

FINAL BILL REPORT

ESHB 1731

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Synopsis as Enacted

Brief Description: Concerning the formation, operation, and governance of regional fire protection service authorities.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Takko, Kagi and Reykdal).

House Committee on Local Government
Senate Committee on Government Operations, Tribal Relations & Elections

Background:

A Regional Fire Protection Service Authority (Authority) may be created for the purpose of conducting specified fire protection functions at a regional level. An Authority may be created by the merger of two or more adjacent fire protection jurisdictions, including fire protection districts, cities, port districts, and Indian tribes. The creation of an Authority requires voter approval.

An Authority is governed by a board charged with executing the Authority's service plan, which provides for the design, financing, and development of fire protection services. Board membership is determined by the service plan and is limited to elected officials. Provisions governing authorities do not provide for the election of any new officials specific to an Authority and are silent on other matters relating to officials serving on the board.

The board of an Authority is empowered to exercise general operational and administrative powers including:

- levying and imposing taxes;
- exercising eminent domain powers; and
- exercising other powers and duties as are reasonably necessary to carry out its purposes.

All powers, duties, and functions of a participating fire protection jurisdiction may be transferred by resolution to the Authority.

A "participating fire protection jurisdiction" is a fire protection district, city, town, Indian tribe, or port district that is represented on the governing board of an Authority. State law

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authorizes each of these jurisdictions, other than a tribe, to levy property taxes. However, the levies of a participating fire protection jurisdiction are limited so that statutorily designated amounts, less the amount of a levy imposed by the Authority, are not exceeded.

Summary:

A definition of an "elected official" for Authority purposes is established. An Authority's service plan may create one or more regional fire protection service authority commissioner (commissioner) positions.

The governing board of an Authority is determined by the Authority's service plan. However, only elected officials of a participating fire protection jurisdiction and elected commissioners of the Authority are eligible to serve on the Authority's governing board.

Rather than being set forth in an Authority's service plan, provisions governing a commissioner's compensation, qualifications, ability to serve as a volunteer firefighter, polling places for elections, and commissioner vacancies are as provided in statutes pertaining to commissioners of fire protection districts (districts). Additional information about these provision is summarized below.

- Compensation: A commissioner may be compensated \$90 per day, not to exceed \$8,640 per year (amount adjustable for inflation), plus necessary expenses incurred in attending meetings of the board or when otherwise engaged in district business.
- Qualifications: Any voter residing in the district is eligible for the position.
- Ability to serve as a volunteer firefighter: A commissioner is eligible to serve in that capacity if the board unanimously adopts a resolution to that effect.
- Polling places for elections: Polling places may be located outside the boundaries of the district, as determined by the auditor of the county in which the district is located.
- Vacancies: If a commissioner is absent from three consecutive meetings without being excused by the board, the position is deemed vacant.

An Authority's service plan may create commissioner districts, that are approximately equal in population. If commissioner districts are created, only a voter who resides in a district is eligible to serve as a commissioner for the district, and only voters of that district may vote in a nominating primary election. However, all voters of the proposed Authority may vote at a general election to elect a commissioner of the district.

For purposes of calculating permissible property tax levy rates, a fire protection district, city, town, or port district that is annexed into an Authority is a "participating fire protection jurisdiction," and its property tax levy authority is therefore subject to the same limitations as a fire protection jurisdiction that is represented on the governing board of an Authority.

Votes on Final Passage:

House	92	3
Senate	46	2

Effective: July 22, 2011