

SENATE BILL REPORT

SHB 1654

As of March 29, 2013

Title: An act relating to establishing a regional fire protection service authority within the boundaries of a single city.

Brief Description: Establishing a regional fire protection service authority within the boundaries of a single city.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Riccelli, Ormsby, Fitzgibbon, Tarleton, Van De Wege and Ryu).

Brief History: Passed House: 3/09/13, 60-37.

Committee Activity: Governmental Operations: 3/28/13.

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

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. An Authority may also be created by a vote of the people that approves an 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 planning committee may receive state funding or county funding to provide for start-up funding to pay for salaries, expenses, overhead, supplies, and other similar expenses. Upon creation of an Authority, the state or the county must be reimbursed for these start-up costs within one year.

Once the plan is adopted, it is forwarded to the participating jurisdictions to initiate the election process. 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

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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.

The plan cannot provide for the establishment of an ambulance service that would compete with an existing private ambulance service unless the Authority determines that all or a substantial portion of the area served by the Authority is not adequately served by an existing private ambulance service. In determining the adequacy of existing ambulance service, the Authority should consider generally accepted medical standards and reasonable levels of service. Following a preliminary conclusion by an Authority that an existing private ambulance service is inadequate, the service has 60 days to meet generally accepted medical standards and accepted levels of service. In the event of a second preliminary conclusion of inadequacy within a 24-month period, the Authority may immediately issue a call for bids or establish its own ambulance service.

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

- levy and impose taxes as authorized;
- enter into intergovernmental agreements;
- acquire, hold, or dispose of real property;
- exercise the powers of eminent domain;
- enforce fire codes;
- accept grants and contributions to support the purposes of the Authority;
- monitor and audit the progress and execution of the Authority's programs and projects;
- enter into leases, contracts, and pay for services;
- hire and fire personnel; and
- exercise other powers and duties as are reasonably necessary to carry out its purposes.

All powers, duties, and functions of a participating fire protection jurisdiction may be transferred by resolution to the Authority.

Summary of Bill: Provisions governing Authorities are modified to allow an Authority to be formed within a single city rather than only within an area that is coextensive with two or more fire protection jurisdictions. A planning committee may receive city funding provided by the affected city or cities for start-up funding to pay for salaries, expenses, overhead, supplies, and other similar expenses. Upon creation of an Authority, the city or cities must be reimbursed for these start-up costs within one year. A city may certify the plan to the ballot.

Provisions governing whether and how an Authority can establish an ambulance service that would compete with an existing private ambulance service are modified. In determining the adequacy of an existing private ambulance service, the Authority must consider, among other criteria, objective measures regarding quality of patient care and outcomes, continuity of care, delays in transport, affordability of transport services for consumers, health care system cost savings, and other objective measures to be determined by the Authority related specifically to customer service expectations.

In the event of a preliminary conclusion by an Authority that an existing private ambulance service is inadequate, a 60-day period is granted for the service to make necessary improvements, rather than to meet generally accepted medical standards and accepted levels of service. In the event of a second preliminary conclusion of inadequacy within a 12-month, rather than a 24-month period, the Authority may immediately issue a call for bids or establish its own ambulance service.

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 protection is an essential service of government to provide safety for citizens. This bill gives the option for a single city to create an Authority through a vote of the people. The goal is to allow more flexibility and efficiency for local governments and to create effective service. The creation of a single city Authority would allow the fire department's budget to be isolated and not affected by other services. Issues such as differing taxing rates, varying services, and varying staffing models make it difficult for agencies to merge and this bill would address those issues by making the single city Authority more similar in nature. This bill will allow a single city to create an Authority which will drive efficiencies and will provide more services at the local level. Allowing a single city to create an Authority will facilitate consolidations in the future. It is difficult for cities and fire protection districts to consolidate into an Authority because of the differences between the two entities. This bill also expands the criteria by which a private ambulance provider may be evaluated. This bill provides much needed flexibility for departments that are facing budget crunches.

CON: Teamsters are opposed to this bill because of the effect it will have on ambulance services. There is concern that this bill will create a good-size tax increase for citizens. The bill provides that taxing authority from the cities will transfer over to the Authority, but the reality is that taxes will increase. The requirements for determining the adequacy of ambulance services that are being added in this bill are rather subjective in nature. When newly created Authorities compete against existing ambulance companies, it will cause the companies to close down rigs. Currently, public and private services work together, but Authorities will not be able to handle mass casualties the way private ambulance companies can when working collaboratively with their local fire department or fire district.

Persons Testifying: PRO: Representative Riccelli, prime sponsor; Geoff Simpson, WA State Council of Fire Fighters; Dylan Doty, WA State Assn. of Fire Chiefs.

CON: Ron Vevoda, Teamsters Local 690/Joint Council 28; Bob Berschauer, WA Ambulance Assn.; Anthony Murrietta, Teamster 763.