

SHB 2345 - S COMM AMD

By Committee on Government Operations & Elections

NOT ADOPTED 03/03/2006

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

3 "Sec. 1. RCW 52.26.020 and 2004 c 129 s 2 are each amended to read
4 as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

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

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

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

22 (4) "Regional fire protection service authority plan" or "plan"
23 means a plan to develop and finance a fire protection service authority
24 project or projects, including, but not limited to, specific capital
25 projects, fire operations and emergency service operations pursuant to
26 RCW 52.26.040(3)(b), and preservation and maintenance of existing or
27 future facilities.

28 (5) "Fire protection jurisdiction" means a fire district, city,
29 town, port district, or Indian tribe.

1 (6) "Regular property taxes" has the same meaning as in RCW
2 84.04.140.

3 **Sec. 2.** RCW 52.26.040 and 2004 c 129 s 4 are each amended to read
4 as follows:

5 (1) A regional fire protection service authority planning committee
6 shall adopt a regional fire protection service authority plan providing
7 for the design, financing, and development of fire protection and
8 emergency services. The planning committee may consider the following
9 factors in formulating its plan:

- 10 (a) Land use planning criteria; and
- 11 (b) The input of cities and counties located within, or partially
12 within, a participating fire protection jurisdiction.

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

16 (3) The planning committee shall:

17 (a) Create opportunities for public input in the development of the
18 plan;

19 (b) Adopt a plan proposing the creation of a regional fire
20 protection service authority and recommending design, financing, and
21 development of fire protection and emergency service facilities and
22 operations, including maintenance and preservation of facilities or
23 systems(~~(, except that no)~~). The plan may authorize the authority to
24 provide ambulance service ((may be recommended unless the regional fire
25 protection service)), directly or by contract after call for bids, only
26 after the board of the authority determines that the participating fire
27 protection jurisdictions ((that are members of the authority)) are not
28 adequately served by existing private ambulance service ((in which case
29 the authority may provide for the establishment of a system of
30 ambulance service to be operated by the authority or operated by
31 contract after a call for bids)); and

32 (c) In the plan, recommend sources of revenue authorized by RCW
33 52.26.050, identify the portions of the plan that may be amended by the
34 board of the authority without voter approval, consistent with RCW
35 52.26.050, and recommend a financing plan to fund selected fire
36 protection ((service)) and emergency services and projects.

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

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

12 **Sec. 3.** RCW 52.26.050 and 2004 c 129 s 5 are each amended to read
13 as follows:

14 (1) A regional fire protection service authority planning committee
15 may, as part of a regional fire protection service authority plan,
16 recommend the imposition of some or all of the following revenue
17 sources, which a regional fire protection service authority may impose
18 upon approval of the voters as provided in this chapter:

19 (a) Benefit charges under RCW 52.26.180 through 52.26.270;

20 (b) Property taxes under RCW 52.26.140 through 52.26.170 and
21 84.52.044 and RCW 84.09.030, 84.52.010, 84.52.052, and 84.52.069; or

22 (c) Both (a) and (b) of this subsection.

23 (2) The authority may impose taxes and benefit charges ((may not be
24 imposed unless they are identified)) as set forth in the regional fire
25 protection service authority plan ((and the plan is)) upon creation of
26 the authority, or as provided for in this chapter after creation of the
27 authority. If the plan authorizes the authority to impose benefit
28 charges or sixty percent voter approved taxes, the plan and creation of
29 the authority must be approved by an affirmative vote of sixty percent
30 of the voters within the boundaries of the authority voting on a ballot
31 proposition as set forth in RCW 52.26.060. However, if the plan
32 provides for alternative sources of revenue that become effective if
33 the plan and creation of the authority is approved only by a majority
34 vote, then the plan with alternative sources of revenue and creation of
35 the authority may be approved by an affirmative vote of the majority of
36 those voters. If the plan does not authorize the authority to impose
37 benefit charges or sixty percent voter approved taxes, the plan and

1 creation of the authority must be approved by an affirmative vote of
2 the majority of the voters within the boundaries of the authority
3 voting on a ballot proposition as set forth in RCW 52.26.060. (~~The~~
4 ~~voter approval requirement~~) Except as provided in this section (~~is in~~
5 ~~addition to any~~), all other voter approval requirements under law for
6 the levying of property taxes or the imposition of benefit charges
7 apply. Revenues from these taxes and benefit charges may be used only
8 to implement the plan as set forth in this chapter.

9 **Sec. 4.** RCW 52.26.060 and 2004 c 129 s 6 are each amended to read
10 as follows:

11 The governing bodies of two or more adjacent fire protection
12 jurisdictions, upon receipt of the regional fire protection service
13 authority plan under RCW 52.26.040, may certify the plan to the ballot,
14 including identification of the (~~tax~~) revenue options (~~necessary~~)
15 specified to fund the plan. The governing bodies of the fire
16 protection jurisdictions may draft a ballot title, give notice as
17 required by law for ballot measures, and perform other duties as
18 required to put the plan before the voters of the proposed authority
19 for their approval or rejection as a single ballot measure that both
20 approves formation of the authority and approves the plan. Authorities
21 may negotiate interlocal agreements necessary to implement the plan.
22 The electorate is the voters voting within the boundaries of the
23 proposed regional fire protection service authority. A simple majority
24 of the total persons voting on the single ballot measure to approve the
25 plan(~~(7)~~) and establish the authority(~~(7 and approve the taxes)~~) is
26 required for approval. However, if the plan authorizes the authority
27 to impose benefit charges or sixty percent voter approved taxes, then
28 the percentage of total persons voting on the single ballot measure to
29 approve the plan and establish the authority is the same as in RCW
30 52.26.050. The authority must act in accordance with the general
31 election laws of the state. The authority is liable for its
32 proportionate share of the costs when the elections are held under RCW
33 (~~(29A.04.320)~~) 29A.04.321 and 29A.04.330.

34 **Sec. 5.** RCW 52.26.070 and 2004 c 129 s 7 are each amended to read
35 as follows:

36 If the voters approve the plan, including creation of a regional

1 fire protection service authority and imposition of taxes and benefit
2 charges, if any, the authority is formed on the next January 1st or
3 July 1st, whichever occurs first. The appropriate county election
4 officials shall, within fifteen days of the final certification of the
5 election results, publish a notice in a newspaper or newspapers of
6 general circulation in the authority declaring the authority formed.
7 A party challenging the procedure or the formation of a voter-approved
8 authority must file the challenge in writing by serving the prosecuting
9 attorney of each county within, or partially within, the regional fire
10 protection service authority and the attorney general within thirty
11 days after the final certification of the election. Failure to
12 challenge within that time forever bars further challenge of the
13 authority's valid formation.

14 **Sec. 6.** RCW 52.26.090 and 2004 c 129 s 9 are each amended to read
15 as follows:

16 (1) The governing board of the authority is responsible for the
17 execution of the voter-approved plan. Participating jurisdictions
18 shall review the plan every ten years. The board (~~shall~~) may:

19 (a) Levy (~~and impose~~) taxes and impose benefit charges as
20 authorized in the plan and approved by authority voters;

21 (b) Enter into agreements with federal, state, local, and regional
22 entities and departments as necessary to accomplish authority purposes
23 and protect the authority's investments;

24 (c) Accept gifts, grants, or other contributions of funds that will
25 support the purposes and programs of the authority;

26 (d) Monitor and audit the progress and execution of fire protection
27 and emergency service projects to protect the investment of the public
28 and annually make public its findings;

29 (e) Pay for services and enter into leases and contracts, including
30 professional service contracts;

31 (f) Hire, manage, and terminate employees; and

32 (g) Exercise (~~other~~) powers and perform duties as (~~may be~~
33 ~~reasonable~~) the board determines necessary to carry out the purposes,
34 functions, and projects of the authority in accordance with Title 52
35 RCW if one of the fire protection jurisdictions is a fire district,
36 unless provided otherwise in the regional fire protection service

1 authority plan, or in accordance with the statutes identified in the
2 plan if none of the fire protection jurisdictions is a fire district.

3 ~~(2) ((An authority may acquire, hold, or dispose of real property.~~
4 ~~(3) An authority may exercise the powers of eminent domain.~~
5 ~~(4))~~ An authority may enforce fire codes as provided under chapter
6 19.27 RCW.

7 **Sec. 7.** RCW 52.26.100 and 2004 c 129 s 10 are each amended to read
8 as follows:

9 (1) Except as otherwise provided in the regional fire protection
10 service authority plan, all powers, duties, and functions of a
11 participating fire protection jurisdiction pertaining to ((providing))
12 fire protection and emergency services ((may)) shall be transferred((
13 by resolution,
14)) to the regional fire protection service authority on
its creation date.

15 (2)(a) Except as otherwise provided in the regional fire protection
16 service authority plan, and on the creation date of the regional fire
17 protection service authority, all reports, documents, surveys, books,
18 records, files, papers, or written material in the possession of the
19 participating fire protection jurisdiction pertaining to ((the)) fire
20 protection and emergency services powers, functions, and duties
21 ((transferred)) shall be delivered to the ((custody of the)) regional
22 fire protection service authority((-)); all real property and personal
23 property including cabinets, furniture, office equipment, motor
24 vehicles, and other tangible property employed by the participating
25 fire protection jurisdiction in carrying out the fire protection and
26 emergency services powers, functions, and duties ((transferred)) shall
27 be ((made available)) transferred to the regional fire protection
28 service authority((-)); and all funds, credits, or other assets held by
29 the participating fire protection jurisdiction in connection with the
30 fire protection and emergency services powers, functions, and duties
31 ((transferred)) shall be ((assigned)) transferred and credited to the
32 regional fire protection service authority.

33 (b) Except as otherwise provided in the regional fire protection
34 service authority plan, any appropriations made to the participating
35 fire protection jurisdiction for carrying out the fire protection and
36 emergency services powers, functions, and duties ((transferred))

1 shall(~~(, on the effective date of the resolution,~~) be transferred and
2 credited to the regional fire protection service authority.

3 (c) Except as otherwise provided in the regional fire protection
4 service authority plan, whenever any question arises as to the transfer
5 of any personnel, funds, books, documents, records, papers, files,
6 equipment, or other tangible property used or held in the exercise of
7 the powers and the performance of the duties and functions transferred,
8 the governing body of the participating fire protection jurisdiction
9 shall make a determination as to the proper allocation.

10 (3) Except as otherwise provided in the regional fire protection
11 service authority plan, all rules and all pending business before the
12 participating fire protection jurisdiction pertaining to the powers,
13 functions, and duties transferred shall be continued and acted upon by
14 the regional fire protection service authority(~~(-)~~), and all existing
15 contracts and obligations shall remain in full force and shall be
16 performed by the regional fire protection service authority.

17 (4) The transfer of the powers, duties, functions, and personnel of
18 the participating fire protection jurisdiction shall not affect the
19 validity of any act performed before (~~the effective date of the~~
20 ~~resolution~~) creation of the regional fire protection service
21 authority.

22 (5) If apportionments of budgeted funds are required because of the
23 transfers (~~directed by the resolution~~), the treasurer (~~under RCW~~
24 ~~52.26.170~~) for the authority shall certify the apportionments.

25 (6) Nothing contained in this section may be construed to alter any
26 existing collective bargaining unit or the provisions of any existing
27 collective bargaining agreement until the agreement has expired or
28 until the bargaining unit has been modified as provided by law. RCW
29 (~~35.13.215 through 35.13.235~~) 52.06.110 through 52.06.130 apply to
30 the transfer of employees under this section.

31 NEW SECTION. Sec. 8. A new section is added to chapter 52.26 RCW
32 to read as follows:

33 Territory that is annexed to a participating jurisdiction is
34 annexed to the authority as of the effective date of the annexation.
35 The statutes regarding transfer of assets and employees do not apply to
36 the participating jurisdictions in the annexation.

1 **Sec. 9.** RCW 52.26.130 and 2004 c 129 s 14 are each amended to read
2 as follows:

3 ~~((Unless contrary to this section, chapter 39.42 RCW applies to~~
4 ~~debt and bonding under this section. The authority may borrow money,~~
5 ~~but may not issue any debt of its own for more than ten years'~~
6 ~~duration.)) An authority may incur general indebtedness for authority
7 purposes, issue bonds, notes, or other evidences of indebtedness ~~((with~~
8 ~~a maturity of not more than twenty years. An authority may, when~~
9 ~~authorized by the plan, enter into agreements with the state to pledge~~
10 ~~taxes or other revenues of the authority for the purpose of paying in~~
11 ~~part or whole principal and interest on bonds issued by the authority))~~
12 not to exceed an amount, together with any outstanding nonvoter
13 approved general obligation debt, equal to three-fourths of one percent
14 of the value of the taxable property within the authority. The maximum
15 term of the obligations may not exceed twenty years. The obligations
16 may pledge benefit charges and may pledge payments to an authority from
17 the state, the federal government, or any fire protection jurisdiction
18 under an interlocal contract. The interlocal contracts pledging
19 revenues and taxes are binding for ((the)) a term ((of the agreement,
20 ~~but~~~~)) not to exceed twenty-five years, and ((no tax)) taxes or other~~
21 ~~revenue pledged by an ((agreement)) interlocal contract may not~~
22 ~~be eliminated or modified if it would impair the pledge of the~~
23 ~~((agreement)) contract. An authority may also issue general obligation~~
24 ~~bonds for capital purposes not to exceed an amount, together with any~~
25 ~~outstanding general obligation debt, equal to one and one-half percent~~
26 ~~of the value of the taxable property within the authority, and to~~
27 ~~provide for the retirement thereof by excess property tax levies, when~~
28 ~~the voters of the authority have approved a proposition authorizing~~
29 ~~indebtedness and levies by an affirmative vote of three-fifths of those~~
30 ~~voting on the proposition at an election, at which election the total~~
31 ~~number of persons voting constitutes not less than forty percent of the~~
32 ~~voters in the authority who voted at the last preceding general state~~
33 ~~election. The maximum term of the bonds may not exceed twenty-five~~
34 ~~years. Elections shall be held as provided in RCW 39.36.050.~~
35 Obligations of an authority shall be issued and sold in accordance with
36 chapters 39.46 and 39.50 RCW, as applicable.~~

1 **Sec. 10.** RCW 52.26.140 and 2004 c 129 s 15 are each amended to
2 read as follows:

3 (1) To carry out the purposes for which a regional fire protection
4 service authority is created, as authorized in the plan and approved by
5 the voters, the governing board of an authority may annually levy the
6 following taxes:

7 (a) An ad valorem tax on all taxable property located within the
8 authority not to exceed fifty cents per thousand dollars of assessed
9 value;

10 (b) An ad valorem tax on all property located within the authority
11 not to exceed fifty cents per thousand dollars of assessed value and
12 which will not cause the combined levies to exceed the constitutional
13 or statutory limitations. This levy, or any portion of this levy, may
14 also be made when dollar rates of other taxing units are released by
15 agreement with the other taxing units from their authorized levies; and

16 (c) An ad valorem tax on all taxable property located within the
17 authority not to exceed fifty cents per thousand dollars of assessed
18 value if the authority has at least one full-time, paid employee, or
19 contracts with another municipal corporation for the services of at
20 least one full-time, paid employee. This levy may be made only if it
21 will not affect dollar rates which other taxing districts may lawfully
22 claim nor cause the combined levies to exceed the constitutional or
23 statutory limitations or both.

24 (2) Levies in excess of the amounts provided in subsection (1) of
25 this section or in excess of the aggregate dollar rate limitations or
26 both may be made for any authority purpose when so authorized at a
27 special election under RCW 84.52.052. Any such tax when levied must be
28 certified to the proper county officials for the collection of the tax
29 as for other general taxes. The taxes when collected shall be placed
30 in the appropriate authority fund or funds as provided by law, and must
31 be paid out on warrants of the auditor of the county in which all, or
32 the largest portion of, the authority is located, upon authorization of
33 the governing board of the authority.

34 (3) (~~Authorities are additionally authorized to incur general~~
35 ~~indebtedness and to issue general obligation bonds for capital purposes~~
36 ~~as provided in RCW 52.26.130.)) Authorities may provide for the
37 retirement of general indebtedness by excess property tax levies(~~(~~
38 ~~when the voters of the authority have approved a proposition~~~~

1 ~~authorizing such indebtedness and levies by an affirmative vote of~~
2 ~~three fifths of those voting on the proposition at such an election, at~~
3 ~~which election the total number of persons voting shall constitute not~~
4 ~~less than forty percent of the voters in the authority who voted at the~~
5 ~~last preceding state general election. Elections must be held as~~
6 ~~provided in RCW 39.36.050. The maximum term of any bonds issued under~~
7 ~~the authority of this section may not exceed ten years and must be~~
8 ~~issued and sold in accordance with chapter 39.46 RCW)) as set forth in~~
9 RCW 52.26.130.

10 (4) For purposes of this ((~~section~~)) chapter, the term "value of
11 the taxable property" has the same meaning as in RCW 39.36.015.

12 **Sec. 11.** RCW 52.26.220 and 2004 c 129 s 28 are each amended to
13 read as follows:

14 (1) Notwithstanding any other provision in this chapter to the
15 contrary, any benefit charge authorized by this chapter is not
16 effective unless a proposition to impose the benefit charge is approved
17 by a sixty percent majority of the voters of the regional fire
18 protection service authority voting at a general election or at a
19 special election called by the authority for that purpose, held within
20 the authority. A ballot measure that contains an authorization to
21 impose benefit charges and that is approved by the voters pursuant to
22 RCW 52.26.060 meets the proposition approval requirement of this
23 section. An election held under this section must be held not more
24 than twelve months prior to the date on which the first charge is to be
25 assessed. A benefit charge approved at an election expires in six
26 years or fewer as authorized by the voters, unless subsequently
27 reapproved by the voters.

28 (2) The ballot must be submitted so as to enable the voters
29 favoring the authorization of a regional fire protection service
30 authority benefit charge to vote "Yes" and those opposed to vote "No."
31 The ballot question is as follows:

32 "Shall the regional fire protection service
33 authority composed of (insert the participating fire protection
34 jurisdictions) be authorized to impose benefit
35 charges each year for (insert number of years not to
36 exceed six) years, not to exceed an amount equal to sixty

1 percent of its operating budget, and be prohibited from
2 imposing an additional property tax under RCW 52.26.140(1)(c)?

3 YES NO
4

5 (3) Authorities renewing the benefit charge may elect to use the
6 following alternative ballot:

7 "Shall the regional fire protection service authority
8 composed of (insert the participating fire protection
9 jurisdictions) be authorized to continue voter-
10 authorized benefit charges each year for (insert number
11 of years not to exceed six) years, not to exceed an amount
12 equal to sixty percent of its operating budget, and be
13 prohibited from imposing an additional property tax under RCW
14 52.26.140(1)(c)?

15 YES NO
16

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17 On page 1, line 1 of the title, after "authorities;" strike the
18 remainder of the title and insert "amending RCW 52.26.020, 52.26.040,
19 52.26.050, 52.26.060, 52.26.070, 52.26.090, 52.26.100, 52.26.130,
20 52.26.140, and 52.26.220; and adding a new section to chapter 52.26
21 RCW."

--- END ---