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**SUBSTITUTE HOUSE BILL 1854**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** House Ways & Means (originally sponsored by Representatives Upthegrove, Rolfes, Finn, Hunt, Hope, Fitzgibbon, Stanford, Kenney, and Ormsby)

READ FIRST TIME 02/25/11.

1       AN ACT Relating to annexation of territory by regional fire  
2 protection service authorities; amending RCW 52.26.100 and 84.52.044;  
3 and adding a new section to chapter 52.26 RCW.

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

5       **Sec. 1.** RCW 52.26.100 and 2006 c 200 s 7 are each amended to read  
6 as follows:

7       (1) Except as otherwise provided in the regional fire protection  
8 service authority plan, all powers, duties, and functions of a  
9 participating fire protection jurisdiction pertaining to fire  
10 protection and emergency services shall be transferred to the regional  
11 fire protection service authority on its creation date or on the  
12 effective date that a fire protection jurisdiction is subsequently  
13 annexed into an authority.

14       (2)(a) Except as otherwise provided in the regional fire protection  
15 service authority plan, and on the creation date of the regional fire  
16 protection service authority or, in the case of a fire protection  
17 jurisdiction, on the effective date that the fire protection  
18 jurisdiction is subsequently annexed into an authority, all reports,  
19 documents, surveys, books, records, files, papers, or written material

1 in the possession of the participating fire protection jurisdiction  
2 pertaining to fire protection and emergency services powers, functions,  
3 and duties shall be delivered to the regional fire protection service  
4 authority; all real property and personal property including cabinets,  
5 furniture, office equipment, motor vehicles, and other tangible  
6 property employed by the participating fire protection jurisdiction in  
7 carrying out the fire protection and emergency services powers,  
8 functions, and duties shall be transferred to the regional fire  
9 protection service authority; and all funds, credits, or other assets  
10 held by the participating fire protection jurisdiction in connection  
11 with the fire protection and emergency services powers, functions, and  
12 duties shall be transferred and credited to the regional fire  
13 protection service authority.

14 (b) Except as otherwise provided in the regional fire protection  
15 service authority plan, any appropriations made to the participating  
16 fire protection jurisdiction for carrying out the fire protection and  
17 emergency services powers, functions, and duties shall be transferred  
18 and credited to the regional fire protection service authority.

19 (c) Except as otherwise provided in the regional fire protection  
20 service authority plan, whenever any question arises as to the transfer  
21 of any personnel, funds, books, documents, records, papers, files,  
22 equipment, or other tangible property used or held in the exercise of  
23 the powers and the performance of the duties and functions transferred,  
24 the governing body of the participating fire protection jurisdiction  
25 shall make a determination as to the proper allocation.

26 (3) Except as otherwise provided in the regional fire protection  
27 service authority plan, all rules and all pending business before the  
28 participating fire protection jurisdiction pertaining to the powers,  
29 functions, and duties transferred shall be continued and acted upon by  
30 the regional fire protection service authority, and all existing  
31 contracts and obligations shall remain in full force and shall be  
32 performed by the regional fire protection service authority.

33 (4) The transfer of the powers, duties, functions, and personnel of  
34 the participating fire protection jurisdiction shall not affect the  
35 validity of any act performed before creation of the regional fire  
36 protection service authority.

37 (5) If apportionments of budgeted funds are required because of the

1 transfers, the treasurer for the authority shall certify the  
2 apportionments.

3 (6)(a) Subject to (c) of this subsection, all employees of the  
4 participating fire protection jurisdictions are transferred to the  
5 jurisdiction of the regional fire protection service authority on its  
6 creation date or, in the case of a fire protection jurisdiction, on the  
7 effective date that the fire protection jurisdiction is subsequently  
8 annexed into an authority. Upon transfer, unless an agreement for  
9 different terms of transfer is reached between the collective  
10 bargaining representatives of the transferring employees and the  
11 participating fire protection jurisdictions, an employee is entitled to  
12 the employee rights, benefits, and privileges to which he or she would  
13 have been entitled as an employee of a participating fire protection  
14 jurisdiction, including rights to:

15 (i) Compensation at least equal to the level at the time of  
16 transfer;

17 (ii) Retirement, vacation, sick leave, and any other accrued  
18 benefit;

19 (iii) Promotion and service time accrual; and

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

23 (b) If any or all of the participating fire protection  
24 jurisdictions provide for civil service in their fire departments, the  
25 collective bargaining representatives of the transferring employees and  
26 the participating fire protection jurisdictions must negotiate  
27 regarding the establishment of a civil service system within the  
28 authority. This subsection does not apply if none of the participating  
29 fire protection districts provide for civil service.

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

34 NEW SECTION. Sec. 2. A new section is added to chapter 52.26 RCW  
35 to read as follows:

36 (1) A fire protection jurisdiction that is adjacent to the boundary

1 of a regional fire protection service authority is eligible for  
2 annexation by the authority.

3 (2) An annexation is initiated by the adoption of a resolution by  
4 the governing body of a fire protection jurisdiction requesting the  
5 annexation. The resolution requesting annexation must then be filed  
6 with the governing board of the authority that is requested to annex  
7 the fire protection jurisdiction.

8 (3) Except as otherwise provided in the regional fire protection  
9 service authority plan, on receipt of the resolution requesting  
10 annexation, the governing board of the authority may adopt a resolution  
11 amending its plan to establish terms and conditions of the requested  
12 annexation and submit the resolution and plan amendment to the fire  
13 protection jurisdiction requesting annexation. An election to  
14 authorize the annexation may be held only if the governing body of the  
15 fire protection jurisdiction seeking annexation adopts a resolution  
16 approving both the annexation and the related plan amendment.

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

21 (b) An annexation is effective on the date specified in the ballot  
22 measure. In the event the ballot measure does not specify an effective  
23 date, the effective date is on the subsequent January 1st or July 1st,  
24 whichever occurs first.

25 **Sec. 3.** RCW 84.52.044 and 2004 c 129 s 20 are each amended to read  
26 as follows:

27 (1) If a fire protection district is a participating fire  
28 protection jurisdiction in a regional fire protection service  
29 authority, the regular property tax levies of the fire protection  
30 district are limited as follows:

31 (a) The regular levy of the district under RCW 52.16.130 shall not  
32 exceed fifty cents per thousand dollars of assessed value of taxable  
33 property in the district less the amount of any levy imposed by the  
34 authority under RCW 52.26.140(1)(a);

35 (b) The levy of the district under RCW 52.16.140 shall not exceed  
36 fifty cents per thousand dollars of assessed value of taxable property

1 in the district less the amount of any levy imposed by the authority  
2 under RCW 52.26.140(1)(b); and

3 (c) The levy of the district under RCW 52.16.160 shall not exceed  
4 fifty cents per thousand dollars of assessed value of taxable property  
5 in the district less the amount of any levy imposed by the authority  
6 under RCW 52.26.140(1)(c).

7 (2) If a city or town is a participating fire protection  
8 jurisdiction in a regional fire protection service authority, the  
9 regular levies of the city or town shall not exceed the applicable  
10 rates provided in RCW 27.12.390, 52.04.081, and 84.52.043(1) less the  
11 aggregate rates of any regular levies made by the authority under RCW  
12 52.26.140(1).

13 (3) If a port district is a participating fire protection  
14 jurisdiction in a regional fire protection service authority, the  
15 regular levy of the port district under RCW 53.36.020 shall not exceed  
16 forty-five cents per thousand dollars of assessed value of taxable  
17 property in the district less the aggregate rates of any regular levies  
18 imposed by the authority under RCW 52.26.140(1).

19 (4) For purposes of this section, the following definitions apply:

20 (a) "Fire protection jurisdiction" means a fire protection  
21 district, city, town, Indian tribe, or port district; and

22 (b) "Participating fire protection jurisdiction" means a fire  
23 protection district, city, town, Indian tribe, or port district that is  
24 represented on the governing board of a regional fire protection  
25 service authority or annexed into a regional fire protection service  
26 authority.

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