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HOUSE BILL 1241

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State of Washington

61st Legislature

2009 Regular Session

By Representatives Morrell, Priest, Simpson, Miloscia, Dammeier, and Williams

Read first time 01/15/09. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to authorizing certain areas in cities or towns to  
2 annex to a fire protection district; and amending RCW 52.04.061,  
3 52.04.071, 52.04.081, 52.04.091, 52.04.101, 52.04.111, 52.04.121, and  
4 52.04.131.

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

6 **Sec. 1.** RCW 52.04.061 and 1999 c 105 s 3 are each amended to read  
7 as follows:

8 (1) A city or town lying adjacent to a fire protection district may  
9 be annexed to such district if at the time of the initiation of  
10 annexation the population of the city or town is 100,000 or less. The  
11 legislative authority of the city or town may initiate annexation by  
12 the adoption of an ordinance stating an intent to join the fire  
13 protection district and finding that the public interest will be served  
14 thereby. If the board of fire commissioners of the fire protection  
15 district shall concur in the annexation, notification thereof shall be  
16 transmitted to the legislative authority or authorities of the counties  
17 in which the city or town and the district are situated.

18 (2) When a city or town is located in two counties, and at least  
19 eighty percent of the population resides in one county, all of that

1 portion of the city lying in that county and encompassing eighty  
2 percent of the population may be annexed to a fire protection district  
3 if at the time of the initiation of annexation the proposed area lies  
4 adjacent to a fire protection district, and the population of the  
5 proposed area is greater than five thousand but less than ten thousand.  
6 The legislative authority of the city or town may initiate annexation  
7 by the adoption of an ordinance stating an intent to join the fire  
8 protection district and finding that the public interest will be served  
9 thereby. If the board of fire commissioners of the fire protection  
10 district shall concur in the annexation, notification thereof must be  
11 transmitted to the legislative authority or authorities of the counties  
12 in which the city or town and the district are situated.

13 **Sec. 2.** RCW 52.04.071 and 2006 c 344 s 34 are each amended to read  
14 as follows:

15 The county legislative authority or authorities shall by resolution  
16 call a special election to be held in the city, partial city as set  
17 forth in RCW 52.04.061(2), or town and in the fire protection district  
18 at the next date according to RCW 29A.04.321, and shall cause notice of  
19 the election to be given as provided for in RCW 29A.52.351.

20 The election on the annexation of the city, partial city as set  
21 forth in RCW 52.04.061(2), or town into the fire protection district  
22 shall be conducted by the auditor of the county or counties in which  
23 the city, partial city as set forth in RCW 52.04.061(2), or town and  
24 the fire protection district are located in accordance with the general  
25 election laws of the state. The results thereof shall be canvassed by  
26 the canvassing board of the county or counties. No person is entitled  
27 to vote at the election unless he or she is a qualified elector in the  
28 city, partial city as set forth in RCW 52.04.061(2), or town or unless  
29 he or she is a qualified elector within the boundaries of the fire  
30 protection district. The ballot proposition shall be in substantially  
31 the following form:

32 "Shall the city, partial city as set forth in RCW 52.04.061(2), or  
33 town of . . . . . be annexed to and be a part of . . . . . fire  
34 protection district?

35 YES . . . . .  
36 NO . . . . . "

1 If a majority of the persons voting on the proposition in the city,  
2 partial city as set forth in RCW 52.04.061(2), or town and a majority  
3 of the persons voting on the proposition in the fire protection  
4 district vote in favor thereof, the city, partial city as set forth in  
5 RCW 52.04.061(2), or town shall be annexed and shall be a part of the  
6 fire protection district.

7 **Sec. 3.** RCW 52.04.081 and 1984 c 230 s 17 are each amended to read  
8 as follows:

9 The annual tax levies authorized by chapter 52.16 RCW shall be  
10 imposed throughout the fire protection district, including any city,  
11 partial city as set forth in RCW 52.04.061(2), or town annexed thereto.  
12 Any city, partial city as set forth in RCW 52.04.061(2), or town  
13 annexed to a fire protection district is entitled to levy up to three  
14 dollars and sixty cents per thousand dollars of assessed valuation less  
15 any regular levy made by the fire protection district or by a library  
16 district under RCW 27.12.390 in the incorporated area: PROVIDED, That  
17 the limitations upon regular property taxes imposed by chapter 84.55  
18 RCW apply.

19 **Sec. 4.** RCW 52.04.091 and 1989 c 76 s 1 are each amended to read  
20 as follows:

21 When any city, code city, partial city as set forth in RCW  
22 52.04.061(2), or town is annexed to a fire protection district under  
23 RCW 52.04.061 and 52.04.071, thereafter, any territory annexed by the  
24 city shall also be annexed and be a part of the fire protection  
25 district.

26 **Sec. 5.** RCW 52.04.101 and 1979 ex.s. c 179 s 3 are each amended to  
27 read as follows:

28 The legislative body of such a city, partial city as set forth in  
29 RCW 52.04.061(2), or town which has annexed to such a fire protection  
30 district, may, by resolution, present to the voters of such city,  
31 partial city as set forth in RCW 52.04.061(2), or town a proposition to  
32 withdraw from said fire protection district at any general election  
33 held at least three years following the annexation to the fire  
34 protection district. If the voters approve such a proposition to  
35 withdraw from said fire protection district, the city, partial city as

1 set forth in RCW 52.04.061(2), or town shall have a vested right in the  
2 capital assets of the district proportionate to the taxes levied within  
3 the corporate boundaries of the city, partial city as set forth in RCW  
4 52.04.061(2), or town and utilized by the fire district to acquire such  
5 assets.

6 **Sec. 6.** RCW 52.04.111 and 1986 c 254 s 10 are each amended to read  
7 as follows:

8 When any city, code city, partial city as set forth in RCW  
9 52.04.061(2), or town is annexed to a fire protection district under  
10 RCW 52.04.061 and 52.04.071, any employee of the fire department of  
11 such city, code city, partial city as set forth in RCW 52.04.061(2), or  
12 town who (1) was at the time of annexation employed exclusively or  
13 principally in performing the powers, duties, and functions which are  
14 to be performed by the fire protection district (2) will, as a direct  
15 consequence of annexation, be separated from the employ of the city,  
16 code city, partial city as set forth in RCW 52.04.061(2), or town, and  
17 (3) can perform the duties and meet the minimum requirements of the  
18 position to be filled, then such employee may transfer his employment  
19 to the fire protection district as provided in this section and RCW  
20 52.04.121 and 52.04.131.

21 For purposes of this section and RCW 52.04.121 and 52.04.131,  
22 employee means an individual whose employment with a city, code city,  
23 partial city as set forth in RCW 52.04.061(2), or town has been  
24 terminated because the city, code city, partial city as set forth in  
25 RCW 52.04.061(2), or town was annexed by a fire protection district for  
26 purposes of fire protection.

27 **Sec. 7.** RCW 52.04.121 and 1994 c 73 s 4 are each amended to read  
28 as follows:

29 (1) An eligible employee may transfer into the fire protection  
30 district civil service system, if any, or if none, then may request  
31 transfer of employment under this section by filing a written request  
32 with the board of fire commissioners of the fire protection district  
33 and by giving written notice to the legislative authority of the city,  
34 code city, partial city as set forth in RCW 52.04.061(2), or town.  
35 Upon receipt of such request by the board of fire commissioners the  
36 transfer of employment shall be made. The employee so transferring

1 will (a) be on probation for the same period as are new employees of  
2 the fire protection district in the position filled, but if the  
3 transferring employee has already completed a probationary period as a  
4 firefighter prior to the transfer, then the employee may only be  
5 terminated during the probationary period for failure to adequately  
6 perform assigned duties, not meeting the minimum qualifications of the  
7 position, or behavior that would otherwise be subject to disciplinary  
8 action, (b) be eligible for promotion no later than after completion of  
9 the probationary period, (c) receive a salary at least equal to that of  
10 other new employees of the fire protection district in the position  
11 filled, and (d) in all other matters, such as retirement, vacation, and  
12 sick leave, have all the rights, benefits, and privileges to which he  
13 or she would have been entitled as an employee of the fire protection  
14 district from the beginning of employment with the city, code city,  
15 partial city as set forth in RCW 52.04.061(2), or town fire department:  
16 PROVIDED, That for purposes of layoffs by the annexing fire agency,  
17 only the time of service accrued with the annexing agency shall apply  
18 unless an agreement is reached between the collective bargaining  
19 representatives of the employees of the annexing and annexed fire  
20 agencies and the annexing and annexed fire agencies. The city, code  
21 city, partial city as set forth in RCW 52.04.061(2), or town shall,  
22 upon receipt of such notice, transmit to the board of fire  
23 commissioners a record of the employee's service with the city, code  
24 city, partial city as set forth in RCW 52.04.061(2), or town which  
25 shall be credited to such employee as a part of the period of  
26 employment in the fire protection district. All accrued benefits are  
27 transferable provided that the recipient agency provides comparable  
28 benefits. All benefits shall then accrue based on the combined  
29 seniority of each employee in the recipient agency.

30 (2) As many of the transferring employees shall be placed upon the  
31 payroll of the fire protection district as the district determines are  
32 needed to provide services. These needed employees shall be taken in  
33 order of seniority and the remaining employees who transfer as provided  
34 in this section and RCW 52.04.111 and 52.04.131 shall head the list for  
35 employment in the civil service system in order of their seniority, to  
36 the end that they shall be the first to be reemployed in the fire  
37 protection district when appropriate positions become available:  
38 PROVIDED, That employees who are not immediately hired by the fire

1 protection district shall be placed on a reemployment list for a period  
2 not to exceed thirty-six months unless a longer period is authorized by  
3 an agreement reached between the collective bargaining representatives  
4 of the employees of the annexing and annexed fire agencies and the  
5 annexing and annexed fire agencies.

6 **Sec. 8.** RCW 52.04.131 and 1986 c 254 s 12 are each amended to read  
7 as follows:

8 When a city, code city, partial city as set forth in RCW  
9 52.04.061(2), or town is annexed to a fire protection district and as  
10 a result any employee is laid off who is eligible to transfer to the  
11 fire protection district pursuant to this section and RCW 52.04.111 and  
12 52.04.121, the city, code city, partial city as set forth in RCW  
13 52.04.061(2), or town shall notify the employee of the right to  
14 transfer and the employee shall have ninety days to transfer employment  
15 to the fire protection district.

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