

2 **HB 1911** - S COMM AMD (S2780.1)
3 By Committee on Government Operations

4 ADOPTED AS AMENDED BY S-3213.1

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 52.04 RCW
8 to read as follows:

9 If the area of a newly incorporated city or town is located in one
10 or more fire protection districts, the city or town is deemed to have
11 been annexed by the fire protection district or districts effective
12 immediately on the city's or town's official date of incorporation,
13 unless the city or town council adopts a resolution during the interim
14 transition period precluding the annexation of the newly incorporated
15 city or town by the fire protection district or districts. The newly
16 incorporated city or town shall remain annexed to the fire protection
17 district or districts for the remainder of the year of the city's or
18 town's official date of incorporation, or through the following year if
19 such extension is approved by resolution adopted by the city or town
20 council and by the board or boards of fire commissioners, and shall be
21 withdrawn from the fire protection district or districts at the end of
22 this period, unless a ballot proposition is adopted by the voters
23 pursuant to RCW 52.04.071 providing for annexation of the city or town
24 to a fire protection district.

25 If the city or town is withdrawn from the fire protection district
26 or districts, the maximum rate of the first property tax levy that is
27 imposed by the city or town after the withdrawal is calculated as if
28 the city or town never had been annexed by the fire protection district
29 or districts.

30 **Sec. 2.** RCW 52.08.025 and 1986 c 234 s 35 are each amended to read
31 as follows:

32 Effective January 1, 1960, every city or town, or portion thereof,
33 which is situated within the boundaries of a fire protection district
34 shall become automatically removed from such fire protection district,
35 and no fire protection district shall thereafter include any city or

1 town, or portion thereof, within its boundaries except as provided for
2 in RCW 52.02.020, 52.04.061, 52.04.071, 52.04.081, ((and)) 52.04.101,
3 and section 1 of this act.

4 However, if the area which incorporates or is annexed includes all
5 of a fire protection district, the fire protection district, for
6 purposes of imposing regular property taxes, shall continue in
7 existence: (1)(a) Until the first day of January in the year in which
8 the initial property tax collections of the newly incorporated city or
9 town will be made, if a resolution is adopted under section 1 of this
10 act precluding annexation of the city or town to the district; (b)
11 until the city or town is withdrawn from the fire protection district,
12 if no such resolution is adopted and no ballot proposition under
13 section 1 of this act is approved; or (c) indefinitely, if such a
14 ballot proposition is approved; or (2) until the first day of January
15 in the year the annexing city or town will collect its property taxes
16 imposed on the newly annexed area. The members of the city or town
17 council or commission shall act as the board of commissioners to
18 impose, receive, and expend these property taxes.

19 **Sec. 3.** RCW 35.02.190 and 1989 c 76 s 2 are each amended to read
20 as follows:

21 If a portion of a fire protection district including at least sixty
22 percent of the assessed valuation of the real property of the district
23 is annexed to or incorporated into a city or town, ownership of all of
24 the assets of the district shall be vested in the city or town, or, if
25 the city or town has been annexed by another fire protection district,
26 in the other fire protection district, upon payment in cash, properties
27 or contracts for fire protection services to the district within one
28 year of the date on which the city or town withdraws from the fire
29 protection district pursuant to section 1 of this act, of a percentage
30 of the value of said assets equal to the percentage of the value of the
31 real property in entire district remaining outside the incorporated or
32 annexed area. The fire protection district may elect, by a vote of a
33 majority of the persons residing outside the annexed or incorporated
34 area who vote on the proposition, to require the annexing or
35 incorporating city or town or fire protection district to assume
36 responsibility for the provision of fire protection, and for the
37 operation and maintenance of the district's property, facilities, and
38 equipment throughout the district and to pay the city or town or fire

1 protection district a reasonable fee for such fire protection,
2 operation, and maintenance. When at least sixty percent, but less than
3 one hundred percent, valuation of the real estate of a district is
4 annexed to or incorporated into a city or town, a proportionate share
5 of the liabilities of the district at the time of such annexation or
6 incorporation, equal to the percentage of the total assessed valuation
7 of the real estate of the district that has been annexed or
8 incorporated, shall be transferred to the annexing or incorporating
9 city or town.

10 If all of a fire protection district is included in an area that
11 incorporates as a city or town or is annexed to a city or town or fire
12 protection district, all of the assets and liabilities of the fire
13 protection district shall be transferred to the newly incorporated city
14 or town (~~upon its official date of incorporation~~) on the date on
15 which the fire protection district ceases to provide fire protection
16 services pursuant to section 1 of this act or to the city or town or
17 fire protection district upon the annexation.

18 **Sec. 4.** RCW 35.02.205 and 1989 c 267 s 3 are each amended to read
19 as follows:

20 (1) A distribution of assets from the fire protection district to
21 the city or town shall occur as provided in this section upon the
22 annexation or, in the case of an incorporation, on the date on which
23 the city or town withdraws from the fire protection district pursuant
24 to section 1 of this act, of an area by the city or town that
25 constitutes less than five percent of the area of the fire protection
26 district upon the adoption of a resolution by the city or town finding
27 that the annexation or incorporation will impose a significant increase
28 in the fire suppression responsibilities of the city or town with a
29 corresponding reduction in fire suppression responsibilities by the
30 fire protection district. Such a resolution must be adopted within
31 sixty days of the effective date of the annexation, or within sixty
32 days of the official date of incorporation of the city. If the fire
33 protection district does not concur in the finding within sixty days of
34 when a copy of the resolution is submitted to the board of
35 commissioners, arbitration shall proceed under subsection (3) of this
36 section over this issue.

37 (2) An agreement on the distribution of assets from the fire
38 protection district to the city or town shall be entered into by the

1 city or town and the fire protection district within ninety days of the
2 concurrence by the fire protection district under subsection (1) of
3 this section, or within ninety days of a decision by the arbitrators
4 under subsection (3) of this section that a significant increase in the
5 fire protection responsibilities will be imposed upon the city or town
6 as a result of the incorporation or annexation. A distribution shall
7 be based upon the extent of the increased fire suppression
8 responsibilities with a corresponding reduction in fire suppression
9 responsibilities by the fire protection district, and shall consider
10 the impact of any debt obligation that may exist on the property that
11 is so annexed or incorporated. If an agreement is not entered into
12 after this ninety-day period, arbitration shall proceed under
13 subsection (3) of this section concerning this issue unless both
14 parties have agreed to an extension of this period.

15 (3) Arbitration shall proceed under this subsection over the issue
16 of whether a significant increase in the fire protection
17 responsibilities will be imposed upon the city or town as a result of
18 the annexation or incorporation with a corresponding reduction in fire
19 suppression responsibilities by the fire protection district, or over
20 the distribution of assets from the fire protection district to the
21 city or town if such a significant increase in fire protection
22 responsibilities will be imposed. A board of arbitrators shall be
23 established for an arbitration that is required under this section.
24 The board of arbitrators shall consist of three persons, one of whom is
25 appointed by the city or town within sixty days of the date when
26 arbitration is required, one of whom is appointed by the fire
27 protection district within sixty days of the date when arbitration is
28 required, and one of whom is appointed by agreement of the other two
29 arbitrators within thirty days of the appointment of the last of these
30 other two arbitrators who is so appointed. If the two are unable to
31 agree on the appointment of the third arbitrator within this thirty-day
32 period, then the third arbitrator shall be appointed by a judge in the
33 superior court of the county within which all or the greatest portion
34 of the area that was so annexed or incorporated lies. The
35 determination by the board of arbitrators shall be binding on both the
36 city or town and the fire protection district."

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ADOPTED 3/13/93

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4 On page 1, line 2 of the title, after "towns;" strike the remainder
5 of the title and insert "amending RCW 52.08.025, 35.02.190, and
6 35.02.205; and adding a new section to chapter 52.04 RCW."

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