

SENATE BILL REPORT

HB 2611

As of February 12, 2010

Title: An act relating to the disposition of existing voter-approved indebtedness at the time of annexation of a city, partial city, or town to a fire protection district.

Brief Description: Concerning annexation of a city, partial city, or town to a fire protection district.

Sponsors: Representatives Williams and Hunt.

Brief History: Passed House: 1/28/10, 97-0.

Committee Activity: Government Operations & Elections:

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Karen Epps (786-7424)

Background: A fire protection district (district) is created to provide fire prevention, fire suppression, and emergency medical services within a district's boundaries. A district is governed by a board of commissioners consisting of either three or five members. The district finances their activities and facilities by imposing regular property taxes, excess voter-approved property tax levies, and benefit charges. Generally, a district serves residents outside of cities or towns, except when cities and towns have been annexed into a district or when the district continues to provide service to a newly incorporated area.

A city or town adjacent to a district may be annexed to such a district provided the population of the city or town does not exceed 100,000. Such annexation is initiated through the adoption of an ordinance by the legislative authority of the city or town approving annexation into the district, and stating a finding that the public interest is served by such annexation. The annexation must then be authorized through the concurrence of the district's board of fire commissioners. Following such approval of the annexation, notification must be sent to the governing body of the county or counties in which both the district and city or town are located. The pertinent county legislative authorities must then call a special election in the city or town to be annexed, as well as the district, so as to allow the voters in each jurisdiction to determine the annexation issue. The annexation is complete if a majority of voters in each jurisdiction vote in favor of annexation.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A city or town located in two counties that have at least 80 percent of the population residing in one county may annex to a fire protection district if, at the time of the initiation of annexation, the proposed area lies adjacent to a fire protection district and the population of the proposed area is greater than 5,000 but less than 10,000. The governing bodies of the city and the district, as well as the qualified voters within the boundaries of the fire protection district, must approve of the annexation prior to its existence.

In accordance with specified limitations, both the district and the city are authorized to levy taxes related to district fire protection services.

Summary of Bill: If a city, partial city, or town that has existing debt for fire protection related capital improvements is annexing into a fire protection district that also has existing debt for fire protection related capital improvements, the annual tax levies, with respect to the fire protection district's existing debt, may be collected within the boundaries of the fire protection district as those boundaries existed prior to annexation and the city, partial city, or town's existing debt may be collected within the areas of the city that are later annexed to the fire protection district.

The commissioners of the fire protection district may determine whether or not any bond levies for the original fire district will be imposed on the property owners within the city being annexed, and must make that determination prior to transmitting the issue of annexation to the legislative authority or authorities of counties in which the city, partial city, or town and the district are situated. The legislative authority of a city or town may initiate annexation by the adoption of an ordinance stating an intent to join the fire protection district that specifies how the preexisting indebtedness of both the district and the proposed annexation area will be allocated in the tax levy process.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.