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HOUSE BILL 1654

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State of Washington

63rd Legislature

2013 Regular Session

By Representatives Riccelli, Ormsby, Fitzgibbon, Tarleton, Van De Wege, and Ryu

Read first time 02/04/13. Referred to Committee on Local Government.

1 AN ACT Relating to establishing a regional fire protection service  
2 authority within the boundaries of a single city; amending RCW  
3 52.26.010, 52.26.030, 52.26.040, and 52.26.060; and reenacting and  
4 amending RCW 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)(i) 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.

27 (~~However,~~) (ii) The authority shall not provide for the  
28 establishment of an ambulance service that would compete with any  
29 existing private ambulance service, unless the authority determines  
30 that the region served by the authority, or a substantial portion of  
31 the region served by the authority, is not adequately served by an  
32 existing private ambulance service. In determining the adequacy of an  
33 existing private ambulance service, the authority shall take into  
34 consideration objective generally accepted medical standards and  
35 reasonable levels of service which must be published by the authority.  
36 Following the preliminary conclusion by the authority that the existing  
37 private ambulance service is inadequate, and before establishing an

1 ambulance service or issuing a call for bids, the authority shall allow  
2 a minimum of sixty days for the private ambulance service to meet the  
3 generally accepted medical standards and accepted levels of service.  
4 In the event of a second preliminary conclusion of inadequacy within a  
5 twenty-four-month period, the authority may immediately issue a call  
6 for bids or establish its own ambulance service and is not required to  
7 afford the private ambulance service another sixty-day period to meet  
8 the generally accepted medical standards and reasonable levels of  
9 service. A private ambulance service that is not licensed by the  
10 department of health or whose license is denied, suspended, or revoked  
11 is not entitled to a sixty-day period within which to demonstrate  
12 adequacy and the authority may immediately issue a call for bids or  
13 establish an ambulance service. This subsection (3)(b)(ii) does not  
14 apply to plans for regional fire protection service authorities that  
15 are solely contained within one city; and

16 (c) In the plan, recommend sources of revenue authorized by RCW  
17 52.26.050, identify the portions of the plan that may be amended by the  
18 board of the authority without voter approval, consistent with RCW  
19 52.26.050, and recommend a financing plan to fund selected fire  
20 protection and emergency services and projects.

21 (4) Once adopted, the plan must be forwarded to the governing body  
22 or bodies of participating fire protection (~~(jurisdictions' governing~~  
23 ~~bodies)~~) jurisdictions to initiate the election process under RCW  
24 52.26.060.

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

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

35 The governing bodies of two or more adjacent fire protection  
36 jurisdictions or any one city may, upon receipt of the regional fire  
37 protection service authority plan under RCW 52.26.040, (~~(may)~~) certify

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

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