

SENATE BILL REPORT

SHB 2345

As Reported By Senate Committee On:
Government Operations & Elections, February 23, 2006

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

Brief Description: Addressing regional fire protection service authorities.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Simpson, Rodne, Appleton and Haler).

Brief History: Passed House: 2/13/06, 97-1.

Committee Activity: Government Operations & Elections: 2/20/06, 2/23/06 [DPA].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass as amended.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Roach, Ranking Minority Member; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken and Pridemore.

Staff: Diane Smith (786-7410)

Background: Legislation in 2004 provided for the creation of a new special purpose government, the regional fire protection service authority. Various provisions have proven awkward or ambiguous in implementation.

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 plan must be reviewed every ten years. 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 has the power of eminent domain, among others. Provision is made for withdrawal and reannexation of areas and for dissolution of the regional authority.

Summary of Amended Bill: When the fire protection function is referenced, the emergency services function is consistently referenced with it.

The planning committee can authorize the regional authority, when voted into existence, to provide for ambulance service, but it is clarified that the board of the authority makes the determination of inadequate service required before ambulance service is instituted.

The plan presented to the voters in the election to create the authority is required to state the portions that may be amended by the board without a vote of the people. When the plan contains a benefit charge or sixty percent voter-approved taxes as revenue sources, the ballot proposition must be approved by sixty percent of the voters. A majority vote is required when the plan funds the proposed authority by means of alternative revenue sources. A date certain is provided for the creation of the authority, that being the next January 1 or July 1 after the election.

The terms describing the regional authority's revenue and debt authority are clarified and brought into conformity with that of other special purpose districts. The term "revenue" is used for the combination of benefit charges and taxes. Nonvoted debt may mature in up to 20 years and voted debt may mature in up to 25 years.

The powers and duties of the regional authority are referenced to Title 52 if one of the participating jurisdictions is a fire protection district, unless otherwise provided by the plan, or as provided in the plan if no fire protection districts are participants in the regional authority.

The transfer of powers, duties, and functions of the participating jurisdictions to the regional authority is complete except for those retained by the participating jurisdictions as provided in the plan.

When transfer of funds is made among participating fire protection jurisdictions, the treasurer of the authority certifies the apportionments.

When territory is annexed to a participating jurisdiction of a regional authority, that territory is annexed to the regional authority as of the date of annexation to the participating jurisdiction. Statutes regarding transfer of assets and employees do not apply to the participating jurisdictions in the annexation.

Amended Bill Compared to Original Bill: The substitute bill places limitations on authority's authority to establish an ambulance service utility where there is already a private ambulance service in operation. These limitations prevent an authority from establishing an ambulance service or calling for bids unless the authority determines that the private service is inadequate in light of objective generally accepted medical standards and reasonable levels of service published by the authority. Generally, the preliminary conclusion of inadequacy triggers a sixty day period within which the private ambulance service may attempt to meet

the generally accepted medical standards and reasonable levels of service. An authority is not required to afford a sixty day period within which to cure inadequacy if the private ambulance service: (1) has already been afforded a sixty day cure period within a twenty-four month period; or (2) is not licensed by the Department of Health (DOH) or has had its license denied, suspended, or revoked by the DOH.

When employees are transferred to the regional authority, the substitute bill provides options available for applicable collective bargaining and civil service provisions.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: This is a largely technical fix to prevent unfair competition from government-run ambulance service and to make these new special purpose districts functioning governments. Bonding language was written by bond counsel.

Testimony Against: None.

Who Testified: PRO: Gordon Walgren, Washington Fire Chiefs; Bud Sizemore, Washington State Council of Fire Fighters; Roger Ferris, Washington Fire Commissioners' Association; Rod Kaseguma, Washington Fire Chiefs; John Murphy, Washington Fire Chiefs.