

FINAL BILL REPORT

HB 1911

C 262 L 93
Synopsis as Enacted

Brief Description: Regulating fire protection districts in newly incorporated cities and towns.

By Representatives Zellinsky, Reams and H. Myers.

House Committee on Local Government
Senate Committee on Government Operations

Background: The incorporation of a city or town involves several steps over an extended period of time, including: (1) the filing of a petition calling for the incorporation; (2) an election on the incorporation; (3) a primary to nominate candidates for the initial elected positions; (4) an election to elect the initial elected officials; (5) an interim transition period; and (6) the official date of incorporating the city or town.

During the interim transition period, a single fire protection district may annex all of the newly incorporated city or town, effective immediately upon the official incorporation of the new city or town. If such an annexation does not occur, territory in the city or town is removed from any fire protection district or districts at the official date of incorporation. The newly incorporated city or town could create its own fire department or contract with another city or town, or a fire protection district, for the provision of fire suppression services.

A ballot proposition is submitted to the voters of a city or town authorizing a fire protection district to annex the city or town, if the annexation is approved by both the board of fire commissioners and the city or town council. If the annexation is approved by city or town voters, the fire protection district imposes its tax levies throughout its boundaries, including the city or town, and the levy rate of the city or town is reduced to the lesser of either \$3.60 per \$1,000 of assessed valuation, less the levy rate of the fire protection district, or whatever the rate of regular property taxes the city or town could have imposed without the annexation.

Summary: A newly incorporated city or town is deemed to have been annexed by the fire protection district or districts that are located in the incorporated area unless,

prior to the city's or town's official date of incorporation, the city or town council adopts a resolution precluding these annexations.

The newly incorporated city or town remains in the fire protection district or districts during the remainder of the year of the city's or town's official date of incorporation, or through the following year if this extension is approved by resolution of the council and board or boards of fire commissioners. After this date, the city or town is removed from the fire protection district or districts. However, the city or town could annex to a single fire protection district under other provisions of law.

While a fire protection district remains in existence in a city or town, laws are held in abeyance that: (1) provide for a distribution of the district's assets to the city or town if the city or town annexes or incorporates a certain percentage of the district's assessed valuation; and (2) preclude the imposition of a fire protection district's tax levies if the entire fire protection district is included within a newly incorporated city or town.

A city or town acquires a proportionate share of a fire protection district's liabilities when the city or town acquires the district's assets as a result of annexing or incorporating territory that constitutes 60 percent or more of the district's assessed valuation.

Votes on Final Passage:

House	98	0	
Senate	48	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 25, 1993