

~~before finally denying approval of any proposed ferry route or schedule of tolls and charges for use of the county's ferries:))~~

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CHAPTER 63

[Substitute House Bill No. 1639]

FIRE PROTECTION DISTRICTS—FORMATION AND BOUNDARY CHANGES

AN ACT Relating to fire protection districts; amending RCW 52.02.030, 52.02.040, 52.02.050, 52.02.070, 52.02.080, 52.02.110, 52.04.011, 52.04.031, 52.04.051, 52.04.056, 52.06.010, 52.06.030, 52.06.060, 52.06.090, 52.06.100, 52.10.010, 52.14.015, 52.14.050, 52.14.060, 52.14.070, 52.16.010, 52.16.030, 52.16.040, 52.16.130, 52.18.010, 52.18.030, 52.18.040, 52.18.060, 52.20.025, and 52.22.011; adding a new section to chapter 52.02 RCW; adding a new section to chapter 52.04 RCW; adding a new section to chapter 52.06 RCW; adding a new section to chapter 52.30 RCW; and repealing RCW 52.02.090, 52.02.100, 52.02.120, 52.02.130, 52.06.040, 52.14.025, 52.14.040, and 52.30.010.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 2, chapter 34, Laws of 1939 as last amended by section 2, chapter 230, Laws of 1984 and RCW 52.02.030 are each amended to read as follows:

(1) For the purpose of the formation of a fire protection district, a petition designating the boundaries of the proposed district, by metes and bounds, or by describing the lands to be included in the proposed district by United States townships, ranges and legal subdivisions, signed by not less than fifteen percent of the qualified registered electors who reside within the boundaries of the proposed district, and setting forth the object for the creation of the proposed district and alleging that the establishment of the proposed district will be conducive to the public safety, welfare, and convenience, and will be a benefit to the property included in the proposed district, shall be filed with the county auditor of the county in which all, or the largest portion of, the proposed district is located, accompanied by an obligation signed by two or more petitioners, agreeing to pay the cost of the publication of the notice required by this title. The organization of any fire protection district previously formed is hereby approved and confirmed as a legally organized fire protection district in the state of Washington.

(2) The county auditor shall, within thirty days from the date of filing the petition, examine the signatures and certify to the sufficiency or insufficiency of the signatures. ~~((For this purpose, the county auditor shall have access to all registration books or records in the possession of the county election officials:))~~ If the proposed fire protection district is located in more than one county, the auditor of the county in which the largest portion of the proposed fire protection district is located shall be the lead auditor and

shall transmit a copy of the petition to the auditor or auditors of the other county or counties within which the proposed fire protection district is located. Each of these other auditors shall certify to the lead auditor both the total number of registered voters residing in that portion of the proposed fire protection district that is located in the county and the number of valid signatures of such voters who have signed the petition. The lead auditor shall certify the sufficiency or insufficiency of the signatures. The books and records of the auditor shall be prima facie evidence of the truth of the certificate. No person having signed the petition is allowed to withdraw his or her name after the filing of the petition with the county auditor.

(3) If the petition is found to contain a sufficient number of signatures of registered electors residing within the proposed district, the county auditor shall transmit the petition, together with the auditor's certificate of sufficiency, to the county legislative authority (~~which shall by resolution accept the petition and fix a time for a public hearing~~) or authorities of the county or counties in which the proposed fire protection district is located.

NEW SECTION. Sec. 2. A new section is added to chapter 52.02 RCW to read as follows:

The county auditor who certifies the sufficiency of the petition shall notify the person or persons who submitted the petition of its sufficiency or insufficiency within five days of when the determination of sufficiency or insufficiency is made. Notice shall be by certified mail and additionally may be made by telephone. If a boundary review board exists in the county or counties in which the proposed fire protection district is located and the petition has been certified as being sufficient, the petitioners shall file notice of the proposed incorporation with the boundary review board or boards.

Sec. 3. Section 3, chapter 34, Laws of 1939 as amended by section 3, chapter 230, Laws of 1984 and RCW 52.02.040 are each amended to read as follows:

~~((The))~~ (1) A public hearing on the petition shall be ~~((at the office of))~~ held by the county legislative authority ~~((and))~~ of the county in which the proposed fire protection district is located if: (a) No boundary review board exists in the county; (b) jurisdiction by the boundary review board over the proposal has not been invoked; or (c) the boundary review board fails to take action on the proposal over which its jurisdiction has been invoked within the time period that the board must act or a proposal is deemed to have been approved. If such a public hearing is held by the county legislative authority, the hearing shall be held not less than twenty nor more than forty days from the date of receipt of the petition with the certificate of sufficiency from the county auditor if there is no boundary review board in the county, or not more than one hundred days from when the notice of the proposal was submitted to the boundary review board if the jurisdiction of the boundary review board was not invoked, or not less than forty days after

the date that the boundary review board that has had its jurisdiction invoked over the proposal must act if the proposal is deemed to have been approved. The hearing by the county legislative authority may be completed at the scheduled time or may be adjourned from time to time as may be necessary for a determination of the petition, but such adjournment or adjournments shall not extend the time for considering the petition more than ((sixty)) twenty days from the date of ((receipt of the petition by the county legislative authority)) the initial hearing on the petition.

(2) If the proposed fire protection district is located in more than one county, a public hearing shall be held in each of the counties by the county legislative authority or boundary review board. Joint public hearings may be held by two or more county legislative authorities, or two or more boundary review boards, on the proposal.

Sec. 4. Section 4, chapter 34, Laws of 1939 as amended by section 4, chapter 230, Laws of 1984 and RCW 52.02.050 are each amended to read as follows:

((A copy of the petition with the names of the petitioners omitted, together with a notice signed by the clerk of the county legislative authority stating the date, hour, and place where the hearing on the petition shall take place;)) Notice of the public hearing by the county legislative authority on such a proposal shall be published for three consecutive weeks in the official paper of the county prior to the date set for the hearing((~~The clerk shall also post a copy of the petition with the names of the petitioners omitted, together with a copy of the notice attached;~~)) and shall be posted for not less than fifteen days prior to the date of the hearing in each of three public places within the boundaries of the proposed district((~~to be previously designated by the clerk and made a matter of record in the proceedings on the petition~~)). The notices shall contain the time, date, and place of the public hearing.

Sec. 5. Section 6, chapter 34, Laws of 1939 as amended by section 6, chapter 230, Laws of 1984 and RCW 52.02.070 are each amended to read as follows:

The county legislative authority has the authority to consider the petition and, if it finds that the lands or any portion of the lands described in the petition, and any lands added thereto by petition of those interested, will be benefited and that the formation of the district will be conducive to the public safety, welfare, and convenience, it shall make a finding by resolution; otherwise it shall deny the petition. The county legislative authority shall consider only those areas located within the county when considering the petition. If the county legislative authority approves the petition, it shall designate the name and number of the district, fix the boundaries of the district that are located within the county, and direct that an election be held within the proposed district for the purpose of determining whether the district shall be organized under this title and for the purpose of the election

of its first fire commissioners. (~~The county legislative authority shall, prior to the calling of the election, name three resident electors of the proposed district as candidates for election as the first fire commissioners of the district.~~)

Where a proposed fire protection district is located in more than a single county, the fire protection district shall be identified by the name of each county in which the proposed fire protection district is located, listed alphabetically, followed by a number that is the next highest number available for a fire protection district in the one of these counties that has the greatest number of fire protection districts. An election on a proposed fire protection district that is located in more than one county shall not be held unless the proposed district has been approved by the county legislative authorities, or boundary review boards, of each county within which the proposed district is located.

Sec. 6. Section 7, chapter 34, Laws of 1939 as amended by section 7, chapter 230, Laws of 1984 and RCW 52.02.080 are each amended to read as follows:

The election on the formation of the district and ((of the)) to elect the initial fire commissioners shall be conducted by the election officials of the county or counties in which the proposed district is located in accordance with the general election laws of the state. ((For the purpose of the election, county voting precincts may be combined or divided and redefined. The territory in the district shall be included in one or more election precincts as is convenient, and a polling place for each designated. The notice of the election shall state generally and briefly its purpose, shall give the boundaries of the proposed district, define the election precinct or precincts, designate the polling place for each, list the names of the candidates for the first fire commissioners of the district, and shall state the date of the election.)) This election shall be held at the next general election date, as specified under RCW 29.13.020, that occurs forty-five or more days after the date of the action by the boundary review board, or county legislative authority or authorities, approving the proposal.

Sec. 7. Section 10, chapter 34, Laws of 1939 as last amended by section 10, chapter 230, Laws of 1984 and RCW 52.02.110 are each amended to read as follows:

If three-fifths of all the votes cast at the election were cast ((for the proposition "..... County Fire Protection District No. Yes,") in favor of the ballot proposition to create the proposed fire protection district, the county legislative authority of the county in which all, or the largest portion of, the proposed district is located shall by resolution declare the territory organized as a fire protection district under the name designated and shall declare the ((three-candidates-receiving)) candidate for each fire commissioner position who receives the highest number of votes

~~((for fire commissioners the elected))~~ for that position to be an initial fire commissioner((s)) of the district.

Sec. 8. Section 3, chapter 70, Laws of 1941 as last amended by section 22, chapter 230, Laws of 1984 and RCW 52.04.011 are each amended to read as follows:

(1) A territory contiguous to a fire protection district and not within the boundaries of a city, town, or other fire protection district may be annexed to the fire protection district ((for the purpose of obtaining fire suppression and prevention services and emergency medical services,)) by petition of fifteen percent of the qualified registered electors residing within the territory proposed to be annexed. Such contiguous territory may be located in a county or counties other than the county or counties within which the fire protection district is located. The petition shall be filed with the fire commissioners of the fire protection district and if the fire commissioners concur in the petition they shall file the petition with the county auditor ((who shall)) of the county within which the territory is located. If this territory is located in more than one county, the original petition shall be filed with the auditor of the county within which the largest portion of the territory is located, who shall be designated as the lead auditor, and a copy shall be filed with the auditor of each other county within which such territory is located. Within thirty days after the date of the filing of the petition the auditor shall examine the signatures on the petition and certify to the sufficiency or insufficiency of the signatures. If this territory is located in more than one county, the auditor of each other county who receives a copy of the petition shall examine the signatures and certify to the lead auditor the number of valid signatures and the number of registered voters residing in that portion of the territory that is located within the county. The lead auditor shall certify the sufficiency or insufficiency of the signatures.

After the county auditor has certified the sufficiency of the petition, the ((proceedings by the county legislative authority and the rights, powers, and duties of the county legislative authority, petitioners, and objectors, and the election and canvass of the election results shall be the same as in the original proceedings to form a fire protection district. PROVIDED, That)) county legislative authority or authorities, or the boundary review board or boards, of the county or counties in which such territory is located shall consider the proposal under the same basis that a proposed incorporation of a fire protection district is considered, with the same authority to act on the proposal as in a proposed incorporation, as provided under chapter 52.02 RCW. If the proposed annexation is approved by the county legislative authority or boundary review board, the board of fire commissioners shall adopt a resolution requesting the county auditor to call a special election, as specified under RCW 29.13.020, at which the ballot proposition is to be

submitted. No annexation shall occur when the territory proposed to be annexed is located in more than one county unless the county legislative authority or boundary review board of each county approves the proposed annexation.

(2) The county legislative authority ((has)) or authorities of the county or counties within which such territory is located have the authority and duty to determine on an equitable basis, the amount of any obligation which the territory to be annexed to the district shall assume to place the property owners of the existing district on a fair and equitable relationship with the property owners of the territory to be annexed as a result of the benefits of annexing to a district previously supported by the property owners of the existing district. If a boundary review board has had its jurisdiction invoked on the proposal and approves the proposal, the county legislative authority of the county within which such territory is located may exercise the authority granted in this subsection and require such an assumption of indebtedness. This obligation may be paid to the district in yearly benefit charge installments to be fixed by the county legislative authority. This benefit charge shall be collected with the annual tax levies against the property in the annexed territory until fully paid. The amount of the obligation and the plan of payment established by the county legislative authority shall be described in general terms in the notice of election for annexation and shall be described in the ballot proposition on the proposed annexation that is presented to the voters for their approval or rejection. Such benefit charge shall be limited to an amount not to exceed a total of fifty cents per thousand dollars of assessed valuation: PROVIDED, HOWEVER, That the special election on the proposed annexation shall be held only within the boundaries of the territory proposed to be annexed to the fire protection district.

(3) On the entry of the order of the county legislative authority incorporating the territory into the existing fire protection district, the territory shall become subject to the indebtedness, bonded or otherwise, of the existing district. If the petition is signed by sixty percent of the qualified registered electors residing within the territory proposed to be annexed, and if the board of fire commissioners concur, an election in the territory and a hearing on the petition shall be dispensed with and the county legislative authority shall enter its order incorporating the territory into the existing fire protection district.

Sec. 9. Section 2, chapter 59, Laws of 1965 as amended by section 24, chapter 230, Laws of 1984 and RCW 52.04.031 are each amended to read as follows:

A petition for annexation of an area contiguous to a fire district shall be in writing, addressed to and filed with the board of fire commissioners of the district to which annexation is desired. Such contiguous territory may be located in a county or counties other than the county or counties within

which the fire protection district is located. It must be signed by the owners, according to the records of the county auditor or auditors, of not less than sixty percent of the area of land included in the annexation petition, shall set forth a legal description of the property and shall be accompanied by a plat which outlines the boundaries of the property to be annexed. The petition shall state the financial obligation, if any, to be assumed by the area to be annexed.

Sec. 10. Section 4, chapter 59, Laws of 1965 as amended by section 26, chapter 230, Laws of 1984 and RCW 52.04.051 are each amended to read as follows:

After the hearing, the board of fire commissioners shall determine by resolution whether the area shall be annexed. It may annex all or any portion of the proposed area but may not include in the annexation property not described in the petition. The proposed annexation shall be subject to action by the county legislative authority, as provided under RCW 52.04-.011, to the same extent as if the annexation were done under the election method of annexation. If the area proposed to be annexed under this procedure is reduced, the annexation shall occur only if the owners of not less than sixty percent of the remaining area have signed the petition. After adoption of the resolution a copy shall be filed with the county legislative authority or authorities within which the territory is located.

Sec. 11. Section 3, chapter 138, Laws of 1987 and RCW 52.04.056 are each amended to read as follows:

(1) As provided in this section, a fire protection district may withdraw areas from its boundaries, or reannex areas into the fire protection district that previously had been withdrawn from the fire protection district under this section.

(2) The withdrawal of an area shall be authorized upon: (a) Adoption of a resolution by the board of fire commissioners requesting the withdrawal and finding that, in the opinion of the board, inclusion of this area within the fire protection district will result in a reduction of the district's tax levy rate under the provisions of RCW 84.52.010; and (b) adoption of a resolution by the city or town council approving the withdrawal, if the area is located within the city or town, or adoption of a resolution by the county legislative authority or authorities of the county or counties within which the area is located approving the withdrawal, if the area is located outside of a city or town. A withdrawal shall be effective at the end of the day on the thirty-first day of December in the year in which the resolutions are adopted, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution.

The authority of an area to be withdrawn from a fire protection district as provided under this section is in addition, and not subject, to the provisions of RCW 52.04.101.

The withdrawal of an area from the boundaries of a fire protection district shall not exempt any property therein from taxation for the purpose of paying the costs of redeeming any indebtedness of the fire protection district existing at the time of the withdrawal.

(3) An area that has been withdrawn from the boundaries of a fire protection district under this section may be reannexed into the fire protection district upon: (a) Adoption of a resolution by the board of fire commissioners proposing the reannexation; and (b) adoption of a resolution by the city or town council approving the reannexation, if the area is located within the city or town, or adoption of a resolution by the county legislative authority or authorities of the county or counties within which the area is located approving the reannexation, if the area is located outside of a city or town. The reannexation shall be effective at the end of the day on the thirty-first day of December in the year in which the adoption of the second resolution occurs, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution. Referendum action on the proposed reannexation may be taken by the voters of the area proposed to be reannexed if a petition calling for a referendum is filed with the city or town council, or county legislative authority or authorities, within a thirty-day period after the adoption of the second resolution, which petition has been signed by registered voters of the area proposed to be reannexed equal in number to ten percent of the total number of the registered voters residing in that area.

If a valid petition signed by the requisite number of registered voters has been so filed, the effect of the resolutions shall be held in abeyance and a ballot proposition to authorize the reannexation shall be submitted to the voters of the area at the next special election date specified in RCW 29.13-.020 that occurs forty-five or more days after the petitions have been validated. Approval of the ballot proposition authorizing the reannexation by a simple majority vote shall authorize the reannexation.

NEW SECTION. Sec. 12. A new section is added to chapter 52.04 RCW to read as follows:

Any fire protection district located in a single county that annexes territory in another county shall be identified by the name of each county in which the fire protection district is located, listed alphabetically, followed by a number that is the next highest number available for a fire protection district in the one of these counties that has the greatest number of fire protection districts.

Sec. 13. Section 12, chapter 254, Laws of 1947 as amended by section 57, chapter 230, Laws of 1984 and RCW 52.06.010 are each amended to read as follows:

A fire protection district may merge with another adjacent fire protection district, on such terms and conditions as they agree upon, in the manner provided in this title. The fire protection districts may be located in different counties. The district desiring to merge with another district, or the district from which it is proposed that a portion of the district be merged with another district, shall be called the "merging district(," and))." The district into which the merger is to be made shall be called the "merger district." The merger of any districts under chapter 52.06 RCW is subject to potential review by the boundary review board or boards of the county in which the merging district, or the portion of the merging district that is proposed to be merged with another district, is located.

Sec. 14. Section 14, chapter 254, Laws of 1947 as amended by section 59, chapter 230, Laws of 1984 and RCW 52.06.030 are each amended to read as follows:

The board of the merger district may, by resolution, reject or approve the petition as presented, or it may modify the terms and conditions of the proposed merger, and shall transmit the petition, together with a copy of its resolution to the merging district.

If the petition is approved as presented or as modified, the board of the merging district shall send an elector-signed petition, if there is one, to the auditor or auditors of the county or counties in which the merging district is ~~((situated))~~ located, who shall within thirty days examine the signatures and certify to the sufficiency or insufficiency of the signatures ~~((, and for that purpose shall have access to all registration books and records))~~. If the merging district is located in more than one county, the auditor of the county within which the largest portion of the merging district is located shall be the lead auditor. Each other auditor shall certify to the lead auditor the number of valid signatures and the number of registered voters of the merging district who reside in the county. The lead auditor shall certify as to the sufficiency or insufficiency of the signatures. No signatures may be withdrawn from the petition after the filing. A certificate of sufficiency shall be provided to the board of the merging district, which shall adopt a resolution requesting the county auditor or auditors to call a special election, as provided in RCW 29.13.020, for the purpose of presenting the question of merging the districts to the voters of the merging district.

If there is no elector-signed petition, the merging district board shall adopt a resolution ~~((calling))~~ requesting the county auditor or auditors to call a special election in the merging district, as specified under RCW 29.13.020, for the purpose of presenting the question of the merger to the electors.

Sec. 15. Section 17, chapter 254, Laws of 1947 as amended by section 61, chapter 230, Laws of 1984 and RCW 52.06.060 are each amended to read as follows:

If three-fifths of all the qualified electors in the merging district sign the petition to merge, no election on the question of the merger is necessary and the auditor, or lead auditor if the merging district is located in more than a single county, shall return the petition, together with a certificate of sufficiency to the board of the merging district. The boards of the respective districts shall then adopt resolutions declaring the districts merged in the same manner and to the same effect as if the merger had been authorized by an election.

Sec. 16. Section 5, chapter 176, Laws of 1953 as last amended by section 64, chapter 230, Laws of 1984 and RCW 52.06.090 are each amended to read as follows:

A part of one district may be transferred and merged with an adjacent district if the area can be better served by the merged district. To effect such a merger, a petition, signed by a majority of the commissioners of the merging district or signed by not less than fifteen percent of the qualified electors residing in the area to be merged, shall be filed with the commissioners of the merging district, if signed by electors, or with the commissioners of the merger district if signed by commissioners of the merging district. If the commissioners of the merging district approve the petition, the petition shall be presented to the commissioners of the merger district. If the commissioners of the merger district approve the petition, an election shall be called in the area to be merged.

In the event that either board of fire district commissioners does not approve the petition, the petition may ~~((then be presented to a county review board established for such purposes. If there is no county review board for such purposes then the petition shall be presented to the legislative body))~~ be approved by the boundary review board of the county or the county legislative authority of the county in which the area to be merged is situated, ((which shall decide if)) and may approve the merger if it decides the area can be better served by a merger. If the part of the merging district that is proposed to merge with the merger district is located in more than one county, the approval must be by the boundary review board or county legislative authority of each county. If there is an affirmative decision, an election shall be called in the area to be merged.

A majority of the votes cast is necessary to approve the transfer.

Sec. 17. Section 6, chapter 176, Laws of 1953 as amended by section 65, chapter 230, Laws of 1984 and RCW 52.06.100 are each amended to read as follows:

If three-fifths of the qualified electors in the area to be merged sign a petition to merge the districts, no election on the question of the merger is necessary, in which case the auditor or lead auditor shall return the petition, together with a certificate of sufficiency, to the board of the merger district. The board of the merger district shall then adopt a resolution declaring the

portion of the district merged in the same manner and to the same effect as if the same had been authorized by an election.

NEW SECTION. Sec. 18. A new section is added to chapter 52.06 RCW to read as follows:

A merger fire protection district located in a single county, that merged with a merging fire protection district located in another county or counties, shall be identified by the name of each county in which the fire protection district is located, listed alphabetically, followed by a number that is the next highest number available for a fire protection district in the one of these counties that has the greatest number of fire protection districts.

Sec. 19. Section 46, chapter 34, Laws of 1939 as amended by section 15, chapter 230, Laws of 1984 and RCW 52.10.010 are each amended to read as follows:

Fire protection districts may be dissolved by a majority vote of the registered electors of the district at an election conducted by the election officials of the county or counties in which the district is located in accordance with the general election laws of the state. The proceedings for dissolution may be initiated by the adoption of a resolution by the board of commissioners of the district calling for the dissolution. The dissolution of the district shall not cancel outstanding obligations of the district or of a local improvement district within the district, and the county legislative authority or authorities of the county or counties in which the district was located may make annual levies against the lands within the district until the obligations of the districts are paid. When the obligations are fully paid, all moneys in district funds and all collections of unpaid district taxes shall be transferred to the expense fund of the county. Where the fire protection district that was dissolved was located in more than one county, the amount of money transferred to the expense fund of each county shall be in direct proportion to the amount of assessed valuation of the fire protection district that was located in each county at the time of its dissolution.

Sec. 20. Section 85, chapter 230, Laws of 1984 and RCW 52.14.015 are each amended to read as follows:

In the event a three member board of commissioners of any fire protection district determines by resolution and approves by unanimous vote of the board that it would be in the best interest of the district to increase the number of commissioners from three to five, or in the event the board is presented with a petition signed by fifteen percent of the qualified electors resident within the district calling for such an increase in the number of commissioners of the district, the board shall submit a resolution to the county legislative ((body)) authority or authorities of the county or counties in which the district is located requesting that an election be held. Upon

receipt of the resolution, the legislative authority or authorities of the county or counties shall call a special election to be held within the fire protection district at which election the following proposition shall be submitted to the voters substantially as follows:

Shall the board of commissioners of _____ county fire protection district no. _____ be increased from three members to five members?

Yes _____

No _____

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

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

Sec. 21. Section 26, chapter 34, Laws of 1939 as last amended by section 2, chapter 238, Laws of 1984 and RCW 52.14.050 are each amended to read as follows:

In the event of a vacancy occurring in the office of fire commissioner, the vacancy shall, within sixty days, be filled by appointment of a resident elector of the district by a vote of the remaining fire commissioners. ~~((The person appointed shall serve until a successor has been elected or appointed and has qualified:))~~ If the board of commissioners fails to fill the vacancy within the sixty-day period, the county legislative authority of the county in which all, or the largest portion, of the district is located shall make the appointment. If the number of vacancies is such that there ~~((are))~~ is not a majority of the full number of commissioners in office as fixed by law, the county legislative authority ~~((shall within thirty days of the vacancies appoint the required number))~~ of the county in which all, or the largest portion, of the district is located shall appoint someone to fill each vacancy, within thirty days of each vacancy, that is sufficient to create a majority as prescribed by law ((to fill the vacancies)).

An appointee shall serve ad interim ((through)) until a successor has been elected and qualified at the next general election as provided in chapter 29.21 RCW. ((At the next general election, if there is sufficient time for the nomination of candidates for office of fire commissioner, after the filling of any vacancy in the office, a fire commissioner shall be elected to)) A person who is so elected shall take office immediately after he or she is qualified and shall serve for the remainder of the unexpired term.

If a fire commissioner is absent from the district for three consecutive regularly scheduled meetings unless by permission of the board, the office shall be declared vacant by the board of commissioners and the vacancy shall be filled as provided for in this section. However, such an action shall

not be taken unless the commissioner is notified by mail after two consecutive unexcused absences that the position will be declared vacant if the commissioner is absent without being excused from the next regularly scheduled meeting. Vacancies additionally shall occur as provided in chapter 42.12 RCW.

Sec. 22. Section 27, chapter 34, Laws of 1939 as last amended by section 33, chapter 230, Laws of 1984 and RCW 52.14.060 are each amended to read as follows:

~~((At the time of the first general election occurring thirty or more days after the creation of a district;))~~ The initial three members of the board of fire commissioners shall be elected at the same election as when the ballot proposition is submitted to the voters authorizing the creation of the fire protection district. If the district is not authorized to be created, the election of the initial fire commissioners shall be null and void. If the district is authorized to be created, the initial fire commissioners shall take office immediately when qualified. Candidates shall file for each of the three separate fire commissioner positions. Elections shall be held as provided in chapter 29.21 RCW, with the county auditor opening up a special filing period as provided in RCW 29.21.360 and 29.21.370, as if there were a vacancy. The candidate for each position who receives the greatest number of votes shall be elected to that position. If the election is held in an odd-numbered year, the winning candidate receiving the highest number of votes shall ((serve)) hold office for a term of six years ((beginning in accordance with RCW 29.04.170)), the winning candidate receiving the next highest number of votes shall ((serve)) hold office for a term of four years, and the candidate receiving the next highest number of votes shall serve for a term of two years. ((It is the intent of the law that the term of a fire commissioner shall expire biennially and that this relationship be preserved as far as legally possible;)) If the election were held in an even-numbered year, the winning candidate receiving the greatest number of votes shall hold office for a term of five years, the winning candidate receiving the next highest number of votes shall hold office for a term of three years, and the winning candidate receiving the next highest number of votes shall hold office for a term of one year. The terms of office of the initially elected fire commissioners shall be calculated from the first day of January in the year following their election.

Sec. 23. Section 29, chapter 34, Laws of 1939 as last amended by section 22, chapter 167, Laws of 1986 and RCW 52.14.070 are each amended to read as follows:

Before beginning the duties of office, each fire commissioner shall take and subscribe the official oath for the faithful discharge of the duties of office as required by RCW 29.01.135, which oath shall be filed in the office of the auditor of the county in which all, or the largest portion of, the district is ((situated)) located.

Sec. 24. Section 33, chapter 34, Laws of 1939 as amended by section 38, chapter 230, Laws of 1984 and RCW 52.16.010 are each amended to read as follows:

It is the duty of the county treasurer of the county in which all, or the largest portion of, any fire protection district created under this title is ((situated)) located to receive and disburse district revenues, to collect taxes and assessments authorized and levied under this title, and to credit district revenues to the proper fund. However, were a fire protection district is located in more than one county, the county treasurer of each other county in which the district is located shall collect the fire protection district's taxes and assessments that are imposed on property located within the county and transfer these funds to the county treasurer of the county in which the largest portion of the district is located.

Sec. 25. Section 35, chapter 34, Laws of 1939 as amended by section 40, chapter 230, Laws of 1984 and RCW 52.16.030 are each amended to read as follows:

Annually after the county board or boards of equalization ((has)) of the county or counties in which the district is located have equalized the assessments for general tax purposes in that year, the secretary of the district shall prepare and certify a budget of the requirements of each district fund, and deliver it to the county legislative authority or authorities of the county or counties in which the district is located in ample time for ((it to make)) the tax levies to be made for district purposes.

Sec. 26. Section 36, chapter 34, Laws of 1939 as amended by section 41, chapter 230, Laws of 1984 and RCW 52.16.040 are each amended to read as follows:

At the time of making general tax levies in each year the county legislative authority or authorities of the county or counties in which a fire protection district is located shall make the required levies for district purposes against the real and personal property in the district in accordance with the equalized valuations of the property for general tax purposes and as a part of the general taxes. The tax levies shall be a part of the general tax roll and shall be collected as a part of the general taxes against the property in the district.

Sec. 27. Section 8, chapter 24, Laws of 1951 2nd ex. sess. as last amended by section 121, chapter 7, Laws of 1985 and RCW 52.16.130 are each amended to read as follows:

To carry out the purposes for which fire protection districts are created, the board of fire commissioners of a district may levy each year, in addition to the levy or levies provided in RCW 52.16.080 for the payment of the principal and interest of any outstanding general obligation bonds, an ad valorem tax on all taxable property located in the district not to exceed fifty cents per thousand dollars of assessed value: PROVIDED, That in no

case may the total general levy for all purposes, except the levy for the retirement of general obligation bonds, exceed one dollar per thousand dollars of assessed value. Levies in excess of one dollar per thousand dollars of assessed value or in excess of the aggregate dollar rate limitations or both may be made for any district purpose when so authorized at a special election under RCW 84.52.052. Any such tax when levied shall be certified to the proper county officials for the collection of the tax as for other general taxes. The taxes when collected shall be placed in the appropriate district fund or funds as provided by law, and shall be paid out on warrants of the auditor of the county in which all, or the largest portion of, the district is ((situated)) located, upon authorization of the board of fire commissioners of the district.

Sec. 28. Section 1, chapter 126, Laws of 1974 ex. sess. as last amended by section 1, chapter 325, Laws of 1987 and RCW 52.18.010 are each amended to read as follows:

The board of fire commissioners of a fire protection district may by resolution, for fire protection district purposes authorized by law, fix and impose a service charge on personal property and improvements to real property which are located within the fire protection district on the date specified and which have or will receive the benefits provided by the fire protection district, to be paid by the owners of the properties: PROVIDED, That a service charge shall not apply to personal property and improvements to real property owned or used by any recognized religious denomination or religious organization as, or including, a sanctuary or for purposes related to the bona fide religious ministries of the denomination or religious organization, including schools and educational facilities used for kindergarten, primary, or secondary educational purposes or for institutions of higher education and all grounds and buildings related thereto, but not including personal property and improvements to real property owned or used by any recognized religious denomination or religious organization for business operations, profit-making enterprises, or activities not including use of a sanctuary or related to kindergarten, primary, or secondary educational purposes or for institutions of higher education. The aggregate amount of such service charges in any one year shall not exceed an amount equal to sixty percent of the operating budget for the year in which the service charge is to be collected: PROVIDED, That it shall be the duty of the county legislative authority or authorities of the county or counties in which the fire protection district is located to make any necessary adjustments to assure compliance with such limitation and to immediately notify the board of fire commissioners of any changes thereof.

A service charge imposed shall be reasonably proportioned to the measurable benefits to property resulting from the services afforded by the district. It is acceptable to apportion the service charge to the values of the properties as found by the county assessor or assessors modified generally in

the proportion that fire insurance rates are reduced or entitled to be reduced as the result of providing the services. Any other method that reasonably apportions the service charges to the actual benefits resulting from the degree of protection, which may include but is not limited to the distance from regularly maintained fire protection equipment, the level of fire prevention services provided to the properties, or the need of the properties for specialized services, may be specified in the resolution and shall be subject to contest on the ground of unreasonable or capricious action or action in excess of the measurable benefits to the property resulting from services afforded by the district: PROVIDED, That a service charge authorized by this chapter shall not be applicable to the personal property or improvements to real property of any individual, corporation, partnership, firm, organization, or association maintaining a fire department and whose fire protection and training system has been accepted by a fire insurance underwriter maintaining a fire protection engineering and inspection service authorized by the state insurance commissioner to do business in this state, but such property may be protected by the fire protection district under a contractual agreement.

Sec. 29. Section 3, chapter 126, Laws of 1974 ex. sess. as last amended by section 3, chapter 325, Laws of 1987 and RCW 52.18.030 are each amended to read as follows:

The resolution establishing service charges as specified in RCW 52.18-.010 shall specify, by legal geographical areas or other specific designations, the charge to apply to each property by location, type, or other designation, or other information that is necessary to the proper computation of the service charge to be charged to each property owner subject to the resolution. The county assessor of each county in which the district is located shall determine and identify the personal properties and improvements to real property which are subject to a service charge in each fire protection district and shall furnish and deliver to the county treasurer of that county a listing of the properties with information describing the location, legal description, and address of the person to whom the statement of service charges is to be mailed, the name of the owner, and the value of the property and improvements, together with the service charge to apply to each. These service charges shall be certified to the county treasurer for collection in the same manner that is used for the collection of fire protection charges for forest lands protected by the department of natural resources under RCW 76.04-.610 and the same penalties and provisions for collection shall apply.

Sec. 30. Section 4, chapter 126, Laws of 1974 ex. sess. as amended by section 4, chapter 325, Laws of 1987 and RCW 52.18.040 are each amended to read as follows:

Each fire protection district shall contract, prior to the effective date of a resolution imposing a service charge, for the administration and collection of the service charge by ~~((the))~~ each county treasurer, who shall deduct a

percent, as provided by contract to reimburse the county for expenses incurred by the county assessor and county treasurer in the administration of the resolution and this chapter. The county treasurer shall make distributions each year, as the charges are collected, in the amount of the service charges imposed on behalf of each district, less the deduction provided for in the contract.

Sec. 31. Section 6, chapter 126, Laws of 1974 ex. sess. as amended by section 6, chapter 325, Laws of 1987 and RCW 52.18.060 are each amended to read as follows:

(1) Not less than ten days nor more than six months before the election at which the proposition to impose the service charge is submitted as provided in this chapter, the board of fire commissioners of the district shall hold a public hearing specifically setting forth its proposal to impose service charges for the support of its legally authorized activities which will maintain or improve the services afforded in the district. A report of the public hearing shall be filed with the county treasurer of each county in which the property is located and be available for public inspection.

(2) Prior to October 15 of each year the board of fire commissioners shall hold a public hearing to review and establish the fire district service charges for the subsequent year.

All resolutions imposing or changing the service charges shall be filed with the county treasurer or treasurers of each county in which the property is located, together with the record of each public hearing, before October 31 immediately preceding the year in which the service charges are to be collected on behalf of the district.

Sec. 32. Section 3, chapter 161, Laws of 1961 as last amended by section 50, chapter 230, Laws of 1984 and RCW 52.20.025 are each amended to read as follows:

The hearing and all subsequent proceedings in connection with the local improvement, including but not limited to the levying, collection, and enforcement of local improvement assessments, and the authorization, issuance, and payment of local improvement bonds and warrants shall be in accordance with the provisions of law applicable to cities and towns set forth in chapters 35.43, 35.44, 35.45, 35.49, 35.50, and 35.53 RCW. Fire protection districts may exercise the powers set forth in those chapters: PROVIDED, That no local improvement guaranty fund may be created: PROVIDED FURTHER, That for the purposes of RCW 52.16.070, 52.20.010, 52.20.020, and 52.20.025, with respect to the powers granted and the duties imposed in chapters 35.43, 35.44, 35.45, 35.50, and 35.53 RCW:

(1) The words "city or town" mean fire protection district.

(2) The secretary of a fire protection district shall perform the duties of the "clerk" or "city or town clerk."

(3) The board of fire commissioners of a fire protection district shall perform the duties of the "council" or "city or town council" or "legislative authority of a city or town."

(4) The board of fire commissioners of a fire protection district shall perform the duties of the "mayor."

(5) The word "ordinance" means a resolution of the board of fire commissioners of a fire protection district.

(6) The treasurer or treasurers of the county or counties in which a fire protection district is ~~((situated))~~ located shall perform the duties of the "treasurer" or "city or town treasurer."

Sec. 33. Section 1, chapter 230, Laws of 1947 as amended by section 66, chapter 230, Laws of 1984 and RCW 52.22.011 are each amended to read as follows:

The respective areas, organized and established or attempted to be organized and established under the authority granted in ~~((chapter 34, Laws of 1939, as amended;))~~ Title 52 RCW which since their organization and establishment or attempted organization and establishment have continuously maintained their organization as fire protection districts established under the authority of these statutes are declared to be properly organized fire protection districts existing under and by virtue of the statutes having in each case, the boundaries set forth in the respective organization proceedings of each of them as shown by the files and records in the offices of the legislative authority or authorities and auditor or auditors of the county or counties in which the particular area lies.

NEW SECTION. Sec. 34. A new section is added to chapter 52.30 RCW to read as follows:

The name of a fire protection district shall be changed, as proposed by resolution of the board of fire commissioners of the district, upon the adoption of a resolution approving the change by the county legislative authority of the county in which all, or the largest portion, of a fire protection district is located.

NEW SECTION. Sec. 35. The following acts or parts of acts are each repealed:

(1) Section 8, chapter 34, Laws of 1939, section 8, chapter 230, Laws of 1984 and RCW 52.02.090;

(2) Section 9, chapter 34, Laws of 1939, section 9, chapter 230, Laws of 1984 and RCW 52.02.100;

(3) Section 11, chapter 34, Laws of 1939, section 11, chapter 230, Laws of 1984 and RCW 52.02.120;

(4) Section 12, chapter 34, Laws of 1939, section 4, chapter 254, Laws of 1947, section 12, chapter 230, Laws of 1984 and RCW 52.02.130;

(5) Section 15, chapter 254, Laws of 1947, section 60, chapter 230, Laws of 1984 and RCW 52.06.040;

(6) Section 23, chapter 34, Laws of 1939, section 32, chapter 126, Laws of 1979 ex. sess., section 30, chapter 230, Laws of 1984 and RCW 52.14.025;

(7) Section 25, chapter 34, Laws of 1939, section 7, chapter 254, Laws of 1947, section 1, chapter 101, Laws of 1972 ex. sess., section 32, chapter 230, Laws of 1984 and RCW 52.14.040; and

(8) Section 28, chapter 34, Laws of 1939, section 76, chapter 230, Laws of 1984 and RCW 52.30.010.

Passed the House March 6, 1989.

Passed the Senate April 5, 1989.

Approved by the Governor April 19, 1989.

Filed in Office of Secretary of State April 19, 1989.

CHAPTER 64

[Substitute House Bill No. 1651]
FLOOD PLAIN MANAGEMENT

AN ACT Relating to flood plains; amending RCW 86.16.020, 86.16.025, 86.16.031, 86.16.041, and 86.16.061; and adding a new section to chapter 86.16 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 3, chapter 159, Laws of 1935 as amended by section 2, chapter 523, Laws of 1987 and RCW 86.16.020 are each amended to read as follows:

State-wide flood plain management regulation shall be exercised through: (1) Local governments' administration of the national flood insurance program regulation requirements, (2) the establishment of minimum state requirements for flood plain management that equal the minimum federal requirements for the national flood insurance program, and (3) ~~((the administration of flood plain management programs for local jurisdictions not participating in or meeting the requirements of the national flood insurance program, and (4) through))~~ the issuance of regulatory orders. This regulation shall be exercised over the planning, construction, operation and maintenance of any works, structures and improvements, private or public, which might, if improperly planned, constructed, operated and maintained, adversely influence the regimen of a stream or body of water or might adversely affect the security of life, health and property against damage by flood water.

Sec. 2. Section 6, chapter 159, Laws of 1935 as last amended by section 50, chapter 109, Laws of 1987 and RCW 86.16.025 are each amended to read as follows:

With respect to such features as may affect flood conditions, the department shall have authority to examine, approve or reject designs and plans for any structure or works, public or private, to be erected or built or