

HOUSE BILL REPORT

ESHB 1751

As Passed House:
February 28, 2017

Title: An act relating to allowing fire protection district annexations and mergers within a reasonable geographic proximity and eliminating cross-county restrictions for annexations to a fire protection district.

Brief Description: Allowing fire protection district annexations and mergers within a reasonable geographic proximity and eliminating cross-county restrictions for annexations to a fire protection district.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Farrell and Goodman).

Brief History:

Committee Activity:

Local Government: 2/9/17, 2/15/17 [DPS].

Floor Activity:

Passed House: 2/28/17, 84-14.

Brief Summary of Engrossed Substitute Bill

- Permits a city or town located within reasonable proximity, rather than adjacent, to a fire protection district (district) to be annexed to that district.
- Authorizes a district to merge with another district if it is located within a reasonable proximity to that district, rather than adjacent to that district.
- Eliminates all references, procedures, and requirements relating to partial city annexations.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Gregerson and Peterson.

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.

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

Staff: Yvonne Walker (786-7841).

Background:

Fire Protection Districts.

A fire protection district (district) is a type of special purpose district created to provide fire prevention, fire suppression, and emergency medical services within a district's boundaries, which can include incorporated and unincorporated areas. The creation of such districts requires voter approval. Generally, districts serve residents outside of cities or towns, except when cities and towns have been annexed into a district or when the district continues to provide service to a newly incorporated area. The districts are governed by an elected board of commissioners consisting of either three or five members. The districts finance their activities and facilities by imposing regular property taxes, excess voter-approved property tax levies, and benefit charges.

Annexation of a City or Partial City to a Fire Protection District.

A city or town adjacent to a district may be annexed to a district provided the population of the city or town does not exceed 300,000. An annexation is initiated through the adoption of an ordinance by the legislative authority of the city or town: (1) approving annexation into the district; and (2) stating a finding that the public interest is served by such annexation. The district's board of fire commissioners must concur with the annexation. Notification of the approval must be sent to the county or counties where the city or town and district are located. The county legislative authorities must then call a special election in the city or town to be annexed, as well as the district, to allow voters in each jurisdiction to determine the annexation issue. The annexation is complete if a majority of voters in each jurisdiction votes in favor of annexation.

When a city or town is located in two counties and 80 percent of the population resides in one county, a portion of that city or town may be annexed to a district (partial city annexation). A partial annexation must meet the following requirements: (1) the part of the city to be annexed must be adjacent to the boundaries of the district; (2) the population of the proposed annexation area must be greater than 5,000 but less than 10,000; (3) that portion of the city to be annexed must lie entirely within only one of the two counties; and (4) all that portion of the city to be annexed must contain 80 percent of the population of the entire city. The procedural requirements for the completion of a partial city annexation are the same as for the annexation of an entire city, including the approval of the governing bodies of the city and the district, as well as voter approval.

Annexation and the Transfer of Employees.

An employee of the annexed city's fire department is entitled to continued employment with the district following annexation, provided:

- at the time of annexation the city employee was principally employed in performing the same powers, duties, and functions as those required by the district;
- the employee will, as a direct consequence of the annexation, be separated from the employment of the city or partial city; and

- the employee meets minimum position requirements and is capable of performing his or her duties as required by the district.

Subject to specified requirements and conditions, eligible fire department employees of the annexed city who become employees of the district may transfer into the district's civil service system.

Levies.

In accordance with specified limitations, both the district and the city or town are authorized to levy taxes related to district fire protection services. If a city is annexed to a district, the district is allowed to levy up to \$3.60, less the actual regular levy made by the fire district.

Withdrawal by Annexed City.

After the passage of three years following a district's annexation of a city, the city or partial city has the option of withdrawing from the district. Such withdrawal requires that the legislative body of the city approve a resolution proposing the withdrawal, which is then submitted for voter approval at the next general election.

Merger of Several Fire Protection Districts.

Adjacent districts may merge with each other. A merger may occur if three-fifths of electors residing in the merging district sign a petition to merge, or by a majority vote of approval by the merging district's electors.

Summary of Engrossed Substitute Bill:

A city or town may annex to a fire protection district (district) provided it is located within a reasonable proximity, rather than adjacent, to that district. A district may also merge with another district if it is located within a reasonable proximity to that district, rather than adjacent to that district.

A partial city may no longer annex to a district. All references, procedures, and requirements that authorized a district to annex part of a city or town that is located in two counties are eliminated.

"Reasonable proximity" means geographical areas near enough to each other so that governance, management, and services can be delivered effectively.

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) This is an efficiency bill. This will help fire districts to provide services to small communities. This is a change that will allow for more efficiency and flexibility around how services are allocated to small communities.

(Opposed) None.

Persons Testifying: Representative Farrell, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.