

CERTIFICATION OF ENROLLMENT

SENATE BILL 5426

Chapter 115, Laws of 2009

61st Legislature
2009 Regular Session

PARTIAL CITY ANNEXATION--FIRE PROTECTION DISTRICTS

EFFECTIVE DATE: 07/26/09

Passed by the Senate March 6, 2009
YEAS 46 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 7, 2009
YEAS 98 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved April 16, 2009, 3:52 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5426** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

April 17, 2009

**Secretary of State
State of Washington**

SENATE BILL 5426

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Senators Kastama, Berkey, and Fairley

Read first time 01/22/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to authorizing certain areas in cities or towns
2 with a population greater than five thousand but less than ten thousand
3 to annex to a fire protection district; and amending RCW 52.04.061,
4 52.04.071, 52.04.081, 52.04.091, 52.04.101, 52.04.111, 52.04.121, and
5 52.04.131.

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

7 **Sec. 1.** RCW 52.04.061 and 1999 c 105 s 3 are each amended to read
8 as follows:

9 (1) A city or town lying adjacent to a fire protection district may
10 be annexed to such district if at the time of the initiation of
11 annexation the population of the city or town is 100,000 or less. The
12 legislative authority of the city or town may initiate annexation by
13 the adoption of an ordinance stating an intent to join the fire
14 protection district and finding that the public interest will be served
15 thereby. If the board of fire commissioners of the fire protection
16 district shall concur in the annexation, notification thereof shall be
17 transmitted to the legislative authority or authorities of the counties
18 in which the city or town and the district are situated.

1 (2) When a city or town is located in two counties, and at least
2 eighty percent of the population resides in one county, all of that
3 portion of the city lying in that county and encompassing eighty
4 percent of the population may be annexed to a fire protection district
5 if at the time of the initiation of annexation the proposed area lies
6 adjacent to a fire protection district, and the population of the
7 proposed area is greater than five thousand but less than ten thousand.
8 The legislative authority of the city or town may initiate annexation
9 by the adoption of an ordinance stating an intent to join the fire
10 protection district and finding that the public interest will be served
11 thereby. If the board of fire commissioners of the fire protection
12 district shall concur in the annexation, notification thereof must be
13 transmitted to the legislative authority or authorities of the counties
14 in which the city or town and the district are situated.

15 **Sec. 2.** RCW 52.04.071 and 2006 c 344 s 34 are each amended to read
16 as follows:

17 The county legislative authority or authorities shall by resolution
18 call a special election to be held in the city, partial city as set
19 forth in RCW 52.04.061(2), or town and in the fire protection district
20 at the next date according to RCW 29A.04.321, and shall cause notice of
21 the election to be given as provided for in RCW 29A.52.351.

22 The election on the annexation of the city, partial city as set
23 forth in RCW 52.04.061(2), or town into the fire protection district
24 shall be conducted by the auditor of the county or counties in which
25 the city, partial city as set forth in RCW 52.04.061(2), or town and
26 the fire protection district are located in accordance with the general
27 election laws of the state. The results thereof shall be canvassed by
28 the canvassing board of the county or counties. No person is entitled
29 to vote at the election unless he or she is a qualified elector in the
30 city, partial city as set forth in RCW 52.04.061(2), or town or unless
31 he or she is a qualified elector within the boundaries of the fire
32 protection district. The ballot proposition shall be in substantially
33 the following form:

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

37 YES

1 NO "

2 If a majority of the persons voting on the proposition in the city,
3 partial city as set forth in RCW 52.04.061(2), or town and a majority
4 of the persons voting on the proposition in the fire protection
5 district vote in favor thereof, the city, partial city as set forth in
6 RCW 52.04.061(2), or town shall be annexed and shall be a part of the
7 fire protection district.

8 **Sec. 3.** RCW 52.04.081 and 1984 c 230 s 17 are each amended to read
9 as follows:

10 The annual tax levies authorized by chapter 52.16 RCW shall be
11 imposed throughout the fire protection district, including any city,
12 partial city as set forth in RCW 52.04.061(2), or town annexed thereto.
13 Any city, partial city as set forth in RCW 52.04.061(2), or town
14 annexed to a fire protection district is entitled to levy up to three
15 dollars and sixty cents per thousand dollars of assessed valuation less
16 any regular levy made by the fire protection district or by a library
17 district under RCW 27.12.390 in the incorporated area: PROVIDED, That
18 the limitations upon regular property taxes imposed by chapter 84.55
19 RCW apply.

20 **Sec. 4.** RCW 52.04.091 and 1989 c 76 s 1 are each amended to read
21 as follows:

22 When any city, code city, partial city as set forth in RCW
23 52.04.061(2), or town is annexed to a fire protection district under
24 RCW 52.04.061 and 52.04.071, thereafter, any territory annexed by the
25 city shall also be annexed and be a part of the fire protection
26 district.

27 **Sec. 5.** RCW 52.04.101 and 1979 ex.s. c 179 s 3 are each amended to
28 read as follows:

29 The legislative body of such a city, partial city as set forth in
30 RCW 52.04.061(2), or town which has annexed to such a fire protection
31 district, may, by resolution, present to the voters of such city,
32 partial city as set forth in RCW 52.04.061(2), or town a proposition to
33 withdraw from said fire protection district at any general election
34 held at least three years following the annexation to the fire
35 protection district. If the voters approve such a proposition to

1 withdraw from said fire protection district, the city, partial city as
2 set forth in RCW 52.04.061(2), or town shall have a vested right in the
3 capital assets of the district proportionate to the taxes levied within
4 the corporate boundaries of the city, partial city as set forth in RCW
5 52.04.061(2), or town and utilized by the fire district to acquire such
6 assets.

7 **Sec. 6.** RCW 52.04.111 and 1986 c 254 s 10 are each amended to read
8 as follows:

9 When any city, code city, partial city as set forth in RCW
10 52.04.061(2), or town is annexed to a fire protection district under
11 RCW 52.04.061 and 52.04.071, any employee of the fire department of
12 such city, code city, partial city as set forth in RCW 52.04.061(2), or
13 town who (1) was at the time of annexation employed exclusively or
14 principally in performing the powers, duties, and functions which are
15 to be performed by the fire protection district (2) will, as a direct
16 consequence of annexation, be separated from the employ of the city,
17 code city, partial city as set forth in RCW 52.04.061(2), or town, and
18 (3) can perform the duties and meet the minimum requirements of the
19 position to be filled, then such employee may transfer his employment
20 to the fire protection district as provided in this section and RCW
21 52.04.121 and 52.04.131.

22 For purposes of this section and RCW 52.04.121 and 52.04.131,
23 employee means an individual whose employment with a city, code city,
24 partial city as set forth in RCW 52.04.061(2), or town has been
25 terminated because the city, code city, partial city as set forth in
26 RCW 52.04.061(2), or town was annexed by a fire protection district for
27 purposes of fire protection.

28 **Sec. 7.** RCW 52.04.121 and 1994 c 73 s 4 are each amended to read
29 as follows:

30 (1) An eligible employee may transfer into the fire protection
31 district civil service system, if any, or if none, then may request
32 transfer of employment under this section by filing a written request
33 with the board of fire commissioners of the fire protection district
34 and by giving written notice to the legislative authority of the city,
35 code city, partial city as set forth in RCW 52.04.061(2), or town.
36 Upon receipt of such request by the board of fire commissioners the

1 transfer of employment shall be made. The employee so transferring
2 will (a) be on probation for the same period as are new employees of
3 the fire protection district in the position filled, but if the
4 transferring employee has already completed a probationary period as a
5 firefighter prior to the transfer, then the employee may only be
6 terminated during the probationary period for failure to adequately
7 perform assigned duties, not meeting the minimum qualifications of the
8 position, or behavior that would otherwise be subject to disciplinary
9 action, (b) be eligible for promotion no later than after completion of
10 the probationary period, (c) receive a salary at least equal to that of
11 other new employees of the fire protection district in the position
12 filled, and (d) in all other matters, such as retirement, vacation, and
13 sick leave, have all the rights, benefits, and privileges to which he
14 or she would have been entitled as an employee of the fire protection
15 district from the beginning of employment with the city, code city,
16 partial city as set forth in RCW 52.04.061(2), or town fire department:
17 PROVIDED, That for purposes of layoffs by the annexing fire agency,
18 only the time of service accrued with the annexing agency shall apply
19 unless an agreement is reached between the collective bargaining
20 representatives of the employees of the annexing and annexed fire
21 agencies and the annexing and annexed fire agencies. The city, code
22 city, partial city as set forth in RCW 52.04.061(2), or town shall,
23 upon receipt of such notice, transmit to the board of fire
24 commissioners a record of the employee's service with the city, code
25 city, partial city as set forth in RCW 52.04.061(2), or town which
26 shall be credited to such employee as a part of the period of
27 employment in the fire protection district. All accrued benefits are
28 transferable provided that the recipient agency provides comparable
29 benefits. All benefits shall then accrue based on the combined
30 seniority of each employee in the recipient agency.

31 (2) As many of the transferring employees shall be placed upon the
32 payroll of the fire protection district as the district determines are
33 needed to provide services. These needed employees shall be taken in
34 order of seniority and the remaining employees who transfer as provided
35 in this section and RCW 52.04.111 and 52.04.131 shall head the list for
36 employment in the civil service system in order of their seniority, to
37 the end that they shall be the first to be reemployed in the fire
38 protection district when appropriate positions become available:

1 PROVIDED, That employees who are not immediately hired by the fire
2 protection district shall be placed on a reemployment list for a period
3 not to exceed thirty-six months unless a longer period is authorized by
4 an agreement reached between the collective bargaining representatives
5 of the employees of the annexing and annexed fire agencies and the
6 annexing and annexed fire agencies.

7 **Sec. 8.** RCW 52.04.131 and 1986 c 254 s 12 are each amended to read
8 as follows:

9 When a city, code city, partial city as set forth in RCW
10 52.04.061(2), or town is annexed to a fire protection district and as
11 a result any employee is laid off who is eligible to transfer to the
12 fire protection district pursuant to this section and RCW 52.04.111 and
13 52.04.121, the city, code city, partial city as set forth in RCW
14 52.04.061(2), or town shall notify the employee of the right to
15 transfer and the employee shall have ninety days to transfer employment
16 to the fire protection district.

Passed by the Senate March 6, 2009.

Passed by the House April 7, 2009.

Approved by the Governor April 16, 2009.

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