

HOUSE BILL REPORT

HB 1561

As Passed House:

February 23, 2009

Title: An act relating to authorizing certain areas in cities or towns with a population greater than five thousand but less than ten thousand to annex to a fire protection district.

Brief Description: Authorizing certain areas in cities or towns to annex to a fire protection district.

Sponsors: Representatives Morrell, Priest, Simpson, Miloscia and Dammeier.

Brief History:

Committee Activity:

Local Government & Housing: 2/5/09, 2/11/09 [DP].

Floor Activity

Passed House: 2/23/09, 92-0.

Brief Summary of Bill

- Authorizes a fire protection district to annex part of a city located in two counties.
- Creates regulatory provisions governing a "partial city" annexation with respect to procedural requirements, elections, taxation, and the employment rights of fire department employees in the partial city subject to annexation.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: Do pass. Signed by 9 members: Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Ericksen, Assistant Ranking Minority Member; Cox, Miloscia, Short, Springer and White.

Staff: Thamas Osborn (786-7129)

Background:

[Overview of Fire Protection Districts.](#)

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.

Fire protection districts (districts) are created to provide fire prevention, fire suppression and emergency medical services within a district's boundaries. Fire protection districts are governed by a 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.

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.

Annexation of a City by a Fire Protection District.

A city or town adjacent to a district may be annexed to such district provided the population of the city or town does not exceed 100,000. Such annexation is initiated through the adoption of an ordinance by the legislative authority of the city or town approving annexation into the district and stating a finding that the public interest is served by such annexation. The annexation must then be authorized through the concurrence of the district's Board of Fire Commissioners. Following such approval of the annexation, notification must be sent to the governing body of the county or counties in which both the district and city/town are located. The pertinent county legislative authorities must then call a special election in the city or town to be annexed, as well as the district, so as to allow the voters in each jurisdiction to determine the annexation issue. The annexation is complete if a majority of voters in each jurisdiction vote in favor of annexation.

In accordance with specified limitations, both the district and the city are authorized to levy taxes related to district fire protection services.

After the passage of three years following a district's annexation of a city, the 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.

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; 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.

Summary of Bill:

A district is authorized to annex part of a city or town that is located in two counties (partial city annexation). Such annexation must meet specified substantive and procedural requirements. The substantive requirements are as follows:

- the part of the city to be annexed must be adjacent to the boundaries of the district;
- the population of the proposed annexation area must be greater than 5,000 but less than 10,000;
- that portion of the city to be annexed must lie entirely within only one of the two counties; and
- that portion of the city to be annexed must contain at least 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.

The bill creates regulatory provisions pertaining to a partial city annexation that are identical to those applicable to a district following the annexation of an entire city. Such provisions include those pertaining to:

- taxation;
- methods for a partial city to withdraw from a district; and
- the employment rights of fire department personnel working within the partially annexed city.

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 bill addresses the tax levy problems that can arise when a fire district annexes an adjacent city that straddles two counties. Annexations such as this can create a significant problem for a city because city residents can be subject to different fire protection tax levy rates depending on which county they reside in. This can result in some residents of the city having a lesser degree of fire protection than others due to the funding differential. The City of Milton is experiencing this issue right now. This bill would solve the taxation/revenue problem by allowing a fire protection district to annex that part of a city lying only within one county. The bill provides a needed tool for cities facing this situation insofar as it allows for a taxation arrangement within the city that can ensure an equal level of fire protection for all citizens. The upshot is that allowing "partial-city" annexations can have the result of enhancing public safety.

(Opposed) None.

Persons Testifying: Representative Morrell, prime sponsor; Katrina Asay, City of Milton; James Jaques, City of Milton; Ed Goodlet, Pierce County Fire District 8; Ryan Spiller, Washington State Fire Commissioners; and Dave Williams, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: None.