

# FINAL BILL REPORT

## HB 1264

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Synopsis as Enacted

**Brief Description:** Concerning partial fire district mergers.

**Sponsors:** Representatives Haigh, Chandler, Takko and Ryu.

**House Committee on Local Government**  
**Senate Committee on Governmental Operations**

### **Background:**

#### Fire Protection Districts.

Fire protection districts (fire districts or 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 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. 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 certain circumstances, a fire district (merging district) may merge with an adjacent fire district (merger district). A 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.

To merge fire districts, a petition signed by the the commissioners of the merging district or 10 percent of the registered voters residing within the merging district who voted in the last general municipal election must be filed 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 to 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 the petition to merge.

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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.*

Additionally, a part of one fire district may be merged with an adjacent fire district in a potential merger if the area can be better served by the district as merged. 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 by the fire districts' boards, 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 partial merger petition, the petition may be approved by the BRB or the county legislative authority of the county in which the area to be merged is situated. The BRB or county legislative authority must determine that the area can be better served by a merger. Upon approval of the petition, an election must be called in the area to be merged. No election is required if three-fifths of all qualified electors in the area to be merged sign the partial merger petition.

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 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, the proposed action must be deemed approved.

#### **Summary:**

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 may 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.

**Votes on Final Passage:**

House 94 0

Senate 49 0

**Effective:** June 12, 2014