

# HOUSE BILL REPORT

## SSB 5010

---

### As Passed House - Amended:

April 9, 2019

**Title:** An act relating to protected lands not being assessed local fire district levies.

**Brief Description:** Concerning protected lands not being assessed local fire district levies.

**Sponsors:** Senate Committee on Local Government (originally sponsored by Senators Rolfes and Van De Wege).

### Brief History:

#### Committee Activity:

Local Government: 3/15/19, 3/20/19 [DPA].

#### Floor Activity:

Passed House - Amended: 4/9/19, 97-0.

### Brief Summary of Substitute Bill (As Amended by House)

- Establishes a process for local fire districts to annex areas that receive protection, but do not pay a local fire district levy, by January 1, 2021.

---

## HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass as amended. Signed by 6 members: Representatives Pollet, Chair; Peterson, Vice Chair; Kraft, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Goehner and Senn.

**Staff:** Robbi Kesler (786-7153).

### Background:

#### Firefighting Services on Unprotected Lands.

Under current law, fire protection agencies are not required to provide firefighting services to unprotected land, which is defined as, "improved property located outside the jurisdiction of a fire protection service agency." Property owners of unprotected lands are encouraged to form or annex into a fire protection jurisdiction or enter into a contract for firefighting

---

*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.*

services. If this does not occur and firefighting services are provided to unprotected land, the property owners must reimburse the agency initiating firefighting services on unprotected land for certain costs incurred.

#### Fire Districts.

Fire districts are created to provide fire and emergency services to protect life and property in locations outside of cities and towns. A fire district may be established through a process involving a petition by the residents of a proposed district, a public hearing, and three-fifths voter approval. Fire districts are governed by a board of three, five, or seven elected fire commissioners.

#### Fire District Annexation.

A district may annex a city or town located within reasonable proximity to a district if that city or town has a population of 300,000 or fewer. Reasonable proximity is defined as, "geographical areas near enough to each other so that governance, management, and services can be delivered effectively." Annexation requires a majority vote of approval from both city and district voters.

Annexation of territory located within a reasonable proximity of a fire protection district may be accomplished by a majority vote of approval from voters of the territory, by a petition signed by 60 percent of the qualified electorate, or by a petition signed by owners of at least 60 percent of the territory.

#### Identification of Parcels that do not Currently Pay a Fire Protection Assessment.

In September 2017, the Joint Legislative Audit and Review Committee (JLARC) issued a report that analyzed various aspects of fire protection assessments administered by the Department of Natural Resources (DNR). The report reviewed how the DNR and counties collect the state protection assessments, as well as how the DNR and local fire protection districts define their fire protection areas. Among other findings, JLARC:

- estimated that more than 20,000 parcels exist that do not pay either the state fire protection assessment or a local fire district levy, but likely receive fire protection services from the DNR or a local fire district; and
- could not specifically determine which parcels would be subject to the state fire assessment, a local fire district levy, or both.

#### **Summary of Amended Bill:**

A process is established for local fire districts to annex areas that receive protection, but do not pay a local fire district levy. The annexation must be initiated by January 1, 2021. Prior to annexing a parcel, the fire district must coordinate with county assessors, notify the owner of record, and hold a public hearing. Following the hearing, fire districts must pass a resolution for annexation to be approved by the county legislative authority. Owners of record may appeal resolutions for annexation to the county legislative authority. The bill includes legislative findings and defines terms.

Owners of record may appeal resolutions for annexation to the county legislative authority. Issues raised under appeal may include:

- compliance with the process established under this section;

- whether the parcel is presently being assessed a local fire district levy;
- whether the levied amount is consistent with local fire district levy amounts; and
- whether the local fire district actually has the resources to provide the parcel or parcels with timely service.

A "local fire district" is defined as a fire district, regional fire protection service authority, city, or town.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Some counties have identified properties that were subdivided at some point and the transfer was not properly recorded which resulted in the property not being assessed by a local fire district levy. The property, once improved, may not be subject to the forest fire protection assessment, but may be subject to a local fire district levy if the property is in that district's boundaries. There is currently no process for adding these properties, unless the property owner asks to be annexed. This is for homes that are completely within the fire district. This bill is creating a process for fire district rolls to be cleaned up.

(Opposed) None.

**Persons Testifying:** Senator Rolfes, prime sponsor; Jeff Sorrenson, Kitsap Fire and Rescue; Alex McCracken, International Association of Fire Fighters; and George Geissler, Washington Department of Natural Resources.

**Persons Signed In To Testify But Not Testifying:** None.