

# FINAL BILL REPORT

## SHB 1854

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Synopsis as Enacted

**Brief Description:** Concerning the annexation of territory by regional fire protection service authorities.

**Sponsors:** House Committee on Ways & Means (originally sponsored by Representatives Uptegrove, Rolfes, Finn, Hunt, Hope, Fitzgibbon, Stanford, Kenney and Ormsby).

**House Committee on Local Government**

**House Committee on Ways & Means**

**Senate Committee on Government Operations, Tribal Relations & Elections**

### **Background:**

A regional Fire Service Protection 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 fire protection jurisdictions proposing to create an Authority must convene a planning committee to develop and adopt a service plan (plan) for the Authority. The plan must provide for the design, financing, and development of fire protection and emergency services. The planning committee must also recommend statutorily authorized sources of revenue and a financing plan for funding selected fire protection and emergency services and projects.

Once adopted by the planning committee, the plan must be forwarded to the participating jurisdictions' governing bodies to initiate an election process. The voters may approve or reject a single ballot measure that both approves the formation of the Authority and the plan. The required margin for voter approval depends on the revenue sources proposed by the plan. If the plan does not authorize benefit charges or 60 percent voter-approved taxes, the ballot measure must be approved by a simple majority. If, however, the plan authorizes the Authority to impose benefit charges or 60 percent voter-approved taxes, the ballot measure must be approved by 60 percent of the voters.

Except as otherwise provided in the plan, the following are transferred to an Authority on its creation date:

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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.*

- all powers, duties, and functions of a participating jurisdiction pertaining to fire protection and emergency services;
- all written material of a participating jurisdiction pertaining to fire protection and emergency services;
- all real, personal, and tangible property employed by the participating jurisdiction in carrying out fire protection and emergency services; and
- all funds, credits, and other assets held by the participating jurisdiction in connection with police services.

Except as provided otherwise in the plan, any appropriations made to a participating jurisdiction for carrying out fire protection and emergency services are transferred and credited to the Authority.

As of the date of an Authority's creation, all employees of a participating jurisdiction are transferred to the Authority. A transferred employee is entitled to the same rights, benefits, and privileges he or she enjoyed while employed by the participating jurisdiction. Collective bargaining agreements remain effective, and if any or all of the participating jurisdictions provide for civil service in their fire departments, the collective bargaining representatives of the transferring employees and the participating jurisdictions must negotiate regarding the establishment of a civil service system within 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 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 process through which an Authority may annex an adjacent fire protection jurisdiction is established. The annexation is initiated when the governing body of a fire protection jurisdiction adopts a resolution requesting annexation and files it with the governing board (board) of an adjacent Authority. Except as otherwise provided in its service plan, the board may adopt a resolution amending its plan to establish terms and conditions of the requested annexation, and submit the resolution and the plan amendment to the requesting jurisdiction.

An election to authorize the annexation and related plan amendment may be held if the governing body of the requesting jurisdiction adopts a resolution approving the annexation and the related plan amendment. Only voters in the fire protection jurisdiction proposed to be annexed are eligible to vote on the single ballot measure approving the annexation and the plan amendment.

Unlike a ballot measure pertaining to the creation of an Authority, the required margin for voter approval of a ballot measure pertaining to annexation of a fire protection jurisdiction does not depend on the revenue sources authorized by the plan. Regardless of whether the plan authorizes imposition of benefit charges or 60 percent voter-approved property taxes, the annexation is authorized if a simple majority approves the ballot measure.

As of the effective date that a fire protection jurisdiction is annexed into an Authority, its powers, duties, and functions, written materials, and employees relating to fire protection and emergency services transfer from the annexed fire protection jurisdiction to the Authority. Generally, the annexation is effective on the date specified in the ballot measure.

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	88	9
Senate	47	2

**Effective:** July 22, 2011