

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5766

Chapter 174, Laws of 2012

62nd Legislature
2012 Regular Session

FIRE PROTECTION DISTRICT COMMISSIONERS

EFFECTIVE DATE: 06/07/12

Passed by the Senate March 8, 2012
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House February 27, 2012
YEAS 97 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 29, 2012, 6:46 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 **SUBSTITUTE SENATE BILL 5766** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 29, 2012

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5766

AS AMENDED BY THE HOUSE

Passed Legislature - 2012 Regular Session

State of Washington **62nd Legislature** **2012 Regular Session**

By Senate Government Operations, Tribal Relations & Elections
(originally sponsored by Senators Roach and Pridemore)

READ FIRST TIME 02/21/11.

1 AN ACT Relating to fire protection district commissioners; and
2 amending RCW 52.14.010, 52.14.020, 52.14.013, 52.14.015, and 52.14.017.

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

4 **Sec. 1.** RCW 52.14.010 and 2007 c 469 s 2 are each amended to read
5 as follows:

6 The affairs of the district shall be managed by a board of fire
7 commissioners composed initially of three registered voters residing in
8 the district except as provided in RCW 52.14.015 and 52.14.020. Each
9 member shall each receive (~~ninety~~) one hundred four dollars per day
10 or portion thereof, not to exceed (~~eight~~) nine thousand (~~six~~) nine
11 hundred (~~forty~~) eighty-four dollars per year, for time spent in
12 actual attendance at official meetings of the board or in performance
13 of other services or duties on behalf of the district.

14 In addition, they shall receive necessary expenses incurred in
15 attending meetings of the board or when otherwise engaged in district
16 business, and shall be entitled to receive the same insurance available
17 to all firefighters of the district: PROVIDED, That the premiums for
18 such insurance, except liability insurance, shall be paid by the
19 individual commissioners who elect to receive it.

1 Any commissioner may waive all or any portion of his or her
2 compensation payable under this section as to any month or months
3 during his or her term of office, by a written waiver filed with the
4 secretary as provided in this section. The waiver, to be effective,
5 must be filed any time after the commissioner's election and prior to
6 the date on which the compensation would otherwise be paid. The waiver
7 shall specify the month or period of months for which it is made.

8 The board shall fix the compensation to be paid the secretary and
9 all other agents and employees of the district. The board may, by
10 resolution adopted by unanimous vote, authorize any of its members to
11 serve as volunteer firefighters without compensation. A commissioner
12 actually serving as a volunteer firefighter may enjoy the rights and
13 benefits of a volunteer firefighter.

14 The dollar thresholds established in this section must be adjusted
15 for inflation by the office of financial management every five years,
16 beginning July 1, 2008, based upon changes in the consumer price index
17 during that time period. "Consumer price index" means, for any
18 calendar year, that year's annual average consumer price index, for
19 Washington state, for wage earners and clerical workers, all items,
20 compiled by the bureau of labor and statistics, United States
21 department of labor. If the bureau of labor and statistics develops
22 more than one consumer price index for areas within the state, the
23 index covering the greatest number of people, covering areas
24 exclusively within the boundaries of the state, and including all items
25 shall be used for the adjustments for inflation in this section. The
26 office of financial management must calculate the new dollar threshold
27 and transmit it to the office of the code reviser for publication in
28 the Washington State Register at least one month before the new dollar
29 threshold is to take effect.

30 A person holding office as commissioner for two or more special
31 purpose districts shall receive only that per diem compensation
32 authorized for one of his or her commissioner positions as compensation
33 for attending an official meeting or conducting official services or
34 duties while representing more than one of his or her districts.
35 However, such commissioner may receive additional per diem compensation
36 if approved by resolution of all boards of the affected commissions.

1 **Sec. 2.** RCW 52.14.020 and 1984 c 230 s 29 are each amended to read
2 as follows:

3 (1) In a fire protection district maintaining a fire department
4 consisting wholly of personnel employed on a full-time, fully-paid
5 basis, there shall be five fire commissioners. A fire protection
6 district with an annual budget of ten million dollars or more may have
7 seven fire commissioners. ((The))

8 (2)(a) If two positions are created on boards of fire commissioners
9 by this section, such positions shall be filled initially as for a
10 vacancy, except that the appointees shall draw lots, one appointee to
11 serve until the next general fire district election after the
12 appointment, at which two commissioners shall be elected for six-year
13 terms, and the other appointee to serve until the second general fire
14 district election after the appointment, at which two commissioners
15 shall be elected for six-year terms.

16 (b) If four positions are created on boards of fire commissioners
17 by this section, such positions shall be filled initially as for a
18 vacancy, except that the appointees shall draw lots, three appointees
19 to serve until the next general fire district election after the
20 appointment, at which three commissioners shall be elected for six-year
21 terms and two commissioners shall be elected for four-year terms, and
22 the other appointee to serve until the second general fire district
23 election after the appointment, at which two commissioners shall be
24 elected for six-year terms.

25 **Sec. 3.** RCW 52.14.013 and 1994 c 223 s 49 are each amended to read
26 as follows:

27 The board of fire commissioners of a fire protection district may
28 adopt a resolution by unanimous vote causing a ballot proposition to be
29 submitted to voters of the district authorizing the creation of
30 commissioner districts. The board of fire commissioners shall create
31 commissioner districts if the ballot proposition authorizing the
32 creation of commissioner districts is approved by a simple majority
33 vote of the voters of the fire protection district voting on the
34 proposition. Three commissioner districts shall be created for a fire
35 protection district with three commissioners, ~~((and))~~ five commissioner
36 districts shall be created for a fire protection district with five

1 commissioners, and seven commissioner districts shall be created for a
2 fire protection district with seven commissioners. No two
3 commissioners may reside in the same commissioner district.

4 No change in the boundaries of any commissioner district shall be
5 made within one hundred twenty days next before the date of a general
6 district election, nor within twenty months after the commissioner
7 districts have been established or altered. However, if a boundary
8 change results in one commissioner district being represented by two or
9 more commissioners, those commissioners having the shortest unexpired
10 terms shall be assigned by the commission to commissioner districts
11 where there is a vacancy, and the commissioners so assigned shall be
12 deemed to be residents of the commissioner districts to which they are
13 assigned for purposes of determining whether those positions are
14 vacant.

15 The population of each commissioner district shall include
16 approximately equal population. Commissioner districts shall be
17 redrawn as provided in chapter ((29.70)) 29A.76 RCW. Commissioner
18 districts shall be used as follows: (1) Only a registered voter who
19 resides in a commissioner district may be a candidate for, or serve as,
20 a commissioner of the commissioner district; and (2) only voters of a
21 commissioner district may vote at a primary to nominate candidates for
22 a commissioner of the commissioner district. Voters of the entire fire
23 protection district may vote at a general election to elect a person as
24 a commissioner of the commissioner district.

25 When a board of fire commissioners that has commissioner districts
26 has been increased to five or seven members under RCW 52.14.015, the
27 board of fire commissioners shall divide the fire protection district
28 into five or seven commissioner districts before it appoints the two or
29 four additional fire commissioners. The two or four additional fire
30 commissioners who are appointed shall reside in separate commissioner
31 districts in which no other fire commissioner resides.

32 **Sec. 4.** RCW 52.14.015 and 1994 c 223 s 50 are each amended to read
33 as follows:

34 In the event a three member board of commissioners of any fire
35 protection district determines by resolution that it would be in the
36 best interest of the district to increase the number of commissioners
37 from three to five or seven, or in the event the board is presented

1 with a petition signed by ten percent of the registered voters resident
2 within the district who voted in the last general municipal election
3 calling for such an increase in the number of commissioners of the
4 district, the board shall submit a resolution to the county legislative
5 authority or authorities of the county or counties in which the
6 district is located requesting that an election be held. Upon receipt
7 of the resolution, the legislative authority or authorities of the
8 county or counties shall call a special election to be held within the
9 fire protection district at which election the following proposition
10 shall be submitted to the voters substantially as follows:

11 Shall the board of commissioners of county fire
12 protection district no. be increased from three members to
13 five (or seven) members?

14 Yes
15 No

16 If the fire protection district is located in more than a single
17 county, this proposition shall indicate the name of the district.

18 If the proposition receives a majority approval at the election,
19 the board of commissioners of the fire protection district shall be
20 increased to five or seven members. The two or four additional members
21 shall be appointed in the same manner as provided in RCW 52.14.020.

22 **Sec. 5.** RCW 52.14.017 and 1997 c 43 s 1 are each amended to read
23 as follows:

24 Except as provided in RCW 52.14.020, in the event a five-member or
25 seven-member board of commissioners of any fire protection district
26 determines by resolution that it would be in the best interest of the
27 fire protection district to decrease the number of commissioners from
28 five to three or from seven to five, or in the event the board is
29 presented with a petition signed by ten percent of the registered
30 voters resident within the district who voted in the last general
31 municipal election calling for such a decrease in the number of
32 commissioners of the district, the board shall submit a resolution to
33 the county legislative authority or authorities of the county or
34 counties in which the district is located requesting that an election
35 be held. Upon receipt of the resolution, the legislative authority or
36 authorities of the county or counties shall call a special election to

1 be held within the fire protection district at which election the
2 following proposition shall be submitted to the voters substantially as
3 follows:

4 Shall the board of commissioners of county fire
5 protection district no. . . . be decreased from five (seven) members to
6 three (five) members?

7 Yes

8 No

9 If the fire protection district has commissioner districts, the
10 commissioners of the district must pass a resolution, before the
11 submission of the proposition to the voters, to either redistrict from
12 five or seven commissioner districts to three or five commissioner
13 districts or eliminate the commissioner districts. The resolution
14 takes effect upon approval of the proposition by the voters.

15 If the fire protection district is located in more than a single
16 county, this proposition shall indicate the name of the district.

17 If the proposition receives a majority approval at the election,
18 the board of commissioners of the fire protection district shall be
19 decreased to five or three members. The two members shall be decreased
20 in accordance with RCW 52.06.085.

Passed by the Senate March 8, 2012.

Passed by the House February 27, 2012.

Approved by the Governor March 29, 2012.

Filed in Office of Secretary of State March 29, 2012.