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**SUBSTITUTE SENATE BILL 5766**

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**State of Washington                      62nd Legislature                      2011 Regular Session**

**By Senate Government Operations, Tribal Relations & Elections**  
(originally sponsored by Senators Roach and Pridemore)

READ FIRST TIME 02/21/11.

1            AN ACT Relating to fire protection district commissioners; and  
2 amending RCW 52.14.010, 52.14.020, 52.14.013, 52.14.015, and 52.14.017.

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

4            **Sec. 1.** RCW 52.14.010 and 2007 c 469 s 2 are each amended to read  
5 as follows:

6            The affairs of the district shall be managed by a board of fire  
7 commissioners composed initially of three registered voters residing in  
8 the district except as provided in RCW 52.14.015 and 52.14.020. Each  
9 member shall each receive (~~ninety~~) one hundred four dollars per day  
10 or portion thereof, not to exceed (~~eight~~) nine thousand (~~six~~) nine  
11 hundred (~~forty~~) dollars per year, for time spent in actual attendance  
12 at official meetings of the board or in performance of other services  
13 or duties on behalf of the district.

14            In addition, they shall receive necessary expenses incurred in  
15 attending meetings of the board or when otherwise engaged in district  
16 business, and shall be entitled to receive the same insurance available  
17 to all firefighters of the district: PROVIDED, That the premiums for  
18 such insurance, except liability insurance, shall be paid by the  
19 individual commissioners who elect to receive it.

1 Any commissioner may waive all or any portion of his or her  
2 compensation payable under this section as to any month or months  
3 during his or her term of office, by a written waiver filed with the  
4 secretary as provided in this section. The waiver, to be effective,  
5 must be filed any time after the commissioner's election and prior to  
6 the date on which the compensation would otherwise be paid. The waiver  
7 shall specify the month or period of months for which it is made.

8 The board shall fix the compensation to be paid the secretary and  
9 all other agents and employees of the district. The board may, by  
10 resolution adopted by unanimous vote, authorize any of its members to  
11 serve as volunteer firefighters without compensation. A commissioner  
12 actually serving as a volunteer firefighter may enjoy the rights and  
13 benefits of a volunteer firefighter.

14 The dollar thresholds established in this section must be adjusted  
15 for inflation by the office of financial management every five years,  
16 beginning July 1, 2008, based upon changes in the consumer price index  
17 during that time period. "Consumer price index" means, for any  
18 calendar year, that year's annual average consumer price index, for  
19 Washington state, for wage earners and clerical workers, all items,  
20 compiled by the bureau of labor and statistics, United States  
21 department of labor. If the bureau of labor and statistics develops  
22 more than one consumer price index for areas within the state, the  
23 index covering the greatest number of people, covering areas  
24 exclusively within the boundaries of the state, and including all items  
25 shall be used for the adjustments for inflation in this section. The  
26 office of financial management must calculate the new dollar threshold  
27 and transmit it to the office of the code reviser for publication in  
28 the Washington State Register at least one month before the new dollar  
29 threshold is to take effect.

30 A person holding office as commissioner for two or more special  
31 purpose districts shall receive only that per diem compensation  
32 authorized for one of his or her commissioner positions as compensation  
33 for attending an official meeting or conducting official services or  
34 duties while representing more than one of his or her districts.  
35 However, such commissioner may receive additional per diem compensation  
36 if approved by resolution of all boards of the affected commissions.

1       **Sec. 2.** RCW 52.14.020 and 1984 c 230 s 29 are each amended to read  
2 as follows:

3       (1) In a fire protection district maintaining a fire department  
4 consisting wholly of personnel employed on a full-time, fully-paid  
5 basis, there shall be five fire commissioners. A fire protection  
6 district with an annual budget of ten million dollars or more may have  
7 seven fire commissioners. ((The))

8       (2)(a) If two positions are created on boards of fire commissioners  
9 by this section, such positions shall be filled initially as for a  
10 vacancy, except that the appointees shall draw lots, one appointee to  
11 serve until the next general fire district election after the  
12 appointment, at which two commissioners shall be elected for six-year  
13 terms, and the other appointee to serve until the second general fire  
14 district election after the appointment, at which two commissioners  
15 shall be elected for six-year terms.

16       (b) If four positions are created on boards of fire commissioners  
17 by this section, such positions shall be filled initially as for a  
18 vacancy, except that the appointees shall draw lots, three appointees  
19 to serve until the next general fire district election after the  
20 appointment, at which three commissioners shall be elected for six-year  
21 terms and two commissioners shall be elected for four-year terms, and  
22 the other appointee to serve until the second general fire district  
23 election after the appointment, at which two commissioners shall be  
24 elected for six-year terms.

25       **Sec. 3.** RCW 52.14.013 and 1994 c 223 s 49 are each amended to read  
26 as follows:

27       The board of fire commissioners of a fire protection district may  
28 adopt a resolution by unanimous vote causing a ballot proposition to be  
29 submitted to voters of the district authorizing the creation of  
30 commissioner districts. The board of fire commissioners shall create  
31 commissioner districts if the ballot proposition authorizing the  
32 creation of commissioner districts is approved by a simple majority  
33 vote of the voters of the fire protection district voting on the  
34 proposition. Three commissioner districts shall be created for a fire  
35 protection district with three commissioners, ~~((and))~~ five commissioner  
36 districts shall be created for a fire protection district with five

1 commissioners, and seven commissioner districts shall be created for a  
2 fire protection district with seven commissioners. No two  
3 commissioners may reside in the same commissioner district.

4 No change in the boundaries of any commissioner district shall be  
5 made within one hundred twenty days next before the date of a general  
6 district election, nor within twenty months after the commissioner  
7 districts have been established or altered. However, if a boundary  
8 change results in one commissioner district being represented by two or  
9 more commissioners, those commissioners having the shortest unexpired  
10 terms shall be assigned by the commission to commissioner districts  
11 where there is a vacancy, and the commissioners so assigned shall be  
12 deemed to be residents of the commissioner districts to which they are  
13 assigned for purposes of determining whether those positions are  
14 vacant.

15 The population of each commissioner district shall include  
16 approximately equal population. Commissioner districts shall be  
17 redrawn as provided in chapter ((29.70)) 29A.76 RCW. Commissioner  
18 districts shall be used as follows: (1) Only a registered voter who  
19 resides in a commissioner district may be a candidate for, or serve as,  
20 a commissioner of the commissioner district; and (2) only voters of a  
21 commissioner district may vote at a primary to nominate candidates for  
22 a commissioner of the commissioner district. Voters of the entire fire  
23 protection district may vote at a general election to elect a person as  
24 a commissioner of the commissioner district.

25 When a board of fire commissioners that has commissioner districts  
26 has been increased to five or seven members under RCW 52.14.015, the  
27 board of fire commissioners shall divide the fire protection district  
28 into five or seven commissioner districts before it appoints the two or  
29 four additional fire commissioners. The two or four additional fire  
30 commissioners who are appointed shall reside in separate commissioner  
31 districts in which no other fire commissioner resides.

32 **Sec. 4.** RCW 52.14.015 and 1994 c 223 s 50 are each amended to read  
33 as follows:

34 In the event a three member board of commissioners of any fire  
35 protection district determines by resolution that it would be in the  
36 best interest of the district to increase the number of commissioners  
37 from three to five or seven, or in the event the board is presented

1 with a petition signed by ten percent of the registered voters resident  
2 within the district who voted in the last general municipal election  
3 calling for such an increase in the number of commissioners of the  
4 district, the board shall submit a resolution to the county legislative  
5 authority or authorities of the county or counties in which the  
6 district is located requesting that an election be held. Upon receipt  
7 of the resolution, the legislative authority or authorities of the  
8 county or counties shall call a special election to be held within the  
9 fire protection district at which election the following proposition  
10 shall be submitted to the voters substantially as follows:

11 Shall the board of commissioners of . . . . . county fire  
12 protection district no. . . . . be increased from three members to  
13 five (or seven) members?

14 Yes . . . . .  
15 No . . . . .

16 If the fire protection district is located in more than a single  
17 county, this proposition shall indicate the name of the district.

18 If the proposition receives a majority approval at the election,  
19 the board of commissioners of the fire protection district shall be  
20 increased to five or seven members. The two or four additional members  
21 shall be appointed in the same manner as provided in RCW 52.14.020.

22 **Sec. 5.** RCW 52.14.017 and 1997 c 43 s 1 are each amended to read  
23 as follows:

24 Except as provided in RCW 52.14.020, in the event a five-member or  
25 seven-member board of commissioners of any fire protection district  
26 determines by resolution that it would be in the best interest of the  
27 fire protection district to decrease the number of commissioners from  
28 five to three or from seven to five, or in the event the board is  
29 presented with a petition signed by ten percent of the registered  
30 voters resident within the district who voted in the last general  
31 municipal election calling for such a decrease in the number of  
32 commissioners of the district, the board shall submit a resolution to  
33 the county legislative authority or authorities of the county or  
34 counties in which the district is located requesting that an election  
35 be held. Upon receipt of the resolution, the legislative authority or  
36 authorities of the county or counties shall call a special election to

1 be held within the fire protection district at which election the  
2 following proposition shall be submitted to the voters substantially as  
3 follows:

4 Shall the board of commissioners of . . . . . county fire  
5 protection district no. . . . be decreased from five (seven) members to  
6 three (five) members?

7 Yes . . . .

8 No . . . .

9 If the fire protection district has commissioner districts, the  
10 commissioners of the district must pass a resolution, before the  
11 submission of the proposition to the voters, to either redistrict from  
12 five or seven commissioner districts to three or five commissioner  
13 districts or eliminate the commissioner districts. The resolution  
14 takes effect upon approval of the proposition by the voters.

15 If the fire protection district is located in more than a single  
16 county, this proposition shall indicate the name of the district.

17 If the proposition receives a majority approval at the election,  
18 the board of commissioners of the fire protection district shall be  
19 decreased to five or three members. The two members shall be decreased  
20 in accordance with RCW 52.06.085.

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