

SENATE BILL REPORT

HB 1911

AS REPORTED BY COMMITTEE ON GOVERNMENT OPERATIONS, MARCH 31, 1993

Brief Description: Regulating fire protection districts in newly incorporated cities and towns.

SPONSORS: Representatives Zellinsky, Reams and H. Myers

HOUSE COMMITTEE ON LOCAL GOVERNMENT

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass as amended.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Owen, von Reichbauer, and Winsley.

Staff: Rod McAulay (786-7754)

Hearing Dates: March 25, 1993; March 31, 1993

BACKGROUND:

The incorporation of a city or town involves several steps over an extended period of time, including the filing of a petition calling for the incorporation, an election on the incorporation, a primary to nominate candidates for the initial elected positions, an election to elect the initial elected officials, an interim transition period, and fixing an official date of incorporation.

During the interim transition period, a fire protection district may annex all of the newly incorporated city or town, effective immediately upon the official incorporation of the new city or town. If such an annexation does not occur, territory in the city or town is removed from any fire protection district at the official date of incorporation. The newly incorporated city or town may create its own fire department or contract with another city or town, or a fire protection district, for the provision of fire suppression services.

If the annexation is approved by both the board of fire commissioners and the city or town council, a ballot proposition is submitted to the voters of a city or town authorizing a fire protection district to annex the city or town. If the annexation is approved by city or town voters, the fire protection district imposes its tax levies throughout its boundaries, including the city or town, and the levy rate of the city or town is reduced to the lesser of either \$3.60 per \$1,000 of assessed valuation, less the levy rate of the fire protection district, or whatever the rate of regular property taxes the city or town could have imposed without the annexation.

SUMMARY:

If a newly incorporated city or town is located in a single fire protection district, the city or town remains in the fire protection district during the first year after the official date of incorporating the city or town, unless the city or town council adopts a resolution during the interim transition period causing the city or town to be automatically removed from the fire protection district upon its official date of incorporation.

During the first year of the official existence of the city or town, a ballot proposition may be submitted to the voters of the city or town authorizing the city or town to remain within the fire protection district.

If the city or town is removed from the fire protection district, the regular levy rate of the city or town shall be adjusted as if the city or town never had been included within the fire protection district.

SUMMARY OF PROPOSED SENATE AMENDMENT:

The date on which a city or town is removed from a fire protection district when the city or town does not remove itself on the actual date of incorporation is changed to the first day of the following or next following calendar year. The existing law is amended regarding the transfer of tax assessments and physical assets and liabilities to be concurrent with the transfer of governing authority.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Permits a more orderly transition of fire protection services. Gives cities adequate time to determine whether they will annex to a fire protection district.

TESTIMONY AGAINST: None

TESTIFIED: Representative Zellinsky, sponsor; Stan Finklestein, AWC (pro); Pete Spiller, Fire Protection Districts (pro); Harold Young, Lakewood Incorporation Committee (pro)