apply throughout this chapter  
9 unless the context clearly requires otherwise.

10           (1) "Board" means the governing body of a regional fire  
11 protection service authority.

12           (2) "Elected official" means an elected official of a  
13 participating fire protection jurisdiction or a regional fire  
14 protection district commissioner created under RCW 52.26.080.

15           (3) "Fire protection jurisdiction" means a fire district, city,  
16 town, port district, municipal airport, or Indian tribe.

17           (4) "Participating fire protection jurisdiction" means a fire  
18 protection jurisdiction participating in the formation or operation  
19 of a regional fire protection service authority.

1           (5) "Regional city" means a city with not less than either: Forty  
2 percent of the total population of the county in which the city is  
3 located, or fifty thousand residents.

4           (6) "Regional fire protection service authority" or "authority"  
5 means a municipal corporation, an independent taxing authority within  
6 the meaning of Article VII, section 1 of the state Constitution, and  
7 a taxing district within the meaning of Article VII, section 2 of the  
8 state Constitution, whose boundaries are coextensive with either two  
9 or more adjacent fire protection jurisdictions or a regional city and  
10 that has been created by a vote of the people under this chapter to  
11 implement a regional fire protection service authority plan.

12           (~~(6)~~) (7) "Regional fire protection service authority plan" or  
13 "plan" means a plan to develop and finance a fire protection service  
14 authority project or projects, including, but not limited to,  
15 specific capital projects, fire operations and emergency service  
16 operations pursuant to RCW 52.26.040(3)(b), and preservation and  
17 maintenance of existing or future facilities.

18           (~~(7)~~) (8) "Regional fire protection service authority planning  
19 committee" or "planning committee" means the advisory committee  
20 created under RCW 52.26.030 to create and propose to fire protection  
21 jurisdictions a regional fire protection service authority plan to  
22 design, finance, and develop fire protection and emergency service  
23 projects.

24           (~~(8)~~) (9) "Regular property taxes" has the same meaning as in  
25 RCW 84.04.140.

26           **Sec. 2.** RCW 52.26.030 and 2004 c 129 s 3 are each amended to  
27 read as follows:

28           Regional fire protection service authority planning committees  
29 are advisory entities that are created, convened, and empowered as  
30 follows:

31           (1) Any two or more adjacent fire protection jurisdictions or a  
32 regional city may create a regional fire protection service authority  
33 and convene a regional fire protection service authority planning  
34 committee. No fire protection jurisdiction may participate in more  
35 than one authority.

36           (2) Each governing body of the fire protection jurisdiction or  
37 jurisdictions participating in planning under this chapter shall  
38 appoint three elected officials to the authority planning committee.  
39 Members of the planning committee may receive compensation of seventy

1 dollars per day, or portion thereof, not to exceed seven hundred  
2 dollars per year, for attendance at planning committee meetings and  
3 for performance of other services in behalf of the authority, and may  
4 be reimbursed for travel and incidental expenses at the discretion of  
5 their respective governing body.

6 (3) A regional fire protection service authority planning  
7 committee may receive state funding, as appropriated by the  
8 legislature, ~~((or))~~ county funding provided by the affected counties,  
9 or city funding provided by a regional city for start-up funding to  
10 pay for salaries, expenses, overhead, supplies, and similar expenses  
11 ordinarily and necessarily incurred. Upon creation of a regional fire  
12 protection service authority, the authority shall within one year  
13 reimburse the state ~~((or))~~, county, or regional city for any sums  
14 advanced for ~~((these))~~ start-up costs ~~((from the state or county))~~.

15 (4) The planning committee shall conduct its affairs and  
16 formulate a regional fire protection service authority plan as  
17 provided under RCW 52.26.040.

18 (5) At its first meeting, a regional fire protection service  
19 authority planning committee may elect officers and provide for the  
20 adoption of rules and other operating procedures.

21 (6) The planning committee may dissolve itself at any time by a  
22 majority vote of the total membership of the planning committee. Any  
23 participating fire protection jurisdiction may withdraw upon thirty  
24 calendar days' written notice to the other participating  
25 jurisdictions, if any.

26 **Sec. 3.** RCW 52.26.040 and 2011 c 141 s 2 are each amended to  
27 read as follows:

28 (1) A regional fire protection service authority planning  
29 committee shall adopt a regional fire protection service authority  
30 plan providing for the governance, design, financing, and development  
31 of fire protection and emergency services. The planning committee may  
32 consider the following factors in formulating its plan:

33 (a) Land use planning criteria; and

34 (b) The input of cities and counties located within, or partially  
35 within, a participating fire protection jurisdiction.

36 (2) The planning committee may coordinate its activities with  
37 neighboring cities, towns, and other local governments that engage in  
38 fire protection planning.

39 (3) The planning committee shall:

1 (a) Create opportunities for public input in the development of  
2 the plan;

3 (b)(i) Adopt a plan proposing the creation of a regional fire  
4 protection service authority and recommending governance, design,  
5 financing, and development of fire protection and emergency service  
6 facilities and operations, including maintenance and preservation of  
7 facilities or systems. The plan may authorize the authority to  
8 establish a system of ambulance service to be operated by the  
9 authority or operated by contract after a call for bids. (~~However,~~)

10 (ii) The authority shall not provide for the establishment of an  
11 ambulance service that would compete with any existing private  
12 ambulance service, unless the authority determines that the region  
13 served by the authority, or a substantial portion of the region  
14 served by the authority, is not adequately served by an existing  
15 private ambulance service. In determining the adequacy of an existing  
16 private ambulance service, the authority shall take into  
17 consideration objective generally accepted medical standards and  
18 reasonable levels of service which must be published by the  
19 authority. Following the preliminary conclusion by the authority that  
20 the existing private ambulance service is inadequate, and before  
21 establishing an ambulance service or issuing a call for bids, the  
22 authority shall allow a minimum of sixty days for the private  
23 ambulance service to meet the generally accepted medical standards  
24 and accepted levels of service. In the event of a second preliminary  
25 conclusion of inadequacy within a twenty-four-month period, the  
26 authority may immediately issue a call for bids or establish its own  
27 ambulance service and is not required to afford the private ambulance  
28 service another sixty-day period to meet the generally accepted  
29 medical standards and reasonable levels of service. A private  
30 ambulance service that is not licensed by the department of health or  
31 whose license is denied, suspended, or revoked is not entitled to a  
32 sixty-day period within which to demonstrate adequacy and the  
33 authority may immediately issue a call for bids or establish an  
34 ambulance service; and

35 (c) In the plan, recommend sources of revenue authorized by RCW  
36 52.26.050, identify the portions of the plan that may be amended by  
37 the board of the authority without voter approval, consistent with  
38 RCW 52.26.050, and recommend a financing plan to fund selected fire  
39 protection and emergency services and projects.

1 (4) Once adopted, the plan must be forwarded to the governing  
2 body or bodies of the participating fire protection (~~jurisdictions~~  
3 ~~governing bodies~~) jurisdictions to initiate the election process  
4 under RCW 52.26.060.

5 (5) If the ballot measure is not approved, the planning committee  
6 may redefine the selected regional fire protection service authority  
7 projects, financing plan, and the ballot measure. The fire protection  
8 jurisdictions' governing bodies may approve the new plan and ballot  
9 measure, and may then submit the revised proposition to the voters at  
10 a subsequent election or a special election. If a ballot measure is  
11 not approved by the voters by the third vote, the planning committee  
12 is dissolved.

13 **Sec. 4.** RCW 52.26.060 and 2006 c 200 s 4 are each amended to  
14 read as follows:

15 The governing bodies of two or more adjacent fire protection  
16 jurisdictions or any regional city may, upon receipt of the regional  
17 fire protection service authority plan under RCW 52.26.040, (~~may~~)  
18 certify the plan to the ballot, including identification of the  
19 revenue options specified to fund the plan. The governing body or  
20 bodies of the fire protection jurisdiction or jurisdictions may draft  
21 a ballot title, give notice as required by law for ballot measures,  
22 and perform other duties as required to put the plan before the  
23 voters of the proposed authority for their approval or rejection as a  
24 single ballot measure that both approves formation of the authority  
25 and approves the plan. Authorities may negotiate interlocal  
26 agreements necessary to implement the plan. The electorate is the  
27 voters voting within the boundaries of the proposed regional fire  
28 protection service authority. A simple majority of the total persons  
29 voting on the single ballot measure to approve the plan and establish  
30 the authority is required for approval. However, if the plan  
31 authorizes the authority to impose benefit charges or sixty percent  
32 voter approved taxes, then the percentage of total persons voting on  
33 the single ballot measure to approve the plan and establish the  
34 authority is the same as in RCW 52.26.050. The authority must act in  
35 accordance with the general election laws of the state. The authority  
36 is liable for its proportionate share of the costs when the elections  
37 are held under RCW 29A.04.321 and 29A.04.330.

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