
SUBSTITUTE HOUSE BILL 2937

State of Washington

52nd Legislature

1992 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Belcher and Bowman; by request of Department of Community Development)

Read first time 02/11/92.

1 AN ACT Relating to fire protection contracts; amending RCW
2 28B.35.190, 28B.40.190, and 35.21.775; adding new sections to chapter
3 35.21 RCW; repealing RCW 35.21.777; and declaring an emergency.

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

5 **Sec. 1.** RCW 28B.35.190 and 1977 ex.s. c 169 s 49 are each amended
6 to read as follows:

7 Subject to the provisions of section 6 of this act, each board of
8 trustees of the regional universities may:

9 (1) Contract for such fire protection services as may be necessary
10 for the protection and safety of the students, staff and property of
11 the regional university;

12 (2) By agreement pursuant to the provisions of chapter 239, Laws of
13 1967 (chapter 39.34 RCW), as now or hereafter amended, join together
14 with other agencies or political subdivisions of the state or federal

1 government and otherwise share in the accomplishment of any of the
2 purposes of subsection (1) of this section:

3 PROVIDED, HOWEVER, That neither the failure of the trustees to
4 exercise any of its powers under this section nor anything herein shall
5 detract from the lawful and existing powers and duties of political
6 subdivisions of the state to provide the necessary fire protection
7 equipment and services to persons and property within their
8 jurisdiction.

9 Sec. 2. RCW 28B.40.190 and 1977 ex.s. c 169 s 69 are each amended
10 to read as follows:

11 Subject to the provisions of section 6 of this act, the board of
12 trustees of The Evergreen State College may:

13 (1) Contract for such fire protection services as may be necessary
14 for the protection and safety of the students, staff and property of
15 the college;

16 (2) By agreement pursuant to the provisions of chapter 239, Laws of
17 1967 (chapter 39.34 RCW), as now or hereafter amended, join together
18 with other agencies or political subdivisions of the state or federal
19 government and otherwise share in the accomplishment of any of the
20 purposes of subsection (1) of this section:

21 PROVIDED, HOWEVER, That neither the failure of the trustees to
22 exercise any of its powers under this section nor anything herein shall
23 detract from the lawful and existing powers and duties of political
24 subdivisions of the state to provide the necessary fire protection
25 equipment and services to persons and property within their
26 jurisdiction.

27 NEW SECTION. Sec. 3. A new section is added to chapter 35.21 RCW
28 to read as follows:

1 The legislature finds that certain state-owned facilities and
2 institutions impose a financial burden on the cities and towns
3 responsible for providing fire protection services to those state
4 facilities. The legislature endeavors pursuant to this act (chapter
5 ..., Laws of 1992), to establish a process whereby cities and towns
6 that have a significant share of their total assessed valuation taken
7 up by state-owned facilities can enter into fire protection contracts
8 with state agencies or institutions to provide a share of the
9 jurisdiction's fire protection funding.

10 **Sec. 4.** RCW 35.21.775 and 1985 c 6 s 4 are each amended to read as
11 follows:

12 Subject to the provisions of section 6 of this act, whenever a city
13 or town has located within its territorial limits ((buildings or
14 equipment)) facilities, except those leased to a nontax-exempt person
15 or organization, owned by the state or an agency or institution of the
16 state, the state or agency or institution ((shall)) owning such
17 facilities and the city or town may contract ((with the city or town))
18 for an equitable share of fire protection services ((necessary)) for
19 the protection and safety of personnel and property, pursuant to
20 chapter 39.34 RCW, as now or hereafter amended. Nothing in this
21 section shall be construed to require the state, or any state agency or
22 institution, to contract for services which are performed by the staff
23 and equipment of such an entity or by a fire protection district
24 pursuant to RCW 52.30.020. ((The director of community development
25 shall present in the budget submitted to the governor for each
26 biennium, an amount sufficient to fund any fire protection service
27 contracts negotiated under the provisions of this section.))

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 35.21 RCW
2 to read as follows:

3 Nothing in this act (chapter ..., Laws of 1992), shall be
4 interpreted to abrogate existing contracts for fire protection services
5 and equipment, nor be deemed to authorize cities and towns to negotiate
6 additional contractual provisions to apply prior to the expiration of
7 such existing contracts. Upon expiration of contracts negotiated prior
8 to the effective date of this act, future contracts between such cities
9 and towns and state agencies and institutions shall be governed by the
10 provisions of sections 4 and 6 of this act.

11 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.21 RCW
12 to read as follows:

13 (1) In cities or towns where the estimated value of state-owned
14 facilities constitutes ten percent or more of the total assessed
15 valuation, the state agency or institution owning the facilities shall
16 contract with the city or town to pay an equitable share for fire
17 protection services. The contract shall be negotiated as provided in
18 subsections (2) through (6) of this section and shall provide for
19 payment by the agency or institution to the city or town.

20 (2) A city or town seeking to enter into fire protection contract
21 negotiations shall provide written notification to the department of
22 community development and the state agencies or institutions that own
23 property within the jurisdiction, of its intent to contract for fire
24 protection services. Where there are multiple state agencies located
25 within a single jurisdiction, a city may choose to notify only the
26 department of community development, which in turn shall notify the
27 agencies or institution that own property within the jurisdiction of
28 the city's intent to contract for fire protection services. Any such
29 notification shall be based on the valuation procedures, based on

1 commonly accepted standards, adopted by the department of community
2 development in consultation with the department of general
3 administration and the association of Washington cities.

4 (3) The department of community development shall review any such
5 notification to ensure that the valuation procedures and results are
6 accurate. The department will notify each affected city or town and
7 state agency or institution of the results of their review within
8 thirty days of receipt of notification.

9 (4) The parties negotiating fire protection contracts under this
10 section shall conduct those negotiations in good faith. Whenever there
11 are multiple state agencies located within a single jurisdiction, every
12 effort shall be made by the state to consolidate negotiations on behalf
13 of all affected agencies.

14 (5) In the event of notification by one of the parties that an
15 agreement cannot be reached on the terms and conditions of a fire
16 protection contract, the director of the department of community
17 development shall mediate a resolution of the disagreement. In the
18 event of a continued impasse, the director of the department of
19 community development shall recommend a resolution.

20 (6) If the parties reject the recommendation of the director and an
21 impasse continues, the director shall direct the parties to
22 arbitration. The parties shall agree on a neutral arbitrator, and the
23 fees and expenses of the arbitrator shall be shared equally between the
24 parties. The arbitration shall be a final offer, total arbitration,
25 with the arbitrator empowered only to pick the final offer of one of
26 the parties or the recommended resolution by the director of the
27 department of community development. The decision of the arbitrator
28 shall be final, binding, and nonappealable on the parties.

1 (7) The provisions of this section shall not apply if a city or
2 town and a state agency or institution have contracted pursuant to
3 section 4 of this act.

4 (8) The provisions of this section do not apply to cities and towns
5 not meeting the conditions in subsection (1) of this section. Cities
6 and towns not meeting the conditions of subsection (1) of this section
7 may enter into contracts pursuant to section 4 of this act.

8 NEW SECTION. **Sec. 7.** A new section is added to chapter 35.21 RCW
9 to read as follows:

10 On or before May 1, 1992, the department of community development
11 shall, in consultation with the association of Washington cities, adopt
12 rules pursuant to chapter 34.05 RCW for the implementation of this act
13 (chapter ..., Laws of 1992).

14 NEW SECTION. **Sec. 8.** RCW 35.21.777 and 1983 c 87 s 1 are each
15 repealed.

16 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of the
18 state government and its existing public institutions, and shall take
19 effect immediately.