

HOUSE BILL REPORT

HB 2305

*As Reported By House Committee on:
Local Government*

Title: An act relating to fire protection districts.

Brief Description: Creating fire commissioner districts within merged fire protection districts.

Sponsor(s): Representatives Haugen, Ferguson, Dorn, Horn, Bray and Rasmussen.

Brief History:

Reported by House Committee on:
Local Government, January 22, 1992, DPS.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 15 members: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; Wynne; and Zellinsky.

Staff: Steve Lundin (786-7127).

Background: A fire protection district is governed by a board of commissioners consisting of either three or five members. The commissioners are elected to staggered six-year terms of office on an at-large basis.

The laws for some other special districts permit or require the use of commissioner districts. Some special districts, including fire protection districts, are not allowed to create commissioner districts. Some special districts, such as sewer districts or water districts, may create commissioner districts from which commissioners are elected. Other special districts, such as public utility districts and most port districts, must use commissioner districts to elect commissioners.

The actual use of commissioner districts varies among different special districts. Many of the statutes are vague as to the specific use of commissioner districts.

Some special districts use commissioner districts for only one purpose to restrict the residency of the commissioner from that commissioner district and voters throughout the entire special district vote at a primary to nominate candidates from a commissioner district and vote at the general election to elect the commissioner from a commissioner district.

Other special districts use commissioner districts for two purposes: to both restrict the residency of the commissioners and to restrict who can vote at a primary to nominate two candidates for the commissioner position from each commissioner district; but voters throughout the entire special district vote at the general election to elect the commissioner from a commissioner district.

Finally, other special districts use commissioner districts for all three purposes: to restrict the residency of commissioners, to restrict who can vote at a primary to nominate candidates for the commissioner position from a commissioner district, and to restrict who can vote at a general election to elect a commissioner.

Summary of Substitute Bill: A fire protection district may create commissioner districts if voters of the district approve a ballot proposition authorizing commissioner districts and the resolution submitting the ballot proposition to the voters is adopted by a unanimous vote of the fire commissioners.

If authorized, the fire commissioners divide the fire protection district into either three or five commissioner districts each with approximately equal population, depending on whether the district has three or five commissioners. A candidate for commissioner, and a commissioner, must reside in the commissioner district. Voters must reside in a commissioner district to vote at a primary to nominate candidates from the commissioner district. However, voters throughout the entire fire protection district may vote at a general election to elect a commissioner from a commissioner district.

Provision is made for the option of eventually using commissioner districts in a fire protection district that results from the merging of two or more fire protection districts.

Substitute Bill Compared to Original Bill: The substitute bill allows any fire protection district to create commissioner districts instead of just when two or more districts merge. The use of commissioner districts is expanded to include restricting who can vote at a primary.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: This is permissive.

This change will encourage the merger of fire protection districts. Frequently, it is desired that after the merger of fire protection districts, commissioner districts be created to ensure that a commissioner resides in each of the former fire protection districts that were merged.

Testimony Against: None.

Witnesses: Roger Ferris, Washington Fire Commissioners Association.