
SENATE BILL 5520

State of Washington 63rd Legislature 2013 Regular Session

By Senators Billig, Conway, Fain, and Delvin

Read first time 02/01/13. Referred to Committee on Governmental Operations.

1 AN ACT Relating to establishing a regional fire protection service
2 authority formation process for cities; amending RCW 52.26.010,
3 52.26.030, 52.26.040, and 52.26.060; and reenacting and amending RCW
4 52.26.020.

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

6 **Sec. 1.** RCW 52.26.010 and 2004 c 129 s 1 are each amended to read
7 as follows:

8 The legislature finds that:

9 (1) The ability to respond to emergency situations by many of
10 Washington state's fire protection jurisdictions has not kept up with
11 the state's needs, particularly in urban regions;

12 (2) Providing ((a)) fire protection ((~~service system~~)) services
13 requires a shared partnership and responsibility among ((the)) federal,
14 state, local, and regional governments and the private sector;

15 (3) There are efficiencies to be gained by regional fire protection
16 service delivery while retaining local control; and

17 (4) Timely development of significant projects can best be achieved
18 through enhanced funding options for regional fire protection service

1 agencies, using already existing taxing authority to address fire
2 protection emergency service needs and new authority to address
3 critical fire protection projects and emergency services.

4 **Sec. 2.** RCW 52.26.020 and 2011 c 141 s 1 are each reenacted and
5 amended to read as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Board" means the governing body of a regional fire protection
9 service authority.

10 (2) "Elected official" means an elected official of a participating
11 fire protection jurisdiction or a regional fire protection district
12 commissioner created under RCW 52.26.080.

13 (3) "Fire protection jurisdiction" means a fire district, city,
14 town, port district, municipal airport, or Indian tribe.

15 (4) "Participating fire protection jurisdiction" means a fire
16 protection jurisdiction participating in the formation or operation of
17 a regional fire protection service authority.

18 (5) "Regional fire protection service authority" or "authority"
19 means a municipal corporation, an independent taxing authority within
20 the meaning of Article VII, section 1 of the state Constitution, and a
21 taxing district within the meaning of Article VII, section 2 of the
22 state Constitution, whose boundaries are coextensive with two or more
23 adjacent fire protection jurisdictions, or one city, and that has been
24 created by a vote of the people under this chapter to implement a
25 regional fire protection service authority plan.

26 (6) "Regional fire protection service authority plan" or "plan"
27 means a plan to develop and finance a fire protection service authority
28 project or projects, including, but not limited to, specific capital
29 projects, fire operations and emergency service operations pursuant to
30 RCW 52.26.040(3)(b), and preservation and maintenance of existing or
31 future facilities.

32 (7) "Regional fire protection service authority planning committee"
33 or "planning committee" means the advisory committee created under RCW
34 52.26.030 to create and propose to fire protection jurisdictions a
35 regional fire protection service authority plan to design, finance, and
36 develop fire protection and emergency service projects.

1 (8) "Regular property taxes" has the same meaning as in RCW
2 84.04.140.

3 **Sec. 3.** RCW 52.26.030 and 2004 c 129 s 3 are each amended to read
4 as follows:

5 Regional fire protection service authority planning committees are
6 advisory entities that are created, convened, and empowered as follows:

7 (1) Any two or more adjacent fire protection jurisdictions, or any
8 one city, may create a regional fire protection service authority and
9 convene a regional fire protection service authority planning
10 committee. No fire protection jurisdiction may participate in more
11 than one authority.

12 (2) Each governing body of the fire protection jurisdiction or
13 jurisdictions participating in planning under this chapter shall
14 appoint three elected officials to the authority planning committee.
15 Members of the planning committee may receive compensation of seventy
16 dollars per day, or portion thereof, not to exceed seven hundred
17 dollars per year, for attendance at planning committee meetings and for
18 performance of other services in behalf of the authority, and may be
19 reimbursed for travel and incidental expenses at the discretion of
20 their respective governing body.

21 (3) A regional fire protection service authority planning committee
22 may receive state funding, as appropriated by the legislature, ~~((or))~~
23 county funding provided by the affected counties, or city funding
24 provided by affected cities for start-up funding to pay for salaries,
25 expenses, overhead, supplies, and similar expenses ordinarily and
26 necessarily incurred. Upon creation of a regional fire protection
27 service authority, the authority shall within one year reimburse the
28 state ~~((or))~~, county, or city for any sums advanced for ~~((these))~~
29 start-up costs ~~((from the state or county))~~.

30 (4) The planning committee shall conduct its affairs and formulate
31 a regional fire protection service authority plan as provided under RCW
32 52.26.040.

33 (5) At its first meeting, a regional fire protection service
34 authority planning committee may elect officers and provide for the
35 adoption of rules and other operating procedures.

36 (6) The planning committee may dissolve itself at any time by a
37 majority vote of the total membership of the planning committee. Any

1 participating fire protection jurisdiction may withdraw upon thirty
2 calendar days' written notice to the other participating jurisdictions,
3 if any.

4 **Sec. 4.** RCW 52.26.040 and 2011 c 141 s 2 are each amended to read
5 as follows:

6 (1) A regional fire protection service authority planning committee
7 shall adopt a regional fire protection service authority plan providing
8 for the governance, design, financing, and development of fire
9 protection and emergency services. The planning committee may consider
10 the following factors in formulating its plan:

11 (a) Land use planning criteria; and

12 (b) The input of cities and counties located within, or partially
13 within, a participating fire protection jurisdiction.

14 (2) The planning committee may coordinate its activities with
15 neighboring cities, towns, and other local governments that engage in
16 fire protection planning.

17 (3) The planning committee shall:

18 (a) Create opportunities for public input in the development of the
19 plan;

20 (b) Adopt a plan proposing the creation of a regional fire
21 protection service authority and recommending governance, design,
22 financing, and development of fire protection and emergency service
23 facilities and operations, including maintenance and preservation of
24 facilities or systems. The plan may authorize the authority to
25 establish a system of ambulance service to be operated by the authority
26 or operated by contract after a call for bids. However, the authority
27 shall not provide for the establishment of an ambulance service that
28 would compete with any existing private ambulance service, unless the
29 authority determines that the region served by the authority, or a
30 substantial portion of the region served by the authority, is not
31 adequately served by an existing private ambulance service. In
32 determining the adequacy of an existing private ambulance service, the
33 authority shall take into consideration objective generally accepted
34 medical standards and reasonable levels of service which must be
35 published by the authority. Following the preliminary conclusion by
36 the authority that the existing private ambulance service is
37 inadequate, and before establishing an ambulance service or issuing a

1 call for bids, the authority shall allow a minimum of sixty days for
2 the private ambulance service to meet the generally accepted medical
3 standards and accepted levels of service. In the event of a second
4 preliminary conclusion of inadequacy within a twenty-four-month period,
5 the authority may immediately issue a call for bids or establish its
6 own ambulance service and is not required to afford the private
7 ambulance service another sixty-day period to meet the generally
8 accepted medical standards and reasonable levels of service. A private
9 ambulance service that is not licensed by the department of health or
10 whose license is denied, suspended, or revoked is not entitled to a
11 sixty-day period within which to demonstrate adequacy and the authority
12 may immediately issue a call for bids or establish an ambulance
13 service; and

14 (c) In the plan, recommend sources of revenue authorized by RCW
15 52.26.050, identify the portions of the plan that may be amended by the
16 board of the authority without voter approval, consistent with RCW
17 52.26.050, and recommend a financing plan to fund selected fire
18 protection and emergency services and projects.

19 (4) Once adopted, the plan must be forwarded to the governing body
20 or bodies of participating fire protection (~~((jurisdictions' governing~~
21 ~~bodies))~~) jurisdictions to initiate the election process under RCW
22 52.26.060.

23 (5) If the ballot measure is not approved, the planning committee
24 may redefine the selected regional fire protection service authority
25 projects, financing plan, and the ballot measure. The governing body
26 or bodies of participating fire protection (~~((jurisdictions' governing~~
27 ~~bodies))~~) jurisdictions may approve the new plan and ballot measure, and
28 may then submit the revised proposition to the voters at a subsequent
29 election or a special election. If a ballot measure is not approved by
30 the voters by the third vote, the planning committee is dissolved.

31 **Sec. 5.** RCW 52.26.060 and 2006 c 200 s 4 are each amended to read
32 as follows:

33 The governing bodies of two or more adjacent fire protection
34 jurisdictions or any one city may, upon receipt of the regional fire
35 protection service authority plan under RCW 52.26.040, (~~(may)~~) certify
36 the plan to the ballot, including identification of the revenue options
37 specified to fund the plan. The governing body or bodies of the fire

1 protection jurisdiction or jurisdictions may draft a ballot title, give
2 notice as required by law for ballot measures, and perform other duties
3 as required to put the plan before the voters of the proposed authority
4 for their approval or rejection as a single ballot measure that both
5 approves formation of the authority and approves the plan. Authorities
6 may negotiate interlocal agreements necessary to implement the plan.
7 The electorate is the voters voting within the boundaries of the
8 proposed regional fire protection service authority. A simple majority
9 of the total persons voting on the single ballot measure to approve the
10 plan and establish the authority is required for approval. However, if
11 the plan authorizes the authority to impose benefit charges or sixty
12 percent voter approved taxes, then the percentage of total persons
13 voting on the single ballot measure to approve the plan and establish
14 the authority is the same as in RCW 52.26.050. The authority must act
15 in accordance with the general election laws of the state. The
16 authority is liable for its proportionate share of the costs when the
17 elections are held under RCW 29A.04.321 and 29A.04.330.

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