

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1731

62nd Legislature
2011 Regular Session

Passed by the House March 2, 2011
Yeas 92 Nays 3

Speaker of the House of Representatives

Passed by the Senate April 7, 2011
Yeas 46 Nays 2

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1731** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1731

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By House Local Government (originally sponsored by Representatives Takko, Kagi, and Reykdal)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to the formation, operation, and governance of
2 regional fire protection service authorities; and amending RCW
3 52.26.020, 52.26.040, 52.26.080, and 84.52.044.

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

5 **Sec. 1.** RCW 52.26.020 and 2006 c 200 s 1 are each amended to read
6 as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

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

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

1 (3) "Regional fire protection service authority planning committee"
2 or "planning committee" means the advisory committee created under RCW
3 52.26.030 to create and propose to fire protection jurisdictions a
4 regional fire protection service authority plan to design, finance, and
5 develop fire protection and emergency service projects.

6 (4) "Regional fire protection service authority plan" or "plan"
7 means a plan to develop and finance a fire protection service authority
8 project or projects, including, but not limited to, specific capital
9 projects, fire operations and emergency service operations pursuant to
10 RCW 52.26.040(3)(b), and preservation and maintenance of existing or
11 future facilities.

12 (5) "Fire protection jurisdiction" means a fire district, city,
13 town, port district, municipal airport, or Indian tribe.

14 (6) "Regular property taxes" has the same meaning as in RCW
15 84.04.140.

16 (7) "Participating fire protection jurisdiction" means a fire
17 protection jurisdiction participating in the formation or operation of
18 a regional fire protection service authority.

19 (8) "Elected official" means an elected official of a participating
20 fire protection jurisdiction or a regional fire protection district
21 commissioner created under RCW 52.26.080.

22 **Sec. 2.** RCW 52.26.040 and 2006 c 200 s 2 are each amended to read
23 as follows:

24 (1) A regional fire protection service authority planning committee
25 shall adopt a regional fire protection service authority plan providing
26 for the governance, design, financing, and development of fire
27 protection and emergency services. The planning committee may consider
28 the following factors in formulating its plan:

29 (a) Land use planning criteria; and

30 (b) The input of cities and counties located within, or partially
31 within, a participating fire protection jurisdiction.

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

35 (3) The planning committee shall:

36 (a) Create opportunities for public input in the development of the
37 plan;

1 (b) Adopt a plan proposing the creation of a regional fire
2 protection service authority and recommending governance, design,
3 financing, and development of fire protection and emergency service
4 facilities and operations, including maintenance and preservation of
5 facilities or systems. The plan may authorize the authority to
6 establish a system of ambulance service to be operated by the authority
7 or operated by contract after a call for bids. However, the authority
8 shall not provide for the establishment of an ambulance service that
9 would compete with any existing private ambulance service, unless the
10 authority determines that the region served by the authority, or a
11 substantial portion of the region served by the authority, is not
12 adequately served by an existing private ambulance service. In
13 determining the adequacy of an existing private ambulance service, the
14 authority shall take into consideration objective generally accepted
15 medical standards and reasonable levels of service which must be
16 published by the authority. Following the preliminary conclusion by
17 the authority that the existing private ambulance service is
18 inadequate, and before establishing an ambulance service or issuing a
19 call for bids, the authority shall allow a minimum of sixty days for
20 the private ambulance service to meet the generally accepted medical
21 standards and accepted levels of service. In the event of a second
22 preliminary conclusion of inadequacy within a twenty-four-month period,
23 the authority may immediately issue a call for bids or establish its
24 own ambulance service and is not required to afford the private
25 ambulance service another sixty-day period to meet the generally
26 accepted medical standards and reasonable levels of service. A private
27 ambulance service that is not licensed by the department of health or
28 whose license is denied, suspended, or revoked is not entitled to a
29 sixty-day period within which to demonstrate adequacy and the authority
30 may immediately issue a call for bids or establish an ambulance
31 service; 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 and emergency services and projects.

37 (4) Once adopted, the plan must be forwarded to the participating

1 fire protection jurisdictions' governing bodies to initiate the
2 election process under RCW 52.26.060.

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

11 **Sec. 3.** RCW 52.26.080 and 2004 c 129 s 8 are each amended to read
12 as follows:

13 (1) The board shall adopt rules for the conduct of business. The
14 board shall adopt bylaws to govern authority affairs, which may
15 include:

- 16 (a) The time and place of regular meetings;
- 17 (b) Rules for calling special meetings;
- 18 (c) The method of keeping records of proceedings and official acts;
- 19 (d) Procedures for the safekeeping and disbursement of funds; and
- 20 (e) Any other provisions the board finds necessary to include.

21 (2) The governing board shall be determined by the plan (~~and~~
22 ~~consist solely of elected officials~~). However, only elected officials
23 of participating fire protection jurisdictions and elected
24 commissioners of the authority as provided in subsection (3) of this
25 section are eligible to serve on the board.

26 (3)(a) A regional fire protection service authority plan may create
27 one or more regional fire protection service authority commissioner
28 positions to serve on a governing board. The following provisions
29 define the qualifications, compensation, terms, and responsibilities of
30 regional fire protection service authority commissioner positions:

31 (i) RCW 52.14.010 governs the compensation, qualifications, and
32 ability to serve as a volunteer firefighter;

33 (ii) RCW 52.14.030 governs the polling places for elections; and

34 (iii) RCW 52.14.050 governs commissioner vacancies.

35 (b) The terms of office for regional fire protection service
36 authority commissioner positions may be established by the plan,

1 however, no single term may exceed six years and the terms of multiple
2 positions must be staggered.

3 (c) Regional fire protection service authority commissioners shall
4 take an oath of office in the manner specified by RCW 52.14.070.

5 (4)(a) A regional fire protection service authority plan may create
6 commissioner districts. If commissioner districts are created, the
7 population of each commissioner district must be approximately equal.
8 Commissioner districts must be redrawn as provided in chapter 29A.76
9 RCW.

10 (b) Commissioner districts shall be used as follows: (i) Only a
11 registered voter who resides in a commissioner district may be a
12 candidate for, or serve as, a commissioner of the commissioner
13 district; and (ii) only voters of a commissioner district may vote at
14 a primary to nominate candidates for a commissioner of the commissioner
15 district. All voters of the proposed authority must be eligible to
16 vote at a general election to elect a commissioner of the commissioner
17 district. If a plan includes elected officials from participating fire
18 protection jurisdictions, the commissioner districts may be based, in
19 part, on the jurisdictional boundaries of the participating
20 jurisdictions.

21 **Sec. 4.** RCW 84.52.044 and 2004 c 129 s 20 are each amended to read
22 as follows:

23 (1) If a fire protection district is a participating fire
24 protection jurisdiction in a regional fire protection service
25 authority, the regular property tax levies of the fire protection
26 district are limited as follows:

27 (a) The regular levy of the district under RCW 52.16.130 shall not
28 exceed fifty cents per thousand dollars of assessed value of taxable
29 property in the district less the amount of any levy imposed by the
30 authority under RCW 52.26.140(1)(a);

31 (b) The levy of the district under RCW 52.16.140 shall not exceed
32 fifty cents per thousand dollars of assessed value of taxable property
33 in the district less the amount of any levy imposed by the authority
34 under RCW 52.26.140(1)(b); and

35 (c) The levy of the district under RCW 52.16.160 shall not exceed
36 fifty cents per thousand dollars of assessed value of taxable property

1 in the district less the amount of any levy imposed by the authority
2 under RCW 52.26.140(1)(c).

3 (2) If a city or town is a participating fire protection
4 jurisdiction in a regional fire protection service authority, the
5 regular levies of the city or town shall not exceed the applicable
6 rates provided in RCW 27.12.390, 52.04.081, and 84.52.043(1) less the
7 aggregate rates of any regular levies made by the authority under RCW
8 52.26.140(1).

9 (3) If a port district is a participating fire protection
10 jurisdiction in a regional fire protection service authority, the
11 regular levy of the port district under RCW 53.36.020 shall not exceed
12 forty-five cents per thousand dollars of assessed value of taxable
13 property in the district less the aggregate rates of any regular levies
14 imposed by the authority under RCW 52.26.140(1).

15 (4) For purposes of this section, the following definitions apply:

16 (a) "Fire protection jurisdiction" means a fire protection
17 district, city, town, Indian tribe, or port district; and

18 (b) "Participating fire protection jurisdiction" means a fire
19 protection district, city, town, Indian tribe, or port district that is
20 represented on the governing board of a regional fire protection
21 service authority or annexed into a regional fire protection service
22 authority.

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