

HOUSE BILL REPORT

HB 1264

As Passed House:
February 7, 2014

Title: An act relating to partial fire district mergers.

Brief Description: Concerning partial fire district mergers.

Sponsors: Representatives Haigh, Chandler, Takko and Ryu.

Brief History:

Committee Activity:

Local Government: 2/1/13, 2/7/13 [DP].

Floor Activity:

Passed House: 2/7/14, 94-0.

Brief Summary of Bill

- Disallows proceeding with a partial merger of a fire protection district when the board of fire district commissioners in either the merging district or the merger district does not approve the partial merger petition.
- Modifies provisions governing when an election on the question of a partial merger of a fire protection district is not necessary and the method of naming merged districts with areas located in different counties.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives Takko, Chair; Kochmar, Assistant Ranking Minority Member; Fitzgibbon, Liias, Springer, Taylor and Crouse.

Minority Report: Do not pass. Signed by 1 member: Representative Buys.

Staff: Michaela Murdock (786-7289).

Background:

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.

Fire Protection Districts.

Fire protection districts (fire districts) are municipal corporations that are authorized to provide fire prevention, fire suppression, and emergency medical services to protect life and property. In some instances, fire districts may also establish or provide health clinic services.

Fire protection districts are governed by a board of commissioners (board) composed of three, five, or seven members who are registered voters residing in the district. The board must hold regular monthly meetings and may call special meetings at any time under the Open Public Meetings Act. The fire districts finance their activities and facilities by imposing regular property taxes, excess voter-approved property tax levies, and benefit charges.

Merger of Fire Protection Districts.

Under current law, a fire district may merge with an adjacent fire district under certain circumstances. The fire district to be merged in whole or in part with another fire district is referred to as the "merging district," and the fire district into which the other district will be merged is referred to as the "merger district." The merger of fire districts may be subject to review by the boundary review board (BRB) or boards of the county in which the merging district is located.

The process of merging fire districts is started by filing a petition signed by the merging district with the merger district. If the petition is approved by the merger district, a special election is called by the merging district county auditor to present the question of merging the two districts to the merging district voters. If a majority of the voters approve the merger, the districts are declared merged by concurrent resolutions of the fire districts' boards. No election is required to merge the districts if three-fifths of all qualified electors in the merging district sign a petition to merge.

Additionally, a part of one fire district may be merged in a partial merger with an adjacent fire district if the area can be better served by the district as merged. A similar process exists in law for effecting a partial merger of a fire district as for merging one fire district with a second. A petition signed by either a majority of the merging district board or not less than 15 percent of the qualified electors residing in the area to be merged must be filed with the merger district board. If the petition is approved, an election is held in the area to be merged.

If either the merging district board or the merger district board does not approve the petition, the petition may be approved by the applicable BRB or the county legislative authority in the area to be merged. The BRB or county legislative authority must determine that the area can be better served by a merger. Upon approval of the petition, the issue of partial merging is presented at an election to the voters in the area to be merged.

No election is required if three-fifths of all qualified electors in the area to be merged sign a petition to merge.

For a merger district located in a single county that has been merged with a merging district located in a different county (or counties), the merged fire district is identified by the name of each county in which the merged fire district is located, listed alphabetically, and a number.

Boundary Review Boards.

The BRBs are authorized by statute to guide and control the creation and growth of municipalities in metropolitan areas. While statute requires the establishment of a BRB in counties with at least 210,000 residents, a BRB may be created and established in any other county. Members of the BRB are appointed by the Governor and local government officials from within the applicable county.

Upon receiving a timely and sufficient request for review, and an invocation of the BRB's jurisdiction, a BRB must review and approve, disapprove, or modify specific proposed actions, including actions pertaining to the creation, incorporation, or change in the boundary of any city, town, or special purpose district. If a period of 45 days elapses without the BRB's jurisdiction being invoked as provided in statute, the proposed action must be deemed approved.

Summary of Bill:

Boundary review boards and county legislative authorities are no longer authorized by statute to approve a petition for partial merger of a fire district as an alternate method of proceeding with a partial merger when either the merging district board or the merger district board do not approve the petition. Under such circumstances, when one of the boards does not approve the petition, the partial merger must not proceed.

No election is required to effect a partial merger of a fire district under the following circumstances:

- the partial merger petition has been approved by both the merging district and the merger district boards; and
- three-fifths of the qualified electors in the area to be merged sign a petition to merge the districts.

Partial mergers of fire districts are exempt from statutory provisions requiring that districts be renamed after certain mergers.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) When merging districts, fire protection districts or other districts, it is a much better thing to have consensus on both sides, particularly in smaller, rural communities. Mergers have an impact on districts. Accordingly, everyone should come together and agree on the merger and the name of the district, and the merger should be undertaken in the spirit of providing better service to the people of those districts. The bill will change the law and require that districts agree on the partial merger.

Merging of fire protection districts can have devastating impacts on district budgets, even when the merging district contains significantly fewer residents than the merger district. Both districts need to consider the financial impact that a merger will have on them and ensure that a merger will benefit the taxpayers of both districts. This bill will prevent one district from merging with another district against that district's wishes and to its detriment.

The statute requiring that the merger district change its name after a partial merger should be changed to exempt partial mergers from undergoing a mandatory name change. It is burdensome to relabel stations, fire trucks, etc., upon changing the district's name.

Regarding effecting partial mergers without an election, currently, if three-fifths of the voters in an area to be merged sign a merger petition, a partial merger is approved. The bill simply adds a requirement that, in order for an election on the issue not be necessary, both district boards, in addition to three-fifths of the voters in the area to be merged, approve the merger.

(Opposed) Boundary review boards (BRB) have a place in any annexation issue, and they should not be excluded from the partial merger process for fire protection districts.

The BRBs are a public forum that allow different government entities and the public to bring a petition and raise concerns regarding annexation. The BRBs act as arbiters in disagreements and ensure that people are heard on the issues.

Persons Testifying: (In support) Representative Haigh, prime sponsor; and Ryan Spiller, Washington Fire Commissioners Association.

(Opposed) Paul Perz, Washington State Association of Boundary Review Boards.

Persons Signed In To Testify But Not Testifying: None.