

SENATE BILL REPORT

SB 6387

As Reported by Senate Committee On:
Government Operations & Security, February 4, 2016

Title: An act relating to fire protection district formation by the legislative authority of a city or town subject to voter approval.

Brief Description: Providing for fire protection district formation by the legislative authority of a city or town subject to voter approval.

Sponsors: Senators Roach and McCoy.

Brief History:

Committee Activity: Government Operations & Security: 1/26/16, 2/04/16 [DPS, DNP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Majority Report: That Substitute Senate Bill No. 6387 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Pearson, Vice Chair; Habib, McCoy and Takko.

Minority Report: Do not pass.

Signed by Senator Benton, Vice Chair.

Staff: Alex Kearns (786-7416)

Background: Fire Protection Districts (Districts). Districts are municipal corporations created to provide fire and emergency services in locations outside of cities and towns. Districts are governed by a board of three, five, or seven elected fire commissioners and have the authority to impose property taxes and benefit charges. Districts are established through a petition filed with the county auditor. If the county legislative authority passes a resolution in favor of the petition, the proposed boundaries will be reviewed by a boundary review board or a public hearing will be held to discuss what land will be included within the District's boundaries. At the next general election, voters will vote on the District formation and elect the initial fire commissioners. A three-fifths majority of votes approving the proposition is required for formation.

City and Town Fire Protection. The Washington State Constitution provides general police powers for cities and towns, which includes the power to establish and maintain a fire

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department to provide fire protection services within its corporate limits. If a city or town does not wish to establish its own fire department, it may also contract for fire protection services with another jurisdiction, form a regional fire protection authority with an adjacent jurisdiction, or be annexed to an adjacent fire protection district.

A city or town adjacent to a fire protection district may be annexed if the population is 300,000 or less. In order to be formally annexed, a city or town must adopt an ordinance stating an intent to join the District and the District's board of commissioners must approve of the annexation. Additionally, a special election must be called in which the city or town and District's voters are permitted to vote on the proposed annexation. A majority vote is required for approval. Upon annexation, employees of the city or town fire department may transfer their employment to the fire protection district, as needed, in order of seniority.

Summary of Bill (Recommended Substitute): The legislative authority of a city or town may establish a fire protection district by resolution, subject to the approval of the voters. The resolution must include a financing plan for the District, and may propose the imposition of property taxes or benefit charges. Any such resolution must be scheduled for public hearing and placed on the ballot at the next general election according to general election laws. The resolution must be approved by a simple majority of the city or town's voters if no benefit charge is proposed, or 60 percent of the voters if a benefit charge is proposed. If a city or town contains a municipal airport, that airport will only become part of the fire protection district if a majority of the airport's governing board approves of its inclusion. Upon the District's formation, all powers, duties, and functions of the city or town fire department will be transferred to the fire protection district. In addition, the fire department must deliver the following to the fire protection district once created:

- all written reports, documents, records, files, and written materials;
- all real and personal property, including furniture, equipment, and vehicles; and
- all funds, credits, and assets held in connection with fire protection services.

All appropriations, pending business, contracts, and obligations of the fire department will also transfer to the District upon formation. All employees of the fire department will transfer to the District upon its creation date, maintaining the same compensation, benefits, and promotion status as they had when employed by the fire department. Members of the city or town legislative authority will serve ex officio as the District's fire commissioners and may not receive compensation for their service on behalf of the District. If no adequate private ambulance service exists to serve the District, the District may establish and operate an ambulance service.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & SECURITY COMMITTEE (Recommended Substitute): Prohibits the inclusion of a municipal airport within a proposed fire protection district established by a city or town, unless the governing body of the airport agrees to the airport's inclusion. Prohibits a fire protection district from establishing an ambulance service that would compete with any existing private ambulance service, unless the district determines that the existing private ambulance service is inadequate. Provides a process for determining if a private ambulance service is adequate.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: The purpose behind the bill is to help consolidate services in the future. Currently revenue is very flat or declining but the need for service is on a sharp upward trajectory. In order to provide high-quality services with flat revenue fire protection jurisdictions need to consolidate. There is a lot of redundancy that can be eliminated and economies of scale achieved by consolidation of two separate entities. There have been many attempts to consolidate city fire departments with fire districts, but they are quite different in their structure which has created an inability for them to join together. This bill allows cities to do the interim step of creating a fire district to encourage future consolidation.

CON: Spokane International Airport is owned by the city and county of Spokane, and is operated as a municipal corporation by an independent board. The airport provides its own fire protection services, which are oriented more toward aircraft fire and rescue services, though traditional services are still provided to the airport. If this bill were enacted the options that the airport would have to provide their own fire protection services, which are a unique requirement of the FAA, may be compromised. There would be costs associated with being incorporated into a fire protection district and providing redundant services.

OTHER: Under current law, cities and towns have restrictions for when they can set up ambulance services. They have to show that the existing service is inadequate before moving forward. This is the same with fire authorities and county authorities, however fire districts are not restricted. This is more of a shell game change than anything else. The existing language preventing government ambulance services to be formed in areas that already have adequate services should be incorporated into this bill. It would not change existing practice. If there is a quality service already provided by a private provider they should not be at risk of being eliminated by a government agency.

Persons Testifying on Original Bill: PRO: Geoff Simpson, Washington State Council of Fire Fighters.

CON: Cliff Webster, Bruce Millsap, Spokane International Airport.

OTHER: Bob Berschauer, Executive Director, Washington Ambulance Association.

Persons Signed In To Testify But Not Testifying on Original Bill: No one.