
SENATE BILL 6037

State of Washington

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By Senators Cortes and Shewmake

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1 AN ACT Relating to fire protection districts; and amending RCW
2 52.02.160, 52.02.180, and 84.55.092.

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

4 **Sec. 1.** RCW 52.02.160 and 2017 c 328 s 1 are each amended to
5 read as follows:

6 (1) As an alternative to the petition method of formation for
7 fire protection districts provided in this chapter, the legislative
8 authority of a city or town may by resolution, subject to the
9 approval of the voters, establish a fire protection district with
10 boundaries that are the same as the corporate boundaries of the city
11 or town for the provision of fire prevention services, fire
12 suppression services, and emergency medical services, and for the
13 protection of life and property within the city or town.

14 (a) Any resolution adopted by a city or town under this section
15 to establish a fire protection district must, at a minimum:

16 (i) Contain a financing plan for the fire protection district. As
17 part of the financing plan, the city or town may propose the
18 imposition of revenue sources authorized by this title for fire
19 protection districts, such as property taxes, as provided in chapter
20 52.16 RCW, or benefit charges, as provided in chapter 52.18 RCW; and

21 (ii) Set a date for a public hearing on the resolution.

1 (b) The financing plan in the resolution adopted by the city or
2 town must contain the following information regarding property taxes
3 that will be imposed by the fire protection district and city or town
4 subsequent to the formation of the district:

5 (i) The dollar amount the fire protection district will levy in
6 the first year in which the fire protection district imposes any of
7 the regular property taxes in RCW 52.16.130, 52.16.140, or 52.16.160;

8 (ii) ~~((The))~~ If the fire protection district is formed prior to
9 July 1, 2026, the city's or town's highest lawful levy for the
10 purposes of RCW 84.55.092, reduced by the fire protection district's
11 levy amount from (b)(i) of this subsection. This reduced highest
12 lawful levy becomes the city's or town's highest lawful levy since
13 1986 for subsequent levy limit calculations under chapter 84.55 RCW;
14 and

15 (iii) The estimated aggregate net dollar amount impact on
16 property owners within the city or town based on the ~~((changes~~
17 ~~described in (b)(i) and (ii) of this subsection (1))~~ levy rate
18 including, if the fire protection district is formed prior to July 1,
19 2026, the city's or town's levy reduction described in (b)(ii) of
20 this subsection.

21 (c) If a city or town proposes the initial imposition of a
22 benefit charge as a revenue source for the fire protection district
23 under (a) of this subsection, the resolution adopted by the city or
24 town must comply with the requirements of RCW 52.18.030.

25 (d) Notice of public hearing on a resolution adopted by a city or
26 town must be published on a city website or local newspaper for three
27 consecutive weeks ~~((in a newspaper of general circulation in the city~~
28 ~~or town))~~, and must be posted for at least fifteen days prior to the
29 date of the hearing in three public places within the boundaries of
30 the proposed fire protection district. Additional notice of the
31 hearing may be given by mail, or in any manner the city legislative
32 authorities deem necessary to notify affected persons. All notices
33 must contain the time, date, and place of the public hearing.

34 (2)(a) A resolution adopted under this section is not effective
35 unless approved by the voters of the city or town at a general
36 election. The resolution must be approved:

37 (i) By a simple majority of the voters of the city or town; or

38 (ii) If the resolution proposes the initial imposition of a
39 benefit charge, by sixty percent of the voters of the city or town.

1 (b) An election to approve or reject a resolution forming a fire
2 protection district, including the proposed financial plan and any
3 imposition of revenue sources for the fire protection district, must
4 be conducted by the election officials of the county or counties in
5 which the proposed district is located in accordance with the general
6 election laws of the state. If a resolution forming a fire protection
7 district provides that the fire protection district will be governed
8 by a board of independently elected fire commissioners, as permitted
9 under RCW 52.14.140, then the initial independently elected fire
10 commissioners must be elected at the same election where the
11 resolution is submitted to the voters authorizing the creation of the
12 fire protection district. The election must be held at the next
13 general election date, according to RCW 29A.04.321 and 29A.04.330,
14 occurring after the date of the public hearing on the resolution
15 adopted by the city or town legislative authority. The ballot title
16 must include the information regarding property taxes that is
17 required to be in the financing plan of the resolution under
18 subsection (1)(b) of this section.

19 (c) If a ballot proposition on the resolution is approved by
20 voters, as provided in (a) of this subsection, the county legislative
21 authority shall by resolution declare the fire protection district
22 organized under the name designated in the ballot proposition.

23 (d) Nothing contained in this chapter may be construed to alter a
24 municipal airport fire department or affect any powers authorized
25 under RCW 14.08.120(~~((2))~~). If a question arises as to whether this
26 chapter modifies the affairs of municipal airports in any way, the
27 answer is no.

28 (3) ((A)) For any fire protection district formed under this
29 section prior to July 1, 2026, a city or town must reduce its general
30 fund regular property tax levy by the total combined levy of the fire
31 protection district as proposed by the district in accordance with
32 subsection (1)(b)(i) of this section. The reduced levy amount of the
33 city or town must occur in the first year in which the fire
34 protection district imposes any of the property taxes in RCW
35 52.16.130, 52.16.140, or 52.16.160 and must be specified in the
36 financing plan and ballot proposition as provided in this section. If
37 the fire protection district does not impose all three levies under
38 RCW 52.16.130, 52.16.140, and 52.16.160 when it begins operations,
39 the city must further reduce its general fund regular property tax
40 levy if the district initially imposes any of the levies in

1 subsequent years, by the amount of such levy or levies initially
2 imposed in a subsequent year.

3 **Sec. 2.** RCW 52.02.180 and 2017 c 328 s 5 are each amended to
4 read as follows:

5 (1) Except as provided otherwise in the resolution adopted by the
6 legislative authority of a city or town establishing a fire
7 protection district under RCW 52.02.160, all powers, duties, and
8 functions of the city or town fire department pertaining to fire
9 protection and emergency services of the city or town are transferred
10 to the fire protection district on its creation date.

11 (2)(a) The city or town fire department must transfer or deliver
12 to the fire protection district:

13 (i) All reports, documents, surveys, books, records, files,
14 papers, or written material in the possession of the city or town
15 fire department pertaining to fire protection and emergency services
16 powers, functions, and duties;

17 (ii) All real property and personal property including cabinets,
18 furniture, office equipment, motor vehicles, and other tangible
19 property employed by the city or town fire department in carrying out
20 the fire protection and emergency services powers, functions, and
21 duties; and

22 (iii) All funds, credits, or other assets held by the city or
23 town fire department in connection with fire protection and emergency
24 services powers, functions, and duties.

25 (b) Any appropriations made to the city or town fire department
26 for carrying out the fire protection and emergency services powers,
27 functions, and duties of the city or town must be transferred and
28 credited to the fire protection district.

29 (c) Whenever any question arises as to the transfer of any
30 personnel, funds, books, documents, records, papers, files,
31 equipment, or other tangible property used or held in the exercise of
32 the powers and the performance of the duties and functions
33 transferred to the fire protection district, the legislative
34 authority of the city or town must make a determination as to the
35 proper allocation.

36 (3) All rules and all pending business before the city or town
37 fire department pertaining to the fire protection and emergency
38 services powers, functions, and duties transferred must be continued
39 and acted upon by the fire protection district, and all existing

1 contracts and obligations remain in full force and must be performed
2 by the fire protection district.

3 (4) The transfer of powers, duties, functions, and personnel of
4 the city or town fire department do not affect the validity of any
5 act performed before creation of the fire protection district.

6 (5) If apportionments of budgeted funds are required because of
7 the transfers, the treasurer for the city or town fire department
8 must certify the apportionments.

9 (6)(a) Subject to (c) of this subsection, all employees of the
10 city or town fire department are transferred to the fire protection
11 district on its creation date. Upon transfer, unless an agreement for
12 different terms of transfer is reached between the collective
13 bargaining representatives of the transferring employees and the fire
14 protection district, an employee is entitled to the employee rights,
15 benefits, and privileges to which he or she would have been entitled
16 as an employee of the city or town fire department, including rights
17 to:

18 (i) Compensation at least equal to the level at the time of
19 transfer;

20 (ii) Retirement, vacation, sick leave, and any other accrued
21 benefit;

22 (iii) Promotion and service time accrual; and

23 (iv) The length or terms of probationary periods, including no
24 requirement for an additional probationary period if one had been
25 completed before the transfer date.

26 (b) If a city or town provides for civil service in its fire
27 department, the collective bargaining representatives of the
28 transferring employees and the fire protection district must
29 negotiate regarding the establishment of a civil service system
30 within the fire protection district.

31 (c) Nothing contained in this section may be construed to alter
32 any existing collective bargaining unit or the provisions of any
33 existing collective bargaining agreement until the agreement has
34 expired or until the bargaining unit has been modified as provided by
35 law.

36 (7) The municipal fire protection authority may contract with the
37 city or town for services including but not limited to administrative
38 services such as information technology, financial, and human
39 resources functions.

1 **Sec. 3.** RCW 84.55.092 and 2017 3rd sp.s. c 13 s 309 are each
2 amended to read as follows:

3 (1) The regular property tax levy for each taxing district other
4 than the state's levies may be set at the amount which would be
5 allowed otherwise under this chapter if the regular property tax levy
6 for the district for taxes due in prior years beginning with 1986 had
7 been set at the full amount allowed under this chapter including any
8 levy authorized under RCW 52.16.160 or 52.26.140(1)(c) that would
9 have been imposed but for the limitation in RCW 52.18.065 or
10 52.26.240, applicable upon imposition of the benefit charge under
11 chapter 52.18 or 52.26 RCW.

12 (2) The purpose of subsection (1) of this section is to remove
13 the incentive for a taxing district to maintain its tax levy at the
14 maximum level permitted under this chapter, and to protect the future
15 levy capacity of a taxing district that reduces its tax levy below
16 the level that it otherwise could impose under this chapter, by
17 removing the adverse consequences to future levy capacities resulting
18 from such levy reductions.

19 (~~(3) Subsection (1) of this section does not apply to any~~
20 ~~portion of a city or town's regular property tax levy that has been~~
21 ~~reduced as part of the formation of a fire protection district under~~
22 ~~RCW 52.02.160.))~~

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