

HOUSE BILL REPORT

ESSB 6470

As Passed House:
March 1, 2012

Title: An act relating to benefit charges for the enhancement of fire protection services.

Brief Description: Authorizing benefit charges for the enhancement of fire protection services.

Sponsors: Senate Committee on Government Operations, Tribal Relations & Elections
(originally sponsored by Senators McAuliffe and Chase).

Brief History:

Committee Activity:

Local Government: 2/17/12, 2/21/12 [DP];

Ways & Means: 2/24/12, 2/25/12 [DP].

Floor Activity:

Passed House: 3/1/12, 57-41.

Brief Summary of Engrossed Substitute Bill

- Authorizes a city or town to fix and impose a benefit charge for fire protection services if the city or town is annexing, or has annexed since 2006, all or part of a fire protection district.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 6 members: Representatives Takko, Chair; Fitzgibbon, Vice Chair; Angel, Ranking Minority Member; Springer, Tharinger and Upthegrove.

Minority Report: Do not pass. Signed by 3 members: Representatives Asay, Assistant Ranking Minority Member; Rodne and Smith.

Staff: Kelly Pfundheller (786-7289).

HOUSE COMMITTEE ON WAYS & MEANS

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.

Majority Report: Do pass. Signed by 16 members: Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Carlyle, Cody, Dickerson, Haigh, Hudgins, Hunt, Kagi, Kenney, Ormsby, Pettigrew, Seaquist, Springer and Sullivan.

Minority Report: Do not pass. Signed by 11 members: Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Chandler, Haler, Hinkle, Parker, Ross, Schmick and Wilcox.

Staff: Jeff Olsen (786-7175).

Background:

State law authorizes the creation of several types of fire protection and emergency service providers in order to address the varying needs of cities, towns, and counties as determined by demographic factors, geography, and other regional differences. The primary types of fire protection services include: city and town fire departments; fire protection districts (districts); regional fire protection service authorities (authorities); and port district fire departments.

Each type of fire protection service provider operates within a specified jurisdiction and each has the authority to tax residents to finance services. In addition, fire protection service providers are authorized to enter into interlocal agreements in order to provide mutual aid outside of customary jurisdictional boundaries.

Fire Protection Districts. Districts provide fire prevention, fire suppression, and emergency medical services within a district's boundaries, which can include both incorporated and unincorporated areas. Generally, districts serve 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. The districts finance their activities and facilities by imposing: regular property taxes, excess voter-approved property tax levies, or benefit charges.

Annexation of Territory Served by a Fire Protection District. Cities and towns are authorized to annex unincorporated areas, including areas served by districts, through multiple methods. While code and non-code cities and towns have separate statutory requirements for governance and operation, the annexation methods employed are generally similar. There are numerous methods of annexation available, including: a resolution/election method, a petition/election method, two direct petition methods, a resolution only method, and an ordinance method. Also, an annexation by a city or town that is proposing to annex territory served by a district may be accomplished by ordinance after entering into an interlocal agreement with the county and the district. Each method of annexation must follow specified processes.

Requirements and procedures for transferring employees and assets of an annexed district to a city or town are provided in statute. In practice, a city or town's fire department serves the annexed areas or the city or town may contract for services with another fire protection service provider.

Benefit Charges. A benefit charge is a type of assessment used by districts and authorities. A benefit charge is not based on the value of real property, but is instead linked to other factors such as insurance savings or the distance from fire service facilities. A district or authority may use this funding approach as a means for apportioning the real costs of service to an individual property in a manner that reflects the actual benefits provided to that property. The imposition of a benefit charge is subject to voter approval by a 60 percent majority of the voters living within the jurisdiction of the district or authority. Subject to such voter approval, a district or authority has the option of imposing benefit charges in lieu of a portion of the property tax it is otherwise authorized to impose.

Cities and towns are not currently authorized to impose benefit charges as a method for financing fire protection services.

Summary of Bill:

For the purposes of enhancing fire protection services, a city or town may fix and impose a benefit charge on personal property and improvements to real property located in the city or town if the city or town is conducting an annexation of, or has annexed since 2006, all or part of a district.

A benefit charge must be reasonably proportioned to the measurable benefits to property resulting from the enhancement of services afforded by the city or town. A benefit charge is linked to certain factors, including insurance savings or the distance from fire service facilities. The resolution establishing the benefit charge must specify, by legal geographical area or other specific designations, the charge to apply to each property by location, type, or other designation in order to properly calculate the charge to each property owner.

The imposition of a benefit charge is subject to voter approval by a 60 percent majority of the voters living within the jurisdiction of the city or town. The amount of a benefit charge is limited to a percentage of the fire department's operating budget, not to exceed 60 percent, which is specified in the ballot measure put before the voters. The election must be held not more than one year prior to the date on which the first charge is to be assessed. A benefit charge may not remain in effect for a period of more than six years or more than the number of years authorized by the voters, if fewer than six years, unless subsequently reapproved by the voters.

Procedures and deadlines for notice of and public hearings on a proposed benefit charge are established. Procedures and deadlines for annual review of benefit charges are also established.

Exemptions from the benefit charge are set forth, which include: property used for religious purposes by a recognized religious organization, including educational facilities; property used by housing authorities and other nonprofit organizations that provide rental housing to very low-income households; property used by nonprofit organizations or associations engaged in character building of boys and girls under the age of 18; and property which maintains its own fire department. Certain persons receiving tax exemptions and persons with income limitations are exempt from a specified percentage of the benefit charge.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Local Government):

(In support) The City of Kirkland recently annexed an area of 31,000 residents, which was being served by fire districts. When the area was annexed, the city did not capture designated fire service funds, including fire benefit charges. Fire services must be paid from the city's general fund, but the city has not been able to reorganize in order to offset the increase in costs. The bill will give Kirkland and other qualifying cities the authority to impose a fire benefit charge in the same manner as fire districts. A benefit charge may be used only for the enhancement of services. A benefit charge is subject to voter approval, and expires after six years if it is not reapproved by the voters. The affected communities are asking for more fire services and the bill will allow cities to respond and provide those services.

(Opposed) None.

Staff Summary of Public Testimony (Ways & Means):

(In support) Certain communities in the Kirkland area, that are newly annexed, have expressed a need for better response times and are asking for more fire service. While some have expressed a concern that this is a form of double taxation, this simply allows cities to ask voters if they want enhanced fire service. It requires a 60 percent voter approval, the funds can only be used to enhance fire services, and must be renewed every six years.

(Opposed) None.

Persons Testifying (Local Government): Joan McBride, City of Kirkland.

Persons Testifying (Ways & Means): Kurt Triplett, City of Kirkland.

Persons Signed In To Testify But Not Testifying (Local Government): None.

Persons Signed In To Testify But Not Testifying (Ways & Means): None.