

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1854

62nd Legislature
2011 Regular Session

Passed by the House March 5, 2011
Yeas 88 Nays 9

Speaker of the House of Representatives

Passed by the Senate April 9, 2011
Yeas 47 Nays 2

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1854** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1854

Passed Legislature - 2011 Regular Session

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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