

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2576

Chapter 28, Laws of 2018

65th Legislature
2018 Regular Session

FIRE PROTECTION DISTRICTS--ANNEXATIONS AND MERGERS--REASONABLE
PROXIMITY

EFFECTIVE DATE: June 7, 2018

Passed by the House February 8, 2018
Yeas 90 Nays 8

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate February 27, 2018
Yeas 48 Nays 1

CYRUS HABIB

President of the Senate

Approved March 9, 2018 1:59 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2576** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 9, 2018

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2576

Passed Legislature - 2018 Regular Session

State of Washington **65th Legislature** **2018 Regular Session**

By House Local Government (originally sponsored by Representatives Griffey, Springer, and McBride)

READ FIRST TIME 01/25/18.

1 AN ACT Relating to allowing fire protection district annexations
2 and mergers within a reasonable geographic proximity; and amending
3 RCW 52.04.011, 52.06.090, 52.26.030, 52.04.031, 52.26.020, 52.26.060,
4 and 52.26.300.

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

6 **Sec. 1.** RCW 52.04.011 and 2015 c 53 s 73 are each amended to
7 read as follows:

8 (1) A territory (~~(adjacent)~~) located within reasonable proximity
9 to a fire protection district and not within the boundaries of a
10 city, town, or other fire protection district may be annexed to the
11 fire protection district by petition of fifteen percent of the
12 qualified registered electors residing within the territory proposed
13 to be annexed. Such territory may be located in a county or counties
14 other than the county or counties within which the fire protection
15 district is located. The petition shall be filed with the fire
16 commissioners of the fire protection district and if the fire
17 commissioners concur in the petition they shall file the petition
18 with the county auditor of the county within which the territory is
19 located. If this territory is located in more than one county, the
20 original petition shall be filed with the auditor of the county
21 within which the largest portion of the territory is located, who

1 shall be designated as the lead auditor, and a copy shall be filed
2 with the auditor of each other county within which such territory is
3 located. Within thirty days after the date of the filing of the
4 petition the auditor shall examine the signatures on the petition and
5 certify to the sufficiency or insufficiency of the signatures. If
6 this territory is located in more than one county, the auditor of
7 each other county who receives a copy of the petition shall examine
8 the signatures and certify to the lead auditor the number of valid
9 signatures and the number of registered voters residing in that
10 portion of the territory that is located within the county. The lead
11 auditor shall certify the sufficiency or insufficiency of the
12 signatures.

13 After the county auditor has certified the sufficiency of the
14 petition, the county legislative authority or authorities, or the
15 boundary review board or boards, of the county or counties in which
16 such territory is located shall consider the proposal under the same
17 basis that a proposed incorporation of a fire protection district is
18 considered, with the same authority to act on the proposal as in a
19 proposed incorporation, as provided under chapter 52.02 RCW. If the
20 proposed annexation is approved by the county legislative authority
21 or boundary review board, the board of fire commissioners shall adopt
22 a resolution requesting the county auditor to call a special
23 election, as specified under RCW 29A.04.330, at which the ballot
24 proposition is to be submitted. No annexation shall occur when the
25 territory proposed to be annexed is located in more than one county
26 unless the county legislative authority or boundary review board of
27 each county approves the proposed annexation.

28 (2) The county legislative authority or authorities of the county
29 or counties within which such territory is located have the authority
30 and duty to determine on an equitable basis, the amount of any
31 obligation which the territory to be annexed to the district shall
32 assume to place the property owners of the existing district on a
33 fair and equitable relationship with the property owners of the
34 territory to be annexed as a result of the benefits of annexing to a
35 district previously supported by the property owners of the existing
36 district. If a boundary review board has had its jurisdiction invoked
37 on the proposal and approves the proposal, the county legislative
38 authority of the county within which such territory is located may
39 exercise the authority granted in this subsection and require such an
40 assumption of indebtedness. This obligation may be paid to the

1 district in yearly benefit charge installments to be fixed by the
2 county legislative authority. This benefit charge shall be collected
3 with the annual tax levies against the property in the annexed
4 territory until fully paid. The amount of the obligation and the plan
5 of payment established by the county legislative authority shall be
6 described in general terms in the notice of election for annexation
7 and shall be described in the ballot proposition on the proposed
8 annexation that is presented to the voters for their approval or
9 rejection. Such benefit charge shall be limited to an amount not to
10 exceed a total of fifty cents per thousand dollars of assessed
11 valuation: PROVIDED, HOWEVER, That the special election on the
12 proposed annexation shall be held only within the boundaries of the
13 territory proposed to be annexed to the fire protection district.

14 (3) On the entry of the order of the county legislative authority
15 incorporating the territory into the existing fire protection
16 district, the territory shall become subject to the indebtedness,
17 bonded or otherwise, of the existing district. If the petition is
18 signed by sixty percent of the qualified registered electors residing
19 within the territory proposed to be annexed, and if the board of fire
20 commissioners concur, an election in the territory and a hearing on
21 the petition shall be dispensed with and the county legislative
22 authority shall enter its order incorporating the territory into the
23 existing fire protection district.

24 **Sec. 2.** RCW 52.06.090 and 2014 c 25 s 1 are each amended to read
25 as follows:

26 A part of one district may be transferred and merged with (~~an~~
27 ~~adjacent district~~) a district located within reasonable proximity if
28 the area can be better served by the merged district. To effect such
29 a merger, a petition, signed by a majority of the commissioners of
30 the merging district or signed by not less than fifteen percent of
31 the qualified electors residing in the area to be merged, shall be
32 filed with the commissioners of the merging district, if signed by
33 electors, or with the commissioners of the merger district if signed
34 by commissioners of the merging district. If the commissioners of the
35 merging district approve the petition, the petition shall be
36 presented to the commissioners of the merger district. If the
37 commissioners of the merger district approve the petition, an
38 election shall be called in the area to be merged.

1 In the event that either board of fire district commissioners
2 does not approve the petition, the partial merger must not proceed.

3 A majority of the votes cast is necessary to approve the
4 transfer.

5 **Sec. 3.** RCW 52.26.030 and 2017 c 196 s 8 are each amended to
6 read as follows:

7 Regional fire protection service authority planning committees
8 are advisory entities that are created, convened, and empowered as
9 follows:

10 (1) Any two or more (~~adjacent~~) fire protection jurisdictions
11 located within reasonable proximity may create a regional fire
12 protection service authority and convene a regional fire protection
13 service authority planning committee. No fire protection jurisdiction
14 may participate in more than one created authority.

15 (2) Each governing body of the fire protection jurisdictions
16 participating in planning under this chapter shall appoint three
17 elected officials to the authority planning committee. Members of the
18 planning committee may receive compensation of seventy dollars per
19 day, or portion thereof, not to exceed seven hundred dollars per
20 year, for attendance at planning committee meetings and for
21 performance of other services in behalf of the authority, and may be
22 reimbursed for travel and incidental expenses at the discretion of
23 their respective governing body.

24 (3) A regional fire protection service authority planning
25 committee may receive state funding, as appropriated by the
26 legislature, or county funding provided by the affected counties for
27 start-up funding to pay for salaries, expenses, overhead, supplies,
28 and similar expenses ordinarily and necessarily incurred. Upon
29 creation of a regional fire protection service authority, the
30 authority shall within one year reimburse the state or county for any
31 sums advanced for these start-up costs from the state or county.

32 (4) The planning committee shall conduct its affairs and
33 formulate a regional fire protection service authority plan as
34 provided under RCW 52.26.040.

35 (5) At its first meeting, a regional fire protection service
36 authority planning committee may elect officers and provide for the
37 adoption of rules and other operating procedures.

38 (6) The planning committee may dissolve itself at any time by a
39 majority vote of the total membership of the planning committee. Any

1 participating fire protection jurisdiction may withdraw upon thirty
2 calendar days' written notice to the other jurisdictions.

3 **Sec. 4.** RCW 52.04.031 and 1999 c 105 s 2 are each amended to
4 read as follows:

5 A petition for annexation of an area (~~(adjacent)~~) located within
6 reasonable proximity to a fire district shall be in writing,
7 addressed to and filed with the board of fire commissioners of the
8 district to which annexation is desired. Such territory may be
9 located in a county or counties other than the county or counties
10 within which the fire protection district is located. It must be
11 signed by the owners, according to the records of the county auditor
12 or auditors, of not less than sixty percent of the area of land
13 included in the annexation petition, shall set forth a legal
14 description of the property and shall be accompanied by a plat which
15 outlines the boundaries of the property to be annexed. The petition
16 shall state the financial obligation, if any, to be assumed by the
17 area to be annexed.

18 For the purposes of this section, "reasonable proximity" has the
19 same meaning as in RCW 52.26.020.

20 **Sec. 5.** RCW 52.26.020 and 2017 c 196 s 7 are each amended to
21 read as follows:

22 The definitions in this section apply throughout this chapter
23 unless the context clearly requires otherwise.

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

26 (2) "Elected official" means an elected official of a
27 participating fire protection jurisdiction or a regional fire
28 protection district commissioner created under RCW 52.26.080.

29 (3) "Fire protection jurisdiction" means a fire district,
30 regional fire protection service authority, city, town, port
31 district, municipal airport, or Indian tribe.

32 (4) "Participating fire protection jurisdiction" means a fire
33 protection jurisdiction participating in the formation or operation
34 of a regional fire protection service authority.

35 (5) "Reasonable proximity" means geographical areas near enough
36 to each other so that governance, management, and services can be
37 delivered effectively.

1 (6) "Regional fire protection service authority" or "authority"
2 means a municipal corporation, an independent taxing authority within
3 the meaning of Article VII, section 1 of the state Constitution, and
4 a taxing district within the meaning of Article VII, section 2 of the
5 state Constitution, whose boundaries are coextensive with two or more
6 (~~adjacent~~) fire protection jurisdictions located within reasonable
7 proximity and that has been created by a vote of the people under
8 this chapter to implement a regional fire protection service
9 authority plan.

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

16 (~~(7)~~) (8) "Regional fire protection service authority planning
17 committee" or "planning committee" means the advisory committee
18 created under RCW 52.26.030 to create and propose to fire protection
19 jurisdictions a regional fire protection service authority plan to
20 design, finance, and develop fire protection and emergency service
21 projects.

22 (~~(8)~~) (9) "Regular property taxes" has the same meaning as in
23 RCW 84.04.140.

24 **Sec. 6.** RCW 52.26.060 and 2006 c 200 s 4 are each amended to
25 read as follows:

26 The governing bodies of two or more (~~adjacent~~) fire protection
27 jurisdictions located within reasonable proximity, upon receipt of
28 the regional fire protection service authority plan under RCW
29 52.26.040, may certify the plan to the ballot, including
30 identification of the revenue options specified to fund the plan. The
31 governing bodies of the fire protection jurisdictions may draft a
32 ballot title, give notice as required by law for ballot measures, and
33 perform other duties as required to put the plan before the voters of
34 the proposed authority for their approval or rejection as a single
35 ballot measure that both approves formation of the authority and
36 approves the plan. Authorities may negotiate interlocal agreements
37 necessary to implement the plan. The electorate is the voters voting
38 within the boundaries of the proposed regional fire protection
39 service authority. A simple majority of the total persons voting on

1 the single ballot measure to approve the plan and establish the
2 authority is required for approval. However, if the plan authorizes
3 the authority to impose benefit charges or sixty percent voter
4 approved taxes, then the percentage of total persons voting on the
5 single ballot measure to approve the plan and establish the authority
6 is the same as in RCW 52.26.050. The authority must act in accordance
7 with the general election laws of the state. The authority is liable
8 for its proportionate share of the costs when the elections are held
9 under RCW 29A.04.321 and 29A.04.330.

10 **Sec. 7.** RCW 52.26.300 and 2011 c 271 s 2 are each amended to
11 read as follows:

12 (1) A fire protection jurisdiction that is (~~adjacent~~) located
13 within reasonable proximity to the boundary of a regional fire
14 protection service authority is eligible for annexation by the
15 authority.

16 (2) An annexation is initiated by the adoption of a resolution by
17 the governing body of a fire protection jurisdiction requesting the
18 annexation. The resolution requesting annexation must then be filed
19 with the governing board of the authority that is requested to annex
20 the fire protection jurisdiction.

21 (3) Except as otherwise provided in the regional fire protection
22 service authority plan, on receipt of the resolution requesting
23 annexation, the governing board of the authority may adopt a
24 resolution amending its plan to establish terms and conditions of the
25 requested annexation and submit the resolution and plan amendment to
26 the fire protection jurisdiction requesting annexation. An election
27 to authorize the annexation may be held only if the governing body of
28 the fire protection jurisdiction seeking annexation adopts a
29 resolution approving both the annexation and the related plan
30 amendment.

31 (4)(a) An annexation is authorized if the voters in the fire
32 protection jurisdiction proposed to be annexed approve by a simple
33 majority vote a single ballot measure approving the annexation and
34 related plan amendment.

35 (b) An annexation is effective on the date specified in the
36 ballot measure. In the event the ballot measure does not specify an
37 effective date, the effective date is on the subsequent January 1st
38 or July 1st, whichever occurs first.

Passed by the House February 8, 2018.
Passed by the Senate February 27, 2018.
Approved by the Governor March 9, 2018.
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