

SENATE BILL REPORT

SB 5638

As Reported by Senate Committee On:
Government Operations & Elections, February 19, 2009

Title: An act relating to fire protection district contracts.

Brief Description: Concerning fire protection district contracts.

Sponsors: Senators Swecker, Haugen, Hewitt, Schoesler and Shin.

Brief History:

Committee Activity: Government Operations & Elections: 2/12/09, 2/19/09 [DPS, w/oRec].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5638 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; McDermott, Pridemore and Swecker.

Minority Report: That it be referred without recommendation.

Signed by Senator Benton.

Staff: Aaron Gutierrez (786-7448)

Background: A fire protection district is a political subdivision of the state, typically located in an unincorporated area, with responsibility to provide fire prevention and suppression services, and emergency medical response. A fire protection district has all the powers and duties of a municipal corporation, including taxation, eminent domain, and the authority to enter contracts.

Summary of Bill (Recommended Substitute): Any contract entered into by a fire protection district must provide for adequate compensation. Adequate compensation means the person or entity receiving the services must pay the same amount that would be collected by the fire district if the property was subject to a fire district levy.

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.

The adequate compensation requirements do not apply to mutual aid agreements, agreements between the fire protection and the Department of Natural Resources, schools, libraries, or where compensation requirements are defined elsewhere in statute.

A fire protection district may not provide fire service protection for property outside the boundary of the district without the express consent of the fire protection district where the protected property is located.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Recommended Substitute): The definition of adequate compensation is changed, and mutual aid agreements between the fire district and other entities are exempt from the adequate compensation requirement.

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 bill establishes a baseline for compensation, so that everyone pays the same based on the value of property. The bill also promotes safety. Some people are negotiating lower rates with adjacent fire districts. In one case, the response station went from one mile away to eight miles away, meaning the emergency vehicles had to cross that district, possibly creating hazards. Commercial expansion in tribal areas has led to increased requests for service. Call volume for these areas represent 12 percent of the total annual call volume. Increased call volume has further stressed an already resource-challenged fire district.

An amendment is forthcoming that will address concerns about mutual aid contracts.

OTHER: We have concerns about harming existing mutual aid contracts, interlocal agreements, and contracts with the Department of Natural Resources.

Persons Testifying: PRO: Senator Swecker, prime sponsor; Russ Kaleiwahea, Thurston County Fire District 11.

OTHER: Bruce Holloway, Spokane County Fire District #3; Paul Perz, WSP/State Fire Marshal's Office; Roger Ferris, Washington Fire Commissioners Association.