

---

HOUSE BILL 1368

---

State of Washington                      64th Legislature                      2015 Regular Session

By Representatives Reykdal, Stokesbary, Van De Wege, and Springer

Read first time 01/19/15. Referred to Committee on Local Government.

1            AN ACT Relating to removing disincentives to the voluntary  
2 formation of regional fire protection service authorities by  
3 equalizing certain provisions with existing laws governing fire  
4 protection districts and by clarifying the formation process;  
5 amending RCW 52.26.220, 52.26.230, 84.52.125, and 84.55.092; and  
6 reenacting and amending RCW 52.26.020.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8            **Sec. 1.** RCW 52.26.020 and 2011 c 141 s 1 are each reenacted and  
9 amended to read as follows:

10            The definitions in this section apply throughout this chapter  
11 unless the context clearly requires otherwise.

12            (1) "Board" means the governing body of a regional fire  
13 protection service authority.

14            (2) "Elected official" means an elected official of a  
15 participating fire protection jurisdiction or a regional fire  
16 protection district commissioner created under RCW 52.26.080.

17            (3) "Fire protection jurisdiction" means a fire district, city,  
18 town, port district, municipal airport, or Indian tribe.

19            (4) "Participating fire protection jurisdiction" means a fire  
20 protection jurisdiction or a regional fire protection service

1 authority participating in the formation or operation of a regional  
2 fire protection service authority.

3 (5) "Regional fire protection service authority" or "authority"  
4 means a municipal corporation, an independent taxing authority within  
5 the meaning of Article VII, section 1 of the state Constitution, and  
6 a taxing district within the meaning of Article VII, section 2 of the  
7 state Constitution, whose boundaries are coextensive with two or more  
8 adjacent fire protection jurisdictions and that has been created by a  
9 vote of the people under this chapter to implement a regional fire  
10 protection service authority plan.

11 (6) "Regional fire protection service authority plan" or "plan"  
12 means a plan to develop and finance a regional fire protection  
13 service authority project or projects(~~(7)~~) including, but not limited  
14 to, specific capital projects, fire operations and emergency service  
15 operations pursuant to RCW 52.26.040(3)(b), and preservation and  
16 maintenance of existing or future facilities.

17 (7) "Regional fire protection service authority planning  
18 committee" or "planning committee" means the advisory committee  
19 created under RCW 52.26.030 to create and propose to fire protection  
20 jurisdictions a regional fire protection service authority plan to  
21 design, finance, and develop fire protection and emergency service  
22 projects.

23 (8) "Regular property taxes" has the same meaning as in RCW  
24 84.04.140.

25 **Sec. 2.** RCW 52.26.220 and 2006 c 200 s 12 are each amended to  
26 read as follows:

27 (1) (~~Notwithstanding any other provision in this chapter to the~~  
28 ~~contrary, any~~) (a) The initial imposition of a benefit charge  
29 authorized by this chapter (~~(is not effective unless a proposition to~~  
30 ~~impose the benefit charge is approved by a)~~) must be approved by  
31 sixty percent (~~(majority)~~) of the voters of the regional fire  
32 protection service authority voting at a general election or at a  
33 special election called by the authority for that purpose(~~(, held~~  
34 ~~within the authority)~~). ((A)) Ballot (~~(measure that contains)~~)  
35 measures containing an authorization to impose benefit charges  
36 (~~(and)~~) that (~~(is)~~) are approved by the voters pursuant to RCW  
37 52.26.060 (~~(meets)~~) satisfy the proposition approval requirement of  
38 this section.

1       **(b)** An election held ((under this section)) for the initial  
2 imposition of a benefit charge must be held not more than twelve  
3 months prior to the date on which the first charge is to be assessed.

4       **(c)** A benefit charge approved at an election expires in six  
5 ~~((years))~~ or fewer years as authorized by the voters, unless  
6 subsequently reapproved by the voters.

7       **(2)** ~~((The))~~ Ballot measures calling for the initial imposition of  
8 a benefit charge must be submitted so as to enable ~~((the))~~ voters  
9 favoring the authorization of ~~((a regional fire protection service~~  
10 ~~authority))~~ benefit charges to vote "Yes" and those opposed to vote  
11 "No." The ballot question is as follows:

12       "Shall . . . . . the regional fire protection service  
13 authority composed of (insert the participating fire  
14 protection jurisdictions) . . . . . be authorized to impose  
15 benefit charges each year for . . . . (insert number of years  
16 not to exceed six) years, not to exceed an amount equal to  
17 sixty percent of its operating budget, and be prohibited from  
18 imposing an additional property tax under RCW  
19 52.26.140(1)(c)?

20       YES     NO  
21            

22       **(3)** ~~((Authorities renewing the benefit charge may elect to use~~  
23 ~~the following alternative ballot))~~ (a) The continued imposition of  
24 benefit charges authorized by this chapter must be approved by a  
25 majority of the voters of the regional fire protection service  
26 authority voting at a general election or at a special election  
27 called by the authority for that purpose.

28       **(b)** Ballot measures calling for the continued imposition of  
29 benefit charges must be submitted so as to enable voters favoring the  
30 continued imposition of benefit charges to vote "Yes" and those  
31 opposed to vote "No." The ballot question must be substantially in  
32 the following form:

33       "Shall . . . . . the regional fire protection service  
34 authority composed of (insert the participating fire  
35 protection jurisdictions) . . . . . be authorized to  
36 continue voter-authorized benefit charges each year  
37 for . . . . (insert number of years not to exceed six) years,  
38 not to exceed an amount equal to sixty percent of its

1 operating budget, and be prohibited from imposing an  
2 additional property tax under RCW 52.26.140(1)(c)?

3 YES NO

4

5 **Sec. 3.** RCW 52.26.230 and 2004 c 129 s 29 are each amended to  
6 read as follows:

7 (1) Not fewer than ten days nor more than six months before the  
8 election at which the proposition to impose the benefit charge is  
9 submitted as provided in this chapter, the governing board of the  
10 regional fire protection service authority, or the planning committee  
11 if the benefit charge is proposed as part of the initial formation of  
12 the authority, shall hold a public hearing specifically setting forth  
13 its proposal to impose benefit charges for the support of its legally  
14 authorized activities that will maintain or improve the services  
15 afforded in the authority. A report of the public hearing shall be  
16 filed with the county treasurer of each county in which the property  
17 is located and be available for public inspection.

18 (2) Prior to November 15th of each year the governing board of  
19 the authority shall hold a public hearing to review and establish the  
20 regional fire protection service authority benefit charges for the  
21 subsequent year.

22 (3) All resolutions imposing or changing the benefit charges must  
23 be filed with the county treasurer or treasurers of each county in  
24 which the property is located, together with the record of each  
25 public hearing, before November 30th immediately preceding the year  
26 in which the benefit charges are to be collected on behalf of the  
27 authority.

28 (4) After the benefit charges have been established, the owners  
29 of the property subject to the charge must be notified of the amount  
30 of the charge.

31 **Sec. 4.** RCW 84.52.125 and 2005 c 122 s 1 are each amended to  
32 read as follows:

33 A fire protection district or regional fire protection service  
34 authority may protect the district's or authority's tax levy from  
35 prorationing under RCW 84.52.010(~~(+2)~~) (3)(b) by imposing up to a  
36 total of twenty-five cents per thousand dollars of assessed value of  
37 the tax levies authorized under RCW 52.16.140 and 52.16.160 outside  
38 of the five dollars and ninety cents per thousand dollars of assessed

1 valuation limitation established under RCW 84.52.043(2), if those  
2 taxes otherwise would be prorated under RCW 84.52.010(~~(2)(e)~~)  
3 (3)(b)(v).

4 **Sec. 5.** RCW 84.55.092 and 1998 c 16 s 3 are each amended to read  
5 as follows:

6 The regular property tax levy for each taxing district other than  
7 the state may be set at the amount which would be allowed otherwise  
8 under this chapter if the regular property tax levy for the district  
9 for taxes due in prior years beginning with 1986 had been set at the  
10 full amount allowed under this chapter including any levy authorized  
11 under RCW 52.16.160 or 52.26.140(1)(c) that would have been imposed  
12 but for the limitation in RCW 52.18.065 or 52.26.240, applicable upon  
13 imposition of the benefit charge under chapter 52.18 RCW or RCW  
14 52.26.180.

15 The purpose of this section is to remove the incentive for a  
16 taxing district to maintain its tax levy at the maximum level  
17 permitted under this chapter, and to protect the future levy capacity  
18 of a taxing district that reduces its tax levy below the level that  
19 it otherwise could impose under this chapter, by removing the adverse  
20 consequences to future levy capacities resulting from such levy  
21 reductions.

--- END ---