

CERTIFICATION OF ENROLLMENT

SENATE BILL 5454

Chapter 326, Laws of 2017

65th Legislature
2017 Regular Session

FIRE PROTECTION DISTRICT ANNEXATIONS AND MERGERS--REASONABLE
PROXIMITY

EFFECTIVE DATE: 7/23/2017

Passed by the Senate April 17, 2017
Yeas 47 Nays 1

CYRUS HABIB

President of the Senate

Passed by the House April 5, 2017
Yeas 83 Nays 14

FRANK CHOPP

Speaker of the House of Representatives

Approved May 16, 2017 11:35 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5454** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

May 16, 2017

**Secretary of State
State of Washington**

SENATE BILL 5454

AS AMENDED BY THE HOUSE

Passed Legislature - 2017 Regular Session

State of Washington

65th Legislature

2017 Regular Session

By Senator Frockt

Read first time 01/25/17. Referred to Committee on Local Government.

1 AN ACT Relating to allowing fire protection district annexations
2 and mergers within a reasonable geographic proximity and eliminating
3 cross-county restrictions for annexations to a fire protection
4 district; and amending RCW 52.04.061, 52.04.071, 52.04.081,
5 52.04.091, 52.04.101, 52.04.111, 52.04.121, 52.04.131, 52.04.171, and
6 52.06.010.

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

8 **Sec. 1.** RCW 52.04.061 and 2010 c 136 s 2 are each amended to
9 read as follows:

10 (1) A city or town (~~(lying adjacent)~~) located within reasonable
11 proximity to a fire protection district may be annexed to such
12 district if at the time of the initiation of annexation the
13 population of the city or town is 300,000 or less. The legislative
14 authority of the city or town may initiate annexation by the adoption
15 of an ordinance stating an intent to join the fire protection
16 district and finding that the public interest will be served thereby.
17 If the board of fire commissioners of the fire protection district
18 shall concur in the annexation, notification thereof shall be
19 transmitted to the legislative authority or authorities of the
20 counties 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~~
2 ~~least eighty percent of the population resides in one county, all of~~
3 ~~that portion of the city lying in that county and encompassing eighty~~
4 ~~percent of the population may be annexed to a fire protection~~
5 ~~district if at the time of the initiation of annexation the proposed~~
6 ~~area lies adjacent to a fire protection district, and the population~~
7 ~~of the proposed area is greater than five thousand but less than ten~~
8 ~~thousand. The legislative authority of the city or town may initiate~~
9 ~~annexation by the adoption of an ordinance stating an intent to join~~
10 ~~the fire protection district and finding that the public interest~~
11 ~~will be served thereby. If the board of fire commissioners of the~~
12 ~~fire protection district shall concur in the annexation, notification~~
13 ~~thereof must be transmitted to the legislative authority or~~
14 ~~authorities of the counties in which the city or town and the~~
15 ~~district are situated.)) For the purposes of this section,
16 "reasonable proximity" means geographical areas near enough to each
17 other so that governance, management, and services can be delivered
18 effectively.~~

19 **Sec. 2.** RCW 52.04.071 and 2011 c 10 s 82 are each amended to
20 read as follows:

21 The county legislative authority or authorities shall by
22 resolution call a special election to be held in the city(~~(, partial~~
23 ~~city as set forth in RCW 52.04.061(2),)~~) or town and in the fire
24 protection district at the next date according to RCW 29A.04.321, and
25 shall cause notice of the election to be given as provided for in RCW
26 29A.52.355.

27 The election on the annexation of the city(~~(, partial city as set~~
28 ~~forth in RCW 52.04.061(2),)~~) or town into the fire protection
29 district shall be conducted by the auditor of the county or counties
30 in which the city(~~(, partial city as set forth in RCW 52.04.061(2),)~~)
31 or town and the fire protection district are located in accordance
32 with the general election laws of the state. The results thereof
33 shall be canvassed by the canvassing board of the county or counties.
34 No person is entitled to vote at the election unless he or she is a
35 qualified elector in the city(~~(, partial city as set forth in RCW~~
36 ~~52.04.061(2),)~~) or town or unless he or she is a qualified elector
37 within the boundaries of the fire protection district. The ballot
38 proposition shall be in substantially the following form:

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

4 YES

5 NO "

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

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

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

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

26 When any city, code city, (~~(partial city as set forth in RCW~~
27 ~~52.04.061(2),~~) or town is annexed to a fire protection district
28 under RCW 52.04.061 and 52.04.071, thereafter, any territory annexed
29 by the city shall also be annexed and be a part of the fire
30 protection district.

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

33 The legislative body of such a city(~~(, partial city as set forth~~
34 ~~in RCW 52.04.061(2),~~) or town which has annexed to such a fire
35 protection district(~~(,)~~) may, by resolution, present to the voters of
36 such city(~~(, partial city as set forth in RCW 52.04.061(2),~~) or town

1 a proposition to withdraw from said fire protection district at any
2 general election held at least three years following the annexation
3 to the fire protection district. If the voters approve such a
4 proposition to withdraw from said fire protection district, the
5 city(~~(, partial city as set forth in RCW 52.04.061(2),)~~) or town
6 shall have a vested right in the capital assets of the district
7 proportionate to the taxes levied within the corporate boundaries of
8 the city(~~(, partial city as set forth in RCW 52.04.061(2),)~~) or town
9 and utilized by the fire protection district to acquire such assets.

10 **Sec. 6.** RCW 52.04.111 and 2010 c 8 s 15001 are each amended to
11 read as follows:

12 (1) When any city, code city, (~~(partial city as set forth in RCW~~
13 ~~52.04.061(2),)~~) or town is annexed to a fire protection district
14 under RCW 52.04.061 and 52.04.071, any employee of the fire
15 department of such city, code city, (~~(partial city as set forth in~~
16 ~~RCW 52.04.061(2),)~~) or town who (~~((1))~~): (a) Was at the time of
17 annexation employed exclusively or principally in performing the
18 powers, duties, and functions which are to be performed by the fire
19 protection district (~~((2))~~); (b) will, as a direct consequence of
20 annexation, be separated from the employ of the city, code city,
21 (~~(partial city as set forth in RCW 52.04.061(2),)~~) or town(~~((7))~~); and
22 (~~((3))~~) (c) can perform the duties and meet the minimum requirements
23 of the position to be filled, then such employee may transfer his or
24 her employment to the fire protection district as provided in this
25 section and RCW 52.04.121 and 52.04.131.

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

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

34 (1) An eligible employee may transfer into the fire protection
35 district civil service system, if any, or if none, then may request
36 transfer of employment under this section by filing a written request
37 with the board of fire commissioners of the fire protection district
38 and by giving written notice to the legislative authority of the

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

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

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

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

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

19 **Sec. 9.** RCW 52.04.171 and 2010 c 63 s 1 are each amended to read
20 as follows:

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

30 **Sec. 10.** RCW 52.06.010 and 1989 c 63 s 13 are each amended to
31 read as follows:

32 (1) A fire protection district may merge with another
33 (~~(adjacent)~~) fire protection district located within a reasonable
34 proximity, on such terms and conditions as they agree upon, in the
35 manner provided in this title. The fire protection districts may be
36 located in different counties. The district desiring to merge with
37 another district, or the district from which it is proposed that a

1 portion of the district be merged with another district, shall be
2 called the "merging district." The district into which the merger is
3 to be made shall be called the "merger district." The merger of any
4 districts under chapter 52.06 RCW is subject to potential review by
5 the boundary review board or boards of the county in which the
6 merging district, or the portion of the merging district that is
7 proposed to be merged with another district, is located.

8 (2) For the purposes of this section, "reasonable proximity"
9 means geographical areas near enough to each other so that
10 governance, management, and services can be delivered effectively.

Passed by the Senate April 17, 2017.

Passed by the House April 5, 2017.

Approved by the Governor May 16, 2017.

Filed in Office of Secretary of State May 16, 2017.

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