

SENATE BILL REPORT

SSB 5326

As Passed Senate, January 26, 2004

Title: An act relating to creating regional fire protection service authorities.

Brief Description: Creating regional fire protection service authorities.

Sponsors: Senate Committee on Government Operations & Elections (originally sponsored by Senators Winsley, B. Sheldon, Doumit and T. Sheldon).

Brief History:

Committee Activity: Government Operations & Elections: 2/28/03, 3/4/03 [DPS].
Passed Senate: 3/18/03, 49-0; 1/26/04, 48-0.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5326 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Staff: Diane Smith (786-7410)

Background: If approved by the county legislative authority, the formation of a fire protection district can be put to the voters within the proposed district. If three-fifths of votes cast are in favor, then the district is declared organized by resolution of the county commissioners.

The board of fire commissioners is the elected manager of the affairs of the district. It may be composed of either three or five fire district commissioners. Each fire district commissioner can receive \$70 per day compensation up to \$6,720 per year.

The county treasurer is the treasurer of the fire protection district.

Fire protection districts have the powers usual to any other corporation for public purposes. They may contract with any governmental entity using the Interlocal Cooperation Act, or with private parties, for fire protection and emergency medical purposes. They have the power of eminent domain. They may finance the purchase of real property, but are limited in total indebtedness to three-eighths of 1 percent of the value of the taxable property in the district. Any indebtedness in excess of this must be approved by the voters. Financing authority granted to fire protection districts includes issuance of general obligation bonds and assessment of excess property tax levies. The board of fire district commissioners may impose benefit charges for up to six years that must be approved by 60 percent of the voters of the district. The board may also levy special assessments for up to 20 years in areas the board designates as local improvement districts.

The prevention and fighting of fires is an enumerated power of cities and towns.

Summary of Bill: A regional fire protection service authority may be created by a vote of the people that approves a regional fire protection services authority plan, and the creation of the authority, as a single ballot measure. The plan is created by a planning committee composed of three elected officials appointed by the governing bodies of each of the participating fire protection districts and departments. The governing bodies from which the members of the planning committee are appointed may individually determine at their discretion to pay their appointees to the planning committee compensation at the rate of \$70 per day up to \$700 per year for serving on the planning committee.

The plan that is implemented by the authority, after it is developed and financing is arranged by the committee, may be for capital projects, fire and emergency service operations and preservation and maintenance of existing or future facilities and ambulance service in limited circumstances. The financing options include benefit charges as provided for fire protection districts, and three 50 cents per \$1,000 assessed value voter-approved excess property tax levies. A simple majority vote of the voters in the authority is required for approval of the ballot measure that includes the taxes. A second vote of the people is required to implement the tax or benefit charges. The taxing authority of the regional authority is an alternative to rather than in addition to the existing taxing authority of the participating jurisdictions.

The authority may issue its own debt maturing in up to ten years and notes maturing in up to 20 years. It may also pledge taxes of the authority, by contract of up to 25 years, to pay principal and interest on bonds issued by the authority.

The authority may incur general indebtedness and issue general obligation bonds maturing in up to ten years to be paid by voter-approved excess property tax levies.

The authority has the power of eminent domain, among others.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This substitute bill is intended to minimize bureaucracy and promote efficiency, while coping with the bulge of population moving into rural areas. The concerns of homeland security require additional options and tools.

Testimony Against: None.

Testified: PRO: Duane Malo, Dan Packer, Gordon Walgren, Washington State Association of Fire Chiefs; Kathy Nevin, Washington Ambulance Association (concerns); Jim Justin, AWC.

House Amendment(s): The House amendment applies the definitions of personal property to only those sections concerning benefit charges, as opposed to all new sections concerning the regional authority. The amendment updates provisions that were modified by legislation enacted in 2003. A reannexation process is provided for areas that have withdrawn from regional fire protection service authorities, similarly to that for fire protection districts. Corrective changes are made concerning the withdrawal process to make it parallel to withdrawal process for fire

protection districts, but does not change the provision that allows either a city/town/fire protection district or the regional authority to adopt the withdrawal resolution.