

# SENATE BILL REPORT

## SHB 1854

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As of March 21, 2011

**Title:** An act relating to annexation of territory by regional fire protection service authorities.

**Brief Description:** Concerning the annexation of territory by regional fire protection service authorities.

**Sponsors:** House Committee on Ways & Means (originally sponsored by Representatives Uptegrove, Rolfes, Finn, Hunt, Hope, Fitzgibbon, Stanford, Kenney and Ormsby).

**Brief History:** Passed House: 3/05/11, 88-9.

**Committee Activity:** Government Operations, Tribal Relations & Elections: 3/21/11.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

**Staff:** Karen Epps (786-7424)

**Background:** A Regional Fire Protection Service Authority (Authority) may be created for the purpose of conducting specified fire protection functions at a regional level. An Authority may be created by the merger of two or more adjacent fire protection jurisdictions including fire protection districts, cities, port districts, and Indian tribes. A regional fire protection service authority may be created by a vote of the people that approves a regional fire protection services authority plan (plan), and the creation of the Authority, as a single ballot measure.

The plan is created by a planning committee composed of three elected officials appointed by the governing bodies of each of the participating fire protection districts and departments. The plan must provide for the design, financing, and development of fire protection and emergency services. The planning committee must also recommend statutorily authorized sources of revenue and a financing plan for funding selected fire protection and emergency services and projects.

The required margin for voter approval depends on the revenue sources proposed by the plan. If the plan does not authorize benefit charges or 60 percent voter-approved taxes, the ballot measure must be approved by a simple majority. If however, the plan authorizes the authority to impose benefit charges or 60 percent voter-approved taxes, the ballot measure must be approved by 60 percent of the voters.

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*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.*

Unless otherwise specified in the plan, all powers, duties, and functions of a participating fire protection jurisdiction may be transferred by resolution to the Authority. Additionally, unless otherwise specified in the plan, the assets and debts of participating jurisdictions are transferred to the Authority. Except as provided otherwise in the plan, any appropriations made to a participating jurisdiction for carrying out fire protection and emergency services are transferred and credited to the Authority. Also as of the date of an Authority's creation, all employees of a participating jurisdiction are transferred to the Authority. Territory that is annexed to a participating jurisdiction is deemed automatically annexed to the Authority as of the effective date of the annexation.

An Authority is governed by a board charged with executing the plan. Board membership is determined by the plan and is limited to elected officials.

State law authorizes each of the fire protection jurisdictions, other than a tribe, to levy property taxes. The levies of a participating fire protection jurisdiction are limited so that statutorily designated amounts, less the amount of a levy imposed by the Authority, are not exceeded.

**Summary of Bill:** An annexation process is established so that any Authority may annex an adjacent fire protection jurisdiction. The annexation is initiated when the governing body of a fire protection jurisdiction adopts a resolution requesting annexation and files it with the board of an adjacent authority. Unless specified in its service plan, the board may adopt a resolution amending its plan to establish terms and conditions of the requested annexation and submit the resolution and the plan amendment to the requesting jurisdiction.

An election to authorize the annexation and the related plan amendment may be held if the governing body of the requesting jurisdiction adopts a resolution approving the annexation and the related plan amendment. Only voters in the fire protection jurisdiction proposed to be annexed are eligible to vote on the single ballot measure approving the annexation and the plan amendment.

The required margin for voter approval of a ballot measure pertaining to annexation of a fire protection jurisdiction does not depend on the revenue sources authorized by the plan. Regardless of whether the plan authorizes imposition of benefit charges or 60 percent voter-approved property taxes, the annexation is authorized if a simple majority approves the ballot measure.

As of the effective date that a fire protection jurisdiction is annexed into an Authority, its powers, duties, and functions, written materials, and employees relating to fire protection and emergency services transfer from the annexed fire protection jurisdiction to the authority. Generally, the annexation is effective on the date specified in the ballot measure.

For purposes of calculating permissible property tax levy rates, a fire protection district, city, town, or port district that is annexed into an Authority is a participating fire protection jurisdiction, and its property tax levy authority is subject to the same limitations as a fire protection jurisdiction that is represented on the governing board of an Authority.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: Fire fighters need the appropriate amount of resources in a timely fashion in order to do their job and protect the public. Regional fire authorities have been around for a few years, and they are working quite well. Municipal fire departments and other fire districts would like to join regional fire authorities and use that governance model. When the regional fire authority model was created a few years ago, an annexation provision was not included. This bill creates a process for annexation. Creating a regional fire authority has the ability to maintain or increase current levels of service with a dedicated funding source. This bill allows more jurisdictions to consider alternate means that will allow jurisdictions to continue to provide fire protection and life safety services that are expected in local communities. This will broaden the opportunities for consolidation for fire and life safety throughout the region and among existing authorities.

**Persons Testifying:** PRO: Ed Widdis, Snohomish County Fire District No. 1; Bud Sizemore, Washington State Council of Fire Fighters; Kimberly Matej, City of Tukwila.