

SENATE BILL REPORT

SB 5010

As Reported by Senate Committee On:
Local Government, January 24, 2019

Title: An act relating to protected lands not being assessed local fire district levies.

Brief Description: Concerning protected lands not being assessed local fire district levies.

Sponsors: Senators Rolfes, Van De Wege and Ranker.

Brief History:

Committee Activity: Local Government: 1/17/19, 1/24/19 [DPS, w/oRec].

Brief Summary of First Substitute Bill

- Establishes a process for local fire districts to annex areas that receive protection, but do not pay a local fire district levy by January 1, 2021.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: That Substitute Senate Bill No. 5010 be substituted therefor, and the substitute bill do pass.

Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Liias.

Minority Report: That it be referred without recommendation.

Signed by Senator Honeyford.

Staff: Greg Vogel (786-7413)

Background: Joint Legislative Audit and Review Committee Study. In September 2017, the Joint Legislative Audit and Review Committee (JLARC) completed a study analyzing various aspects of fire protection assessments administered by the Department of Natural Resources (DNR). The report reviewed how DNR and counties collect the state protection assessments, as well as how DNR and local fire protection districts define their fire protection areas. Among other findings, JLARC:

- estimated that more than 20,000 parcels exist that do not pay either the state fire protection assessment or a local fire district levy, but likely receive fire protection services from DNR or a local fire district; and

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.

- could not specifically determine which parcels would be subject to the state fire assessment, a local fire district levy, or both.

Firefighting Services on Unprotected Lands. Under current law, fire protection agencies are not required to provide firefighting services to unprotected land, which is defined as improved property located outside the jurisdiction of a fire protection service agency. Property owners of unprotected lands are encouraged to form or annex into a fire protection jurisdiction or enter into a contract for firefighting services. If this does not occur and firefighting services are provided to unprotected land, the property owners must reimburse the agency initiating firefighting services on unprotected land for certain costs incurred.

Fire Districts. Fire districts are created to provide fire and emergency services to protect life and property in locations outside of cities and towns. A fire district may be established through a process involving a petition by the residents of a proposed district, a public hearing, and three-fifths voter approval. Fire districts are governed by a board of three, five, or seven elected fire commissioners.

Fire District Annexation. A district may annex a city or town located within reasonable proximity to a district if that city or town has a population of 300,000 or fewer. Reasonable proximity means geographical areas near enough to each other so that governance, management, and services can be delivered effectively. Annexation requires a majority vote of approval from both city and district voters.

Annexation of territory located within a reasonable proximity of a fire protection district may be accomplished by a majority vote of approval from voters of the territory, by a petition signed by 60 percent of the qualified electorate, or by a petition signed by owners of at least 60 percent of the territory.

Summary of Bill (First Substitute): A process is established for local fire districts to annex areas that receive protection, but do not pay a local fire district levy by January 1, 2021. Prior to annexing a parcel, the fire district must coordinate with county assessors, notify the owner of record, and hold a public hearing. Following the hearing, fire districts must pass a resolution for annexation to be approved by the county legislative authority. Owners of record may appeal resolutions for annexation to the county legislative authority. The bill includes legislative findings and defines terms.

EFFECT OF CHANGES MADE BY LOCAL GOVERNMENT COMMITTEE (First Substitute):

- Allows a fire district to annex any parcel or parcels having all boundaries of the property wholly within the external boundary of the requesting local fire district, as opposed to any parcel or parcels having all boundaries contiguous to the local fire district.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Two different categories of land are referred to in the JLARC report; lands protected by DNR not paying the assessment, and lands protected by fire districts not paying levies. This bill deals with fire district lands. Due to issues with the auditor's office over time, there are some cases where properties are accurately reported and assessed by DNR, assessed as part of fire districts, or in other cases, properties that are not identified or assessed by either.

The specific issue in Kitsap County originates from these parcels being left out of the original legal description of the fire district. These parcels used to be forest lands. Today most are zoned by the comprehensive plan as rural residential or industrial. These islands of parcels are located within the external boundaries of the fire district and may lie across the street from other homes that are within the fire district.

A fix to this issue has been attempted in the past, but because of current discretionary annexation processes, some do not feel they need to annex. The fire district is thus caught in a catch-22. Attorneys say there is no legal basis to deny response to these areas not paying levies. When a call is made to 911 and the fire department responds, these parcels push the cost of readiness and response onto other taxpayers of the district.

DNR supports this bill, which fixes this loophole typically occurring when DNR transitions land from forestland to industrial or residential, and parcels get lost in the process.

Persons Testifying: PRO: Senator Christine Rolfes, Prime Sponsor; George Geissler, State Forester, Department of Natural Resources; John Oliver, Fire Chief, Central Kitsap Fire and Rescue; Wayne Senter, Executive Director, Washington Fire Chiefs Association.

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