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**SUBSTITUTE HOUSE BILL 1751**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** House Local Government (originally sponsored by Representatives Farrell and Goodman)

AN ACT Relating to allowing fire protection district annexations and mergers within a reasonable geographic proximity and eliminating cross-county restrictions for annexations to a fire protection district; and amending RCW 52.04.061, 52.04.071, 52.04.081, 52.04.091, 52.04.101, 52.04.111, 52.04.121, 52.04.131, 52.04.171, and 52.06.010.

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

**Sec.**  RCW 52.04.061 and 2010 c 136 s 2 are each amended to read as follows:

(1) A city or town ((~~lying adjacent~~)) located within reasonable proximity to a fire protection district may be annexed to such district if at the time of the initiation of annexation the population of the city or town is 300,000 or less. The legislative authority of the city or town may initiate annexation by the adoption of an ordinance stating an intent to join the fire protection district and finding that the public interest will be served thereby. If the board of fire commissioners of the fire protection district shall concur in the annexation, notification thereof shall be transmitted to the legislative authority or authorities of the counties in which the city or town and the district are situated.

(2) ((~~When a city or town is located in two counties, and at least eighty percent of the population resides in one county, all of that portion of the city lying in that county and encompassing eighty percent of the population may be annexed to a fire protection district if at the time of the initiation of annexation the proposed area lies adjacent to a fire protection district, and the population of the proposed area is greater than five thousand but less than ten thousand. The legislative authority of the city or town may initiate annexation by the adoption of an ordinance stating an intent to join the fire protection district and finding that the public interest will be served thereby. If the board of fire commissioners of the fire protection district shall concur in the annexation, notification thereof must be transmitted to the legislative authority or authorities of the counties in which the city or town and the district are situated.~~)) For the purposes of this section, "reasonable proximity" means geographical areas near enough to each other so that governance, management, and services can be delivered effectively.

**Sec.**  RCW 52.04.071 and 2011 c 10 s 82 are each amended to read as follows:

The county legislative authority or authorities shall by resolution call a special election to be held in the city((~~, partial city as set forth in RCW 52.04.061(2),~~)) or town and in the fire protection district at the next date according to RCW 29A.04.321, and shall cause notice of the election to be given as provided for in RCW 29A.52.355.

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

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

YES . . . . . . . . . .

NO  . . . . . . . . . . "

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

**Sec.**  RCW 52.04.081 and 2009 c 115 s 3 are each amended to read as follows:

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

**Sec.**  RCW 52.04.091 and 2009 c 115 s 4 are each amended to read as follows:

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

**Sec.**  RCW 52.04.101 and 2009 c 115 s 5 are each amended to read as follows:

The legislative body of such a city((~~, partial city as set forth in RCW 52.04.061(2),~~)) or town which has annexed to such a fire protection district((~~,~~)) may, by resolution, present to the voters of such city((~~, partial city as set forth in RCW 52.04.061(2),~~)) or town a proposition to withdraw from said fire protection district at any general election held at least three years following the annexation to the fire protection district. If the voters approve such a proposition to withdraw from said fire protection district, the city((~~, partial city as set forth in RCW 52.04.061(2),~~)) or town shall have a vested right in the capital assets of the district proportionate to the taxes levied within the corporate boundaries of the city((~~, partial city as set forth in RCW 52.04.061(2),~~)) or town and utilized by the fire protection district to acquire such assets.

**Sec.**  RCW 52.04.111 and 2010 c 8 s 15001 are each amended to read as follows:

(1) When any city, code city, ((~~partial city as set forth in RCW 52.04.061(2),~~)) or town is annexed to a fire protection district under RCW 52.04.061 and 52.04.071, any employee of the fire department of such city, code city, ((~~partial city as set forth in RCW 52.04.061(2),~~)) or town who ((~~(1)~~)): (a) Was at the time of annexation employed exclusively or principally in performing the powers, duties, and functions which are to be performed by the fire protection district ((~~(2)~~)); (b) will, as a direct consequence of annexation, be separated from the employ of the city, code city, ((~~partial city as set forth in RCW 52.04.061(2),~~)) or town((~~,~~)); and ((~~(3)~~)) (c) can perform the duties and meet the minimum requirements of the position to be filled, then such employee may transfer his or her employment to the fire protection district as provided in this section and RCW 52.04.121 and 52.04.131.

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

**Sec.**  RCW 52.04.121 and 2009 c 115 s 7 are each amended to read as follows:

(1) An eligible employee may transfer into the fire protection district civil service system, if any, or if none, then may request transfer of employment under this section by filing a written request with the board of fire commissioners of the fire protection district and by giving written notice to the legislative authority of the city, code city, ((~~partial city as set forth in RCW 52.04.061(2),~~)) or town. Upon receipt of such request by the board of fire commissioners the transfer of employment shall be made. The employee so transferring will: (a) Be on probation for the same period as are new employees of the fire protection district in the position filled, but if the transferring employee has already completed a probationary period as a firefighter prior to the transfer, then the employee may only be terminated during the probationary period for failure to adequately perform assigned duties, not meeting the minimum qualifications of the position, or behavior that would otherwise be subject to disciplinary action((~~,~~)); (b) be eligible for promotion no later than after completion of the probationary period((~~,~~)); (c) receive a salary at least equal to that of other new employees of the fire protection district in the position filled((~~,~~)); and (d) in all other matters, such as retirement, vacation, and sick leave, have all the rights, benefits, and privileges to which he or she would have been entitled as an employee of the fire protection district from the beginning of employment with the city, code city, ((~~partial city as set forth in RCW 52.04.061(2),~~)) or town fire department: PROVIDED, That for purposes of layoffs by the annexing fire agency, only the time of service accrued with the annexing agency shall apply unless an agreement is reached between the collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies. The city, code city, ((~~partial city as set forth in RCW 52.04.061(2),~~)) or town shall, upon receipt of such notice, transmit to the board of fire commissioners a record of the employee's service with the city, code city, ((~~partial city as set forth in RCW 52.04.061(2),~~)) or town which shall be credited to such employee as a part of the period of employment in the fire protection district. All accrued benefits are transferable provided that the recipient agency provides comparable benefits. All benefits shall then accrue based on the combined seniority of each employee in the recipient agency.

(2) As many of the transferring employees shall be placed upon the payroll of the fire protection district as the district determines are needed to provide services. These needed employees shall be taken in order of seniority and the remaining employees who transfer as provided in this section and RCW 52.04.111 and 52.04.131 shall head the list for employment in the civil service system in order of their seniority, to the end that they shall be the first to be reemployed in the fire protection district when appropriate positions become available: PROVIDED, That employees who are not immediately hired by the fire protection district shall be placed on a reemployment list for a period not to exceed thirty-six months unless a longer period is authorized by an agreement reached between the collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies.

**Sec.**  RCW 52.04.131 and 2009 c 115 s 8 are each amended to read as follows:

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

**Sec.**  RCW 52.04.171 and 2010 c 63 s 1 are each amended to read as follows:

All property located within the boundaries of a city, ((~~partial city as set forth in RCW 52.04.061(2),~~)) or town annexing into a fire protection district, which property is subject to an excess levy by the city or town for the repayment of voter-approved indebtedness for fire protection related capital improvements incurred prior to the effective date of the annexation, is exempt from voter-approved excess property taxes levied by the annexing fire protection district for the repayment of indebtedness issued prior to the effective date of the annexation.

**Sec.**  RCW 52.06.010 and 1989 c 63 s 13 are each amended to read as follows:

(1) A fire protection district may merge with another ((~~adjacent~~)) fire protection district located within a reasonable proximity, on such terms and conditions as they agree upon, in the manner provided in this title. The fire protection districts may be located in different counties. The district desiring to merge with another district, or the district from which it is proposed that a portion of the district be merged with another district, shall be called the "merging district." The district into which the merger is to be made shall be called the "merger district." The merger of any districts under chapter 52.06 RCW is subject to potential review by the boundary review board or boards of the county in which the merging district, or the portion of the merging district that is proposed to be merged with another district, is located.

(2) For the purposes of this section, "reasonable proximity" means a geographical separation that does not jeopardize the effective operations of the fire protection district.

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