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## Local Government Committee

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### HB 1264

**Brief Description:** Concerning partial fire district mergers.

**Sponsors:** Representatives Haigh, Chandler, Takko and Ryu.

#### Brief Summary of Bill

- Disallows proceeding with a partial merger of a fire protection district when the board of fire district commissioners in either the merging district or the merger district does not approve the partial merger petition.
- Modifies provisions governing when an election on the question of a partial merger of a fire protection district is not necessary and the method of naming merged districts with area located in different counties.

**Hearing Date:** 2/1/13

**Staff:** Michaela Murdock (786-7289).

#### **Background:**

##### Fire Protection Districts.

Fire protection districts (fire districts) are municipal corporations that are authorized to provide fire prevention, fire suppression, and emergency medical services to protect life and property. In some instances, fire districts may also establish or provide health clinic services.

Fire protection districts are governed by a board of commissioners (board) composed of three, five, or seven members who are registered voters residing in the district. The board must hold regular monthly meetings and may call special meetings at any time under the Open Public Meetings Act. The fire districts finance their activities and facilities by imposing regular property taxes, excess voter-approved property tax levies, and benefit charges.

##### Merger of Fire Protection Districts.

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*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.*

Under current law, a fire district may merge with an adjacent fire district under certain circumstances. The fire district to be merged in whole or in part with another fire district is referred to as the "merging district," and the fire district into which the other district will be merged is referred to as the "merger district." The merger of fire districts may be subject to review by the Boundary Review Board or boards of the county in which the merging district is located.

The process of merging fire districts is started by filing a petition signed by the merging district with the merger district. If the petition is approved by the merger district, a special election is called by the merging district county auditor to present the question of merging the two districts to the merging district voters. If a majority of the voters approve the merger, the districts are declared merged by concurrent resolutions of the fire districts' boards. No election is required to merge the districts if three-fifths of all qualified electors in the merging district sign a petition to merge.

Additionally, a part of one fire district may be merged in a partial merger with an adjacent fire district if the area can be better served by the district as merged. A similar process exists in law for effecting a partial merger of a fire district as for merging one fire district with a second. A petition signed by either a majority of the merging district board or not less than 15 percent of the qualified electors residing in the area to be merged must be filed with the merger district board. If the petition is approved, an election is held in the area to be merged.

If either the merging district board or the merger district board does not approve the petition, the petition may be approved by the applicable Boundary Review Board (BRB) or the county legislative authority in the area to be merged. The BRB or county legislative authority must determine that the area can be better served by a merger. Upon approval of the petition, the issue of partial merging is presented at an election to the voters in the area to be merged.

No election is required if three-fifths of all qualified electors in the area to be merged sign a petition to merge.

For a merger district located in a single county that has been merged with a merging district located in a different county (or counties), the merged fire district is identified by the name of each county in which the merged fire district is located, listed alphabetically, and a number.

#### Boundary Review Boards.

Boundary review boards are authorized by statute to guide and control the creation and growth of municipalities in metropolitan areas. While statute requires the establishment of a BRB in counties with at least 210,000 residents, a BRB may be created and established in any other county. Members of the BRB are appointed by the Governor and local government officials from within the applicable county.

Upon receiving a timely and sufficient request for review, and an invocation of the BRB's jurisdiction, a BRB must review and approve, disapprove, or modify specific proposed actions, including actions pertaining to the creation, incorporation, or change in the boundary of any city, town, or special purpose district. If a period of 45 days elapses without the BRB's jurisdiction being invoked as provided in statute, the proposed action must be deemed approved.

**Summary of Bill:**

Boundary review boards and county legislative authorities are no longer authorized by statute to approve a petition for partial merger of a fire district as an alternate method of proceeding with a partial merger when either the merging district board or the merger district board do not approve the petition. Under such circumstances, when one of the boards does not approve the petition, the partial merger must not proceed.

No election is required to effect a partial merger of a fire district under the following circumstances:

- the partial merger petition has been approved by both the merging district and the merger district boards; and
- three-fifths of the qualified electors in the area to be merged sign a petition to merge the districts.

A statute, which provides that a merger district located in a single county that has been merged with a merging district located in a different county (or counties) is identified by the name of each county, listed alphabetically, in which the merged fire district is located and by a number, does not apply to partial mergers of fire districts.

**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.