

SB 5454 - H COMM AMD
By Committee on Local Government

ADOPTED 04/05/2017

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 52.04.061 and 2010 c 136 s 2 are each amended to
4 read as follows:

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

16 (~~(2) (When a city or town is located in two counties, and at~~
17 ~~least eighty percent of the population resides in one county, all of~~
18 ~~that portion of the city lying in that county and encompassing eighty~~
19 ~~percent of the population may be annexed to a fire protection~~
20 ~~district if at the time of the initiation of annexation the proposed~~
21 ~~area lies adjacent to a fire protection district, and the population~~
22 ~~of the proposed area is greater than five thousand but less than ten~~
23 ~~thousand. The legislative authority of the city or town may initiate~~
24 ~~annexation by the adoption of an ordinance stating an intent to join~~
25 ~~the fire protection district and finding that the public interest~~
26 ~~will be served thereby. If the board of fire commissioners of the~~
27 ~~fire protection district shall concur in the annexation, notification~~
28 ~~thereof must be transmitted to the legislative authority or~~
29 ~~authorities of the counties in which the city or town and the~~
30 ~~district are situated.)) For the purposes of this section,
31 "reasonable proximity" means geographical areas near enough to each~~

1 other so that governance, management, and services can be delivered
2 effectively.

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

5 The county legislative authority or authorities shall by
6 resolution call a special election to be held in the city(~~(, partial~~
7 ~~city as set forth in RCW 52.04.061(2),)~~) or town and in the fire
8 protection district at the next date according to RCW 29A.04.321, and
9 shall cause notice of the election to be given as provided for in RCW
10 29A.52.355.

11 The election on the annexation of the city(~~(, partial city as set~~
12 ~~forth in RCW 52.04.061(2),)~~) or town into the fire protection
13 district shall be conducted by the auditor of the county or counties
14 in which the city(~~(, partial city as set forth in RCW 52.04.061(2),)~~)
15 or town and the fire protection district are located in accordance
16 with the general election laws of the state. The results thereof
17 shall be canvassed by the canvassing board of the county or counties.
18 No person is entitled to vote at the election unless he or she is a
19 qualified elector in the city(~~(, partial city as set forth in RCW~~
20 ~~52.04.061(2),)~~) or town or unless he or she is a qualified elector
21 within the boundaries of the fire protection district. The ballot
22 proposition shall be in substantially the following form:

23 "Shall the city(~~(, partial city as set forth in RCW~~
24 ~~52.04.061(2),)~~) or town of be annexed to and be a part
25 of fire protection district?

26 YES
27 NO "

28 If a majority of the persons voting on the proposition in the
29 city(~~(, partial city as set forth in RCW 52.04.061(2),)~~) or town and
30 a majority of the persons voting on the proposition in the fire
31 protection district vote in favor thereof, the city(~~(, partial city~~
32 ~~as set forth in RCW 52.04.061(2),)~~) or town shall be annexed and
33 shall be a part of the fire protection district.

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

36 The annual tax levies authorized by chapter 52.16 RCW shall be
37 imposed throughout the fire protection district, including any

1 city(~~(, partial city as set forth in RCW 52.04.061(2),~~) or town
2 annexed thereto. Any city(~~(, partial city as set forth in RCW~~
3 ~~52.04.061(2),~~) or town annexed to a fire protection district is
4 entitled to levy up to three dollars and sixty cents per thousand
5 dollars of assessed valuation less any regular levy made by the fire
6 protection district or by a library district under RCW 27.12.390 in
7 the incorporated area: PROVIDED, That the limitations upon regular
8 property taxes imposed by chapter 84.55 RCW apply.

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

11 When any city, code city, (~~(partial city as set forth in RCW~~
12 ~~52.04.061(2),~~) or town is annexed to a fire protection district
13 under RCW 52.04.061 and 52.04.071, thereafter, any territory annexed
14 by the city shall also be annexed and be a part of the fire
15 protection district.

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

18 The legislative body of such a city(~~(, partial city as set forth~~
19 ~~in RCW 52.04.061(2),~~) or town which has annexed to such a fire
20 protection district(~~(,)~~) may, by resolution, present to the voters of
21 such city(~~(, partial city as set forth in RCW 52.04.061(2),~~) or town
22 a proposition to withdraw from said fire protection district at any
23 general election held at least three years following the annexation
24 to the fire protection district. If the voters approve such a
25 proposition to withdraw from said fire protection district, the
26 city(~~(, partial city as set forth in RCW 52.04.061(2),~~) or town
27 shall have a vested right in the capital assets of the district
28 proportionate to the taxes levied within the corporate boundaries of
29 the city(~~(, partial city as set forth in RCW 52.04.061(2),~~) or town
30 and utilized by the fire protection district to acquire such assets.

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

33 (1) When any city, code city, (~~(partial city as set forth in RCW~~
34 ~~52.04.061(2),~~) or town is annexed to a fire protection district
35 under RCW 52.04.061 and 52.04.071, any employee of the fire
36 department of such city, code city, (~~(partial city as set forth in~~
37 ~~RCW 52.04.061(2),~~) or town who (~~((1))~~): (a) Was at the time of

1 annexation employed exclusively or principally in performing the
2 powers, duties, and functions which are to be performed by the fire
3 protection district ~~((+2))~~; (b) will, as a direct consequence of
4 annexation, be separated from the employ of the city, code city,
5 ~~((partial city as set forth in RCW 52.04.061(2),))~~ or town~~((τ))~~; and
6 ~~((+3))~~ (c) can perform the duties and meet the minimum requirements
7 of the position to be filled, then such employee may transfer his or
8 her employment to the fire protection district as provided in this
9 section and RCW 52.04.121 and 52.04.131.

10 (2) For purposes of this section and RCW 52.04.121 and 52.04.131,
11 employee means an individual whose employment with a city, code city,
12 ~~((partial city as set forth in RCW 52.04.061(2),))~~ or town has been
13 terminated because the city, code city, ~~((partial city as set forth
14 in RCW 52.04.061(2),))~~ or town was annexed by a fire protection
15 district for purposes of fire protection.

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

18 (1) An eligible employee may transfer into the fire protection
19 district civil service system, if any, or if none, then may request
20 transfer of employment under this section by filing a written request
21 with the board of fire commissioners of the fire protection district
22 and by giving written notice to the legislative authority of the
23 city, code city, ~~((partial city as set forth in RCW 52.04.061(2),))~~
24 or town. Upon receipt of such request by the board of fire
25 commissioners the transfer of employment shall be made. The employee
26 so transferring will: (a) Be on probation for the same period as are
27 new employees of the fire protection district in the position filled,
28 but if the transferring employee has already completed a probationary
29 period as a firefighter prior to the transfer, then the employee may
30 only be terminated during the probationary period for failure to
31 adequately perform assigned duties, not meeting the minimum
32 qualifications of the position, or behavior that would otherwise be
33 subject to disciplinary action~~((τ))~~; (b) be eligible for promotion no
34 later than after completion of the probationary period~~((τ))~~; (c)
35 receive a salary at least equal to that of other new employees of the
36 fire protection district in the position filled~~((τ))~~; and (d) in all
37 other matters, such as retirement, vacation, and sick leave, have all
38 the rights, benefits, and privileges to which he or she would have
39 been entitled as an employee of the fire protection district from the

1 beginning of employment with the city, code city, (~~partial city as~~
2 ~~set forth in RCW 52.04.061(2),~~) or town fire department: PROVIDED,
3 That for purposes of layoffs by the annexing fire agency, only the
4 time of service accrued with the annexing agency shall apply unless
5 an agreement is reached between the collective bargaining
6 representatives of the employees of the annexing and annexed fire
7 agencies and the annexing and annexed fire agencies. The city, code
8 city, (~~partial city as set forth in RCW 52.04.061(2),~~) or town
9 shall, upon receipt of such notice, transmit to the board of fire
10 commissioners a record of the employee's service with the city, code
11 city, (~~partial city as set forth in RCW 52.04.061(2),~~) or town
12 which shall be credited to such employee as a part of the period of
13 employment in the fire protection district. All accrued benefits are
14 transferable provided that the recipient agency provides comparable
15 benefits. All benefits shall then accrue based on the combined
16 seniority of each employee in the recipient agency.

17 (2) As many of the transferring employees shall be placed upon
18 the payroll of the fire protection district as the district
19 determines are needed to provide services. These needed employees
20 shall be taken in order of seniority and the remaining employees who
21 transfer as provided in this section and RCW 52.04.111 and 52.04.131
22 shall head the list for employment in the civil service system in
23 order of their seniority, to the end that they shall be the first to
24 be reemployed in the fire protection district when appropriate
25 positions become available: PROVIDED, That employees who are not
26 immediately hired by the fire protection district shall be placed on
27 a reemployment list for a period not to exceed thirty-six months
28 unless a longer period is authorized by an agreement reached between
29 the collective bargaining representatives of the employees of the
30 annexing and annexed fire agencies and the annexing and annexed fire
31 agencies.

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

34 When a city, code city, (~~partial city as set forth in RCW~~
35 ~~52.04.061(2),~~) or town is annexed to a fire protection district and
36 as a result any employee is laid off who is eligible to transfer to
37 the fire protection district pursuant to this section and RCW
38 52.04.111 and 52.04.121, the city, code city, (~~partial city as set~~
39 ~~forth in RCW 52.04.061(2),~~) or town shall notify the employee of the

1 right to transfer and the employee shall have ninety days to transfer
2 employment to the fire protection district.

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

5 All property located within the boundaries of a city, (~~(partial~~
6 ~~city as set forth in RCW 52.04.061(2),~~) or town annexing into a fire
7 protection district, which property is subject to an excess levy by
8 the city or town for the repayment of voter-approved indebtedness for
9 fire protection related capital improvements incurred prior to the
10 effective date of the annexation, is exempt from voter-approved
11 excess property taxes levied by the annexing fire protection district
12 for the repayment of indebtedness issued prior to the effective date
13 of the annexation.

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

16 (1) A fire protection district may merge with another
17 (~~adjacent~~) fire protection district located within a reasonable
18 proximity, on such terms and conditions as they agree upon, in the
19 manner provided in this title. The fire protection districts may be
20 located in different counties. The district desiring to merge with
21 another district, or the district from which it is proposed that a
22 portion of the district be merged with another district, shall be
23 called the "merging district." The district into which the merger is
24 to be made shall be called the "merger district." The merger of any
25 districts under chapter 52.06 RCW is subject to potential review by
26 the boundary review board or boards of the county in which the
27 merging district, or the portion of the merging district that is
28 proposed to be merged with another district, is located.

29 (2) For the purposes of this section, "reasonable proximity"
30 means geographical areas near enough to each other so that
31 governance, management, and services can be delivered effectively."

32 Correct the title.

EFFECT: Modifies the definition of "reasonable proximity" as it
relates to the fire district annexations to mean geographical areas

near enough to each other so that governance, management, and services can be delivered effectively.

--- END ---