
SUBSTITUTE SENATE BILL 5364

State of Washington

65th Legislature

2017 Regular Session

By Senate Local Government (originally sponsored by Senators Palumbo, Angel, Takko, and Zeiger)

READ FIRST TIME 02/15/17.

1 AN ACT Relating to removing disincentives to the voluntary
2 formation of regional fire protection service authorities by
3 establishing parity, equalizing certain provisions with existing laws
4 governing fire protection districts, and clarifying the formation
5 process; amending RCW 52.26.220, 52.26.230, 84.55.092, 52.18.050,
6 52.18.010, 52.26.180, 52.26.030, 84.52.043, 84.52.043, 84.52.125, and
7 52.26.070; reenacting and amending RCW 52.26.020, 84.52.010, and
8 84.52.010; creating a new section; providing effective dates;
9 providing expiration dates; and declaring an emergency.

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

11 **Sec. 1.** RCW 52.26.220 and 2006 c 200 s 12 are each amended to
12 read as follows:

13 (1) (~~Notwithstanding any other provision in this chapter to the~~
14 ~~contrary, any~~) (a) The initial imposition of a benefit charge
15 authorized by this chapter (~~is not effective unless a proposition to~~
16 ~~impose the benefit charge is approved by a~~) must be approved by not
17 less than sixty percent majority of the voters of the regional fire
18 protection service authority voting at a general election or at a
19 special election called by the authority for that purpose(~~, held~~
20 ~~within the authority~~). ((A)) Ballot (~~measure that contains~~)
21 measures containing an authorization to impose benefit charges

1 ((and)) that ((is)) are approved by the voters pursuant to RCW
2 52.26.060 ((meets)) satisfy the proposition approval requirement of
3 this subsection and subsection (2) of this section.

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

7 (c) A benefit charge approved at an election expires in six
8 ((years)) or fewer years as authorized by the voters, unless
9 subsequently reapproved by the voters.

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

15 "Shall the regional fire protection service
16 authority composed of (insert the participating fire
17 protection jurisdictions) be authorized to impose
18 benefit charges each year for (insert number of years
19 not to exceed six) years, not to exceed an amount equal to
20 sixty percent of its operating budget, and be prohibited from
21 imposing an additional property tax under RCW
22 52.26.140(1)(c)?

23	YES	NO
24	<input type="checkbox"/>	<input type="checkbox"/>

25 (3) ((Authorities renewing the benefit charge may elect to use
26 the following alternative ballot:)) (a) The continued imposition of a
27 benefit charge authorized by this chapter may be approved for six
28 consecutive years. A ballot measure calling for the continued
29 imposition of a benefit charge for six consecutive years must be
30 approved by a majority of the voters of the regional fire protection
31 service authority voting at a general election or at a special
32 election called by the authority for that purpose.

33 (b) Ballot measures calling for the continued imposition of a
34 benefit charge must be submitted so as to enable voters favoring the
35 continued imposition of the benefit charge to vote "Yes" and those
36 opposed to vote "No." The ballot question must be substantially in
37 the following form:

1 "Shall the regional fire protection service
2 authority composed of (insert the participating fire
3 protection jurisdictions) be authorized to
4 continue voter-authorized benefit charges each year for
5 (~~(. . . . (insert number of years not to exceed))~~) six(+))
6 consecutive years, not to exceed an amount equal to sixty
7 percent of its operating budget, and be prohibited from
8 imposing an additional property tax under RCW
9 52.26.140(1)(c)?

10 YES NO
11

12 **Sec. 2.** RCW 52.26.230 and 2004 c 129 s 29 are each amended to
13 read as follows:

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

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

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

35 (4) After the benefit charges have been established, the owners
36 of the property subject to the charge must be notified of the amount
37 of the charge.

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

3 (1) The regular property tax levy for each taxing district other
4 than the state may be set at the amount which would be allowed
5 otherwise under this chapter if the regular property tax levy for the
6 district for taxes due in prior years beginning with 1986 had been
7 set at the full amount allowed under this chapter including any levy
8 authorized under RCW 52.16.160 or 52.26.140(1)(c) that would have
9 been imposed but for the limitation in RCW 52.18.065 or 52.26.240,
10 applicable upon imposition of the benefit charge under chapter 52.18
11 or 52.26 RCW.

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

19 **Sec. 4.** RCW 52.18.050 and 2013 c 49 s 1 are each amended to read
20 as follows:

21 (1)(a) The initial imposition of a benefit charge authorized by
22 this chapter must be approved by not less than sixty percent of the
23 voters of the district voting at a general election or at a special
24 election called by the district for that purpose.

25 (b) An election held for the initial imposition of a benefit
26 charge must be held not more than twelve months prior to the date on
27 which the first charge is to be assessed.

28 (c) A benefit charge approved at an election expires in six or
29 fewer years as authorized by the voters unless subsequently
30 reapproved by the voters.

31 (2) Ballot measures calling for the initial imposition of a
32 benefit charge must be submitted so as to enable voters favoring the
33 authorization of a benefit charge to vote "Yes" and those opposed to
34 vote "No," and the ballot question must be as follows:

35 "Shall county fire protection district
36 No. . . . be authorized to impose 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 52.16.160?

3 YES NO
4

5 (3)(a) The continued imposition of a benefit charge authorized by
6 this chapter ~~((must be approved by a majority of the voters of the~~
7 ~~district voting at a general election or at a special election called~~
8 ~~by the district for that purpose))~~ may be approved for six
9 consecutive years.

10 ~~((b) Ballot measures calling for the continued imposition of a~~
11 ~~benefit charge must be submitted so as to enable voters favoring the~~
12 ~~continued imposition of the benefit charge to vote "Yes" and those~~
13 ~~opposed to vote "No." The ballot question must be substantially in~~
14 ~~the following form:))~~ A ballot measure calling for the continued
15 imposition of a benefit charge for six consecutive years must be
16 approved by a majority of the voters of the district voting at a
17 general election or at a special election called by the district for
18 that purpose.

19 (b) Ballot measures calling for the continued imposition of a
20 benefit charge must be submitted so as to enable voters favoring the
21 continued imposition of the benefit charge to vote "Yes" and those
22 opposed to vote "No." The ballot question must be substantially in
23 the following form:

24 "Shall county fire protection district
25 No. be authorized to continue voter-authorized
26 benefit charges each year for ~~((. . . . (insert number of~~
27 ~~years not to exceed six))~~ six consecutive years, not to
28 exceed an amount equal to sixty percent of its operating
29 budget, and be prohibited from imposing an additional
30 property tax under RCW 52.16.160?

31 YES NO
32

33 **Sec. 5.** RCW 52.18.010 and 1998 c 16 s 1 are each amended to read
34 as follows:

35 (1) Pursuant to an approved initial or continued benefit charge
36 authorized under RCW 52.18.050, the board of fire commissioners of a
37 fire protection district may by resolution, for fire protection

1 district purposes authorized by law, fix and impose a benefit charge
2 on personal property and improvements to real property which are
3 located within the fire protection district on the date specified and
4 which have or will receive the benefits provided by the fire
5 protection district, to be paid by the owners of the properties(~~(-~~
6 ~~PROVIDED, That)~~)).

7 (2) A benefit charge (~~shall~~) does not apply to:

8 (a) Personal property and improvements to real property owned or
9 used by any recognized religious denomination or religious
10 organization as, or including, a sanctuary or for purposes related to
11 the bona fide religious ministries of the denomination or religious
12 organization, including schools and educational facilities used for
13 kindergarten, primary, or secondary educational purposes or for
14 institutions of higher education and all grounds and buildings
15 related thereto, but not including personal property and improvements
16 to real property owned or used by any recognized religious
17 denomination or religious organization for business operations,
18 profit-making enterprises, or activities not including use of a
19 sanctuary or related to kindergarten, primary, or secondary
20 educational purposes or for institutions of higher education; and

21 (b) Any of the following tax-exempt properties, provided such
22 entity is not required to pay a fire protection charge under
23 subsection (6) of this section:

24 (i) Property of housing authorities that is exempt from property
25 taxes under RCW 35.82.210;

26 (ii) Property of nonprofit entities providing rental housing for
27 very low-income households or providing space for the placement of a
28 mobile home for a very low-income household that is exempt from
29 property taxes under RCW 84.36.560;

30 (iii) Property of nonprofit homes for the aging that is exempt
31 from property taxes under RCW 84.36.041;

32 (iv) Property of nonprofit organizations, corporations, or
33 associations providing housing for eligible persons with
34 developmental disabilities that is exempt from property taxes under
35 RCW 84.36.042;

36 (v) Property of nonprofit organizations providing emergency or
37 transitional housing for low-income homeless persons or victims of
38 domestic violence who are homeless for personal safety reasons that
39 is exempt from property taxes under RCW 84.36.043;

1 (vi) Property of the state housing finance commission that is
2 exempt from property taxes under RCW 84.36.135; and

3 (vii) Property of nonprofit corporations operating sheltered
4 workshops for persons with disabilities that is exempt from property
5 taxes under RCW 84.36.350.

6 (3) The aggregate amount of such benefit charges in any one year
7 shall not exceed an amount equal to sixty percent of the operating
8 budget for the year in which the benefit charge is to be collected:
9 PROVIDED, That it shall be the duty of the county legislative
10 authority or authorities of the county or counties in which the fire
11 protection district is located to make any necessary adjustments to
12 assure compliance with such limitation and to immediately notify the
13 board of fire commissioners of any changes thereof.

14 (4) A benefit charge imposed shall be reasonably proportioned to
15 the measurable benefits to property resulting from the services
16 afforded by the district. It is acceptable to apportion the benefit
17 charge to the values of the properties as found by the county
18 assessor or assessors modified generally in the proportion that fire
19 insurance rates are reduced or entitled to be reduced as the result
20 of providing the services. Any other method that reasonably
21 apportions the benefit charges to the actual benefits resulting from
22 the degree of protection, which may include but is not limited to the
23 distance from regularly maintained fire protection equipment, the
24 level of fire prevention services provided to the properties, or the
25 need of the properties for specialized services, may be specified in
26 the resolution and shall be subject to contest on the ground of
27 unreasonable or capricious action or action in excess of the
28 measurable benefits to the property resulting from services afforded
29 by the district. The board of fire commissioners may determine that
30 certain properties or types or classes of properties are not
31 receiving measurable benefits based on criteria they establish by
32 resolution. A benefit charge authorized by this chapter shall not be
33 applicable to the personal property or improvements to real property
34 of any individual, corporation, partnership, firm, organization, or
35 association maintaining a fire department and whose fire protection
36 and training system has been accepted by a fire insurance underwriter
37 maintaining a fire protection engineering and inspection service
38 authorized by the state insurance commissioner to do business in this
39 state, but such property may be protected by the fire protection
40 district under a contractual agreement.

1 (5) For administrative purposes, the benefit charge imposed on
2 any individual property may be compiled into a single charge,
3 provided that the district, upon request of the property owner,
4 provide an itemized list of charges for each measurable benefit
5 included in the charge.

6 (6)(a) At the annual review of the fire benefit charge mandated
7 by RCW 52.18.060(2), if a fire service agency has identified:

8 (i) A tax-exempt property under subsection (2)(b) of this section
9 as having a substantial increase in requested emergency services over
10 the previous year; or

11 (ii) A new tax-exempt property that is similar in size,
12 population, and geographic location as another such tax-exempt
13 property as having an increase in requested emergency services;
14 then the tax exempt property and the fire service agency must work
15 together, in good faith, to address the problem by implementing
16 community risk reduction efforts. The community risk reduction plan
17 may include but is not limited to wellness programs and community
18 action plans.

19 (b) At the subsequent annual review, if the heightened service
20 requirements have not been reasonably addressed by the joint
21 mitigation efforts, and the tax-exempt property owner has not acted
22 in good faith:

23 (i) The property is subject to assessment of the fire benefit
24 charge in the subsequent year, subject to approval by the board of
25 fire commissioners as outlined in RCW 52.18.060(2); or

26 (ii) The respective tax exempt property shall pay the fire
27 service agency a fire protection charge payment in lieu of a benefit
28 charge. The fire protection charge shall be an amount equivalent to
29 the benefit rates for similarly situated properties for that year.

30 (c) All tax exempt properties identified under subsection (2)(b)
31 of this section and all local fire service agencies are encouraged to
32 work collaboratively to develop and implement programs to address
33 proper usage of fire service resources for residents of the housing
34 properties.

35 **Sec. 6.** RCW 52.26.180 and 2004 c 129 s 24 are each amended to
36 read as follows:

37 (1) The governing board of a regional fire protection service
38 authority may by resolution, as authorized in the plan and approved
39 by the voters, for authority purposes authorized by law, fix and

1 impose a benefit charge on personal property and improvements to real
2 property which are located within the authority on the date specified
3 and which have received or will receive the benefits provided by the
4 authority, to be paid by the owners of the properties.

5 (2) A benefit charge does not apply to:

6 (a) Personal property and improvements to real property owned or
7 used by any recognized religious denomination or religious
8 organization as, or including, a sanctuary or for purposes related to
9 the bona fide religious ministries of the denomination or religious
10 organization, including schools and educational facilities used for
11 kindergarten, primary, or secondary educational purposes or for
12 institutions of higher education and all grounds and buildings
13 related thereto. However, a benefit charge does apply to personal
14 property and improvements to real property owned or used by any
15 recognized religious denomination or religious organization for
16 business operations, profit-making enterprises, or activities not
17 including use of a sanctuary or related to kindergarten, primary, or
18 secondary educational purposes or for institutions of higher
19 education.

20 (b) Property of housing authorities that is exempt from property
21 taxes under RCW 35.82.210;

22 (c) Property of nonprofit entities providing rental housing for
23 very low-income households or providing space for the placement of a
24 mobile home for a very low-income household that is exempt from
25 property taxes under RCW 84.36.560;

26 (d) Property of nonprofit homes for the aging that is exempt from
27 property taxes under RCW 84.36.041;

28 (e) Property of nonprofit organizations, corporations, or
29 associations providing housing for eligible persons with
30 developmental disabilities that is exempt from property taxes under
31 RCW 84.36.042;

32 (f) Property of nonprofit organizations providing emergency or
33 transitional housing for low-income homeless persons or victims of
34 domestic violence who are homeless for personal safety reasons that
35 is exempt from property taxes under RCW 84.36.043;

36 (g) Property of the state housing finance commission that is
37 exempt from property taxes under RCW 84.36.135; and

38 (h) Property of nonprofit corporations operating sheltered
39 workshops for persons with disabilities that is exempt from property
40 taxes under RCW 84.36.350.

1 (3) The aggregate amount of these benefit charges in any one
2 year may not exceed an amount equal to sixty percent of the operating
3 budget for the year in which the benefit charge is to be collected.
4 It is the duty of the county legislative authority or authorities of
5 the county or counties in which the regional fire protection service
6 authority is located to make any necessary adjustments to assure
7 compliance with this limitation and to immediately notify the
8 governing board of an authority of any changes thereof.

9 ~~((+2))~~ (4) A benefit charge imposed must be reasonably
10 proportioned to the measurable benefits to property resulting from
11 the services afforded by the authority. It is acceptable to apportion
12 the benefit charge to the values of the properties as found by the
13 county assessor or assessors modified generally in the proportion
14 that fire insurance rates are reduced or entitled to be reduced as
15 the result of providing the services. Any other method that
16 reasonably apportions the benefit charges to the actual benefits
17 resulting from the degree of protection, which may include but is not
18 limited to the distance from regularly maintained fire protection
19 equipment, the level of fire prevention services provided to the
20 properties, or the need of the properties for specialized services,
21 may be specified in the resolution and is subject to contest on the
22 grounds of unreasonable or capricious action or action in excess of
23 the measurable benefits to the property resulting from services
24 afforded by the authority. The governing board of an authority may
25 determine that certain properties or types or classes of properties
26 are not receiving measurable benefits based on criteria they
27 establish by resolution. A benefit charge authorized by this chapter
28 is not applicable to the personal property or improvements to real
29 property of any individual, corporation, partnership, firm,
30 organization, or association maintaining a fire department and whose
31 fire protection and training system has been accepted by a fire
32 insurance underwriter maintaining a fire protection engineering and
33 inspection service authorized by the state insurance commissioner to
34 do business in this state, but the property may be protected by the
35 authority under a contractual agreement.

36 ~~((+3))~~ (5) For administrative purposes, the benefit charge
37 imposed on any individual property may be compiled into a single
38 charge, provided that the authority, upon request of the property
39 owner, provide an itemized list of charges for each measurable
40 benefit included in the charge.

1 ~~((4))~~ (6)(a) At the annual review of the fire benefit charge
2 mandated by RCW 52.26.230(2), if a fire service agency has
3 identified:

4 (i) A tax-exempt property under subsection (2)(b) of this section
5 as having a substantial increase in requested emergency services over
6 the previous year; or

7 (ii) A new tax-exempt property that is similar in size,
8 population, and geographic location as another such tax-exempt
9 property as having an increase in requested emergency services;
10 then the tax exempt property and the fire service agency must work
11 together, in good faith, to address the problem by implementing
12 community risk reduction efforts. The community risk reduction plan
13 may include but is not limited to wellness programs and community
14 action plans.

15 (b) At the subsequent annual review, if the heightened service
16 requirements have not been reasonably addressed by the joint
17 mitigation efforts, and the tax-exempt property owner has not acted
18 in good faith:

19 (i) The property is subject to assessment of the fire benefit
20 charge in the subsequent year, subject to approval by the board of
21 fire commissioners as outlined in RCW 52.26.230(2); or

22 (ii) The respective tax exempt property shall pay the fire
23 service agency a fire protection charge payment in lieu of a benefit
24 charge. The fire protection charge shall be an amount equivalent to
25 the benefit rates for similarly situated properties for that year.

26 (c) All tax exempt properties identified under subsection (2)(b)
27 of this section and all local fire service agencies are encouraged to
28 work collaboratively to develop and implement programs to address
29 proper usage of fire service resources for residents of the housing
30 properties.

31 (7) For the purposes of this section and RCW 52.26.190 through
32 52.26.270, the following definitions apply:

33 (a)(i) "Personal property" includes every form of tangible
34 personal property including, but not limited to, all goods, chattels,
35 stock in trade, estates, or crops.

36 (ii) "Personal property" does not include any personal property
37 used for farming, field crops, farm equipment, or livestock.

38 (b) "Improvements to real property" does not include permanent
39 growing crops, field improvements installed for the purpose of aiding

1 the growth of permanent crops, or other field improvements normally
2 not subject to damage by fire.

3 **Sec. 7.** RCW 52.26.020 and 2011 c 141 s 1 are each reenacted and
4 amended to read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

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

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

12 (3) "Fire protection jurisdiction" means a fire district,
13 regional fire protection service authority, city, town, port
14 district, municipal airport, or Indian tribe.

15 (4) "Participating fire protection jurisdiction" means a fire
16 protection jurisdiction participating in the formation or operation
17 of a regional fire protection service authority.

18 (5) "Regional fire protection service authority" or "authority"
19 means a municipal corporation, an independent taxing authority within
20 the meaning of Article VII, section 1 of the state Constitution, and
21 a taxing district within the meaning of Article VII, section 2 of the
22 state Constitution, whose boundaries are coextensive with two or more
23 adjacent fire protection jurisdictions and that has been created by a
24 vote of the people under this chapter to implement a regional fire
25 protection service authority plan.

26 (6) "Regional fire protection service authority plan" or "plan"
27 means a plan to develop and finance a regional fire protection
28 service authority project or projects((7)) including, but not limited
29 to, specific capital projects, fire operations and emergency service
30 operations pursuant to RCW 52.26.040(3)(b), and preservation and
31 maintenance of existing or future facilities.

32 (7) "Regional fire protection service authority planning
33 committee" or "planning committee" means the advisory committee
34 created under RCW 52.26.030 to create and propose to fire protection
35 jurisdictions a regional fire protection service authority plan to
36 design, finance, and develop fire protection and emergency service
37 projects.

38 (8) "Regular property taxes" has the same meaning as in RCW
39 84.04.140.

1 **Sec. 8.** RCW 52.26.030 and 2004 c 129 s 3 are each amended to
2 read as follows:

3 Regional fire protection service authority planning committees
4 are advisory entities that are created, convened, and empowered as
5 follows:

6 (1) Any two or more adjacent fire protection jurisdictions may
7 create a regional fire protection service authority and convene a
8 regional fire protection service authority planning committee. No
9 fire protection jurisdiction may participate in more than one created
10 authority.

11 (2) Each governing body of the fire protection jurisdictions
12 participating in planning under this chapter shall appoint three
13 elected officials to the authority planning committee. Members of the
14 planning committee may receive compensation of seventy dollars per
15 day, or portion thereof, not to exceed seven hundred dollars per
16 year, for attendance at planning committee meetings and for
17 performance of other services in behalf of the authority, and may be
18 reimbursed for travel and incidental expenses at the discretion of
19 their respective governing body.

20 (3) A regional fire protection service authority planning
21 committee may receive state funding, as appropriated by the
22 legislature, or county funding provided by the affected counties for
23 start-up funding to pay for salaries, expenses, overhead, supplies,
24 and similar expenses ordinarily and necessarily incurred. Upon
25 creation of a regional fire protection service authority, the
26 authority shall within one year reimburse the state or county for any
27 sums advanced for these start-up costs from the state or county.

28 (4) The planning committee shall conduct its affairs and
29 formulate a regional fire protection service authority plan as
30 provided under RCW 52.26.040.

31 (5) At its first meeting, a regional fire protection service
32 authority planning committee may elect officers and provide for the
33 adoption of rules and other operating procedures.

34 (6) The planning committee may dissolve itself at any time by a
35 majority vote of the total membership of the planning committee. Any
36 participating fire protection jurisdiction may withdraw upon thirty
37 calendar days' written notice to the other jurisdictions.

38 **Sec. 9.** RCW 84.52.010 and 2015 3rd sp.s. c 44 s 324 and 2015 3rd
39 sp.s. c 24 s 404 are each reenacted and amended to read as follows:

1 (1) Except as is permitted under RCW 84.55.050, all taxes must be
2 levied or voted in specific amounts.

3 (2) The rate percent of all taxes for state and county purposes,
4 and purposes of taxing districts coextensive with the county, must be
5 determined, calculated and fixed by the county assessors of the
6 respective counties, within the limitations provided by law, upon the
7 assessed valuation of the property of the county, as shown by the
8 completed tax rolls of the county, and the rate percent of all taxes
9 levied for purposes of taxing districts within any county must be
10 determined, calculated and fixed by the county assessors of the
11 respective counties, within the limitations provided by law, upon the
12 assessed valuation of the property of the taxing districts
13 respectively.

14 (3) When a county assessor finds that the aggregate rate of tax
15 levy on any property, that is subject to the limitations set forth in
16 RCW 84.52.043 or 84.52.050, exceeds the limitations provided in
17 either of these sections, the assessor must recompute and establish a
18 consolidated levy in the following manner:

19 (a) The full certified rates of tax levy for state, county,
20 county road district, regional transit authority, and city or town
21 purposes must be extended on the tax rolls in amounts not exceeding
22 the limitations established by law; however any state levy takes
23 precedence over all other levies and may not be reduced for any
24 purpose other than that required by RCW 84.55.010. If, as a result of
25 the levies imposed under RCW 36.54.130, 84.34.230, 84.52.069,
26 84.52.105, the portion of the levy by a metropolitan park district
27 that was protected under RCW 84.52.120, 84.52.125, 84.52.135,
28 84.52.140, and the protected portion of the levy under RCW 86.15.160
29 by flood control zone districts in a county with a population of
30 seven hundred seventy-five thousand or more that are coextensive with
31 a county, the combined rate of regular property tax levies that are
32 subject to the one percent limitation exceeds one percent of the true
33 and fair value of any property, then these levies must be reduced as
34 follows:

35 (i) The portion of the levy by a metropolitan park district that
36 has a population of less than one hundred fifty thousand and is
37 located in a county with a population of one million five hundred
38 thousand or more that is protected under RCW 84.52.120 must be
39 reduced until the combined rate no longer exceeds one percent of the
40 true and fair value of any property or must be eliminated;

1 (ii) If the combined rate of regular property tax levies that are
2 subject to the one percent limitation still exceeds one percent of
3 the true and fair value of any property, the protected portion of the
4 levy imposed under RCW 86.15.160 by a flood control zone district in
5 a county with a population of seven hundred seventy-five thousand or
6 more that is coextensive with a county must be reduced until the
7 combined rate no longer exceeds one percent of the true and fair
8 value of any property or must be eliminated;

9 (iii) If the combined rate of regular property tax levies that
10 are subject to the one percent limitation still exceeds one percent
11 of the true and fair value of any property, the levy imposed by a
12 county under RCW 84.52.140 must be reduced until the combined rate no
13 longer exceeds one percent of the true and fair value of any property
14 or must be eliminated;

15 (iv) If the combined rate of regular property tax levies that are
16 subject to the one percent limitation still exceeds one percent of
17 the true and fair value of any property, the portion of the levy by a
18 fire protection district or regional fire protection service
19 authority that is protected under RCW 84.52.125 must be reduced until
20 the combined rate no longer exceeds one percent of the true and fair
21 value of any property or must be eliminated;

22 (v) If the combined rate of regular property tax levies that are
23 subject to the one percent limitation still exceeds one percent of
24 the true and fair value of any property, the levy imposed by a county
25 under RCW 84.52.135 must be reduced until the combined rate no longer
26 exceeds one percent of the true and fair value of any property or
27 must be eliminated;

28 (vi) If the combined rate of regular property tax levies that are
29 subject to the one percent limitation still exceeds one percent of
30 the true and fair value of any property, the levy imposed by a ferry
31 district under RCW 36.54.130 must be reduced until the combined rate
32 no longer exceeds one percent of the true and fair value of any
33 property or must be eliminated;

34 (vii) If the combined rate of regular property tax levies that
35 are subject to the one percent limitation still exceeds one percent
36 of the true and fair value of any property, the portion of the levy
37 by a metropolitan park district with a population of one hundred
38 fifty thousand or more that is protected under RCW 84.52.120 must be
39 reduced until the combined rate no longer exceeds one percent of the
40 true and fair value of any property or must be eliminated;

1 (viii) If the combined rate of regular property tax levies that
2 are subject to the one percent limitation still exceeds one percent
3 of the true and fair value of any property, then the levies imposed
4 under RCW 84.34.230, 84.52.105, and any portion of the levy imposed
5 under RCW 84.52.069 that is in excess of thirty cents per thousand
6 dollars of assessed value, must be reduced on a pro rata basis until
7 the combined rate no longer exceeds one percent of the true and fair
8 value of any property or must be eliminated; and

9 (ix) If the combined rate of regular property tax levies that are
10 subject to the one percent limitation still exceeds one percent of
11 the true and fair value of any property, then the thirty cents per
12 thousand dollars of assessed value of tax levy imposed under RCW
13 84.52.069 must be reduced until the combined rate no longer exceeds
14 one percent of the true and fair value of any property or must be
15 eliminated.

16 (b) The certified rates of tax levy subject to these limitations
17 by all junior taxing districts imposing taxes on such property must
18 be reduced or eliminated as follows to bring the consolidated levy of
19 taxes on such property within the provisions of these limitations:

20 (i) First, the certified property tax levy authorized under RCW
21 84.52.821 must be reduced on a pro rata basis or eliminated;

22 (ii) Second, if the consolidated tax levy rate still exceeds
23 these limitations, the certified property tax levy rates of those
24 junior taxing districts authorized under RCW 36.68.525, 36.69.145,
25 35.95A.100, and 67.38.130 must be reduced on a pro rata basis or
26 eliminated;

27 (iii) Third, if the consolidated tax levy rate still exceeds
28 these limitations, the certified property tax levy rates of flood
29 control zone districts other than the portion of a levy protected
30 under RCW 84.52.815 must be reduced on a pro rata basis or
31 eliminated;

32 (iv) Fourth, if the consolidated tax levy rate still exceeds
33 these limitations, the certified property tax levy rates of all other
34 junior taxing districts, other than fire protection districts,
35 regional fire protection service authorities, library districts, the
36 first fifty cent per thousand dollars of assessed valuation levies
37 for metropolitan park districts, and the first fifty cent per
38 thousand dollars of assessed valuation levies for public hospital
39 districts, must be reduced on a pro rata basis or eliminated;

1 (v) Fifth, if the consolidated tax levy rate still exceeds these
2 limitations, the first fifty cent per thousand dollars of assessed
3 valuation levies for metropolitan park districts created on or after
4 January 1, 2002, must be reduced on a pro rata basis or eliminated;

5 (vi) Sixth, if the consolidated tax levy rate still exceeds these
6 limitations, the certified property tax levy rates authorized to fire
7 protection districts under RCW 52.16.140 and 52.16.160 and regional
8 fire protection service authorities under RCW 52.26.140(1) (b) and
9 (c) must be reduced on a pro rata basis or eliminated; and

10 (vii) Seventh, if the consolidated tax levy rate still exceeds
11 these limitations, the certified property tax levy rates authorized
12 for fire protection districts under RCW 52.16.130, regional fire
13 protection service authorities under RCW 52.26.140(1)(a), library
14 districts, metropolitan park districts created before January 1,
15 2002, under their first fifty cent per thousand dollars of assessed
16 valuation levy, and public hospital districts under their first fifty
17 cent per thousand dollars of assessed valuation levy, must be reduced
18 on a pro rata basis or eliminated.

19 **Sec. 10.** RCW 84.52.010 and 2015 3rd sp.s. c 44 s 325 and 2015
20 3rd sp.s. c 24 s 405 are each reenacted and amended to read as
21 follows:

22 (1) Except as is permitted under RCW 84.55.050, all taxes must be
23 levied or voted in specific amounts.

24 (2) The rate percent of all taxes for state and county purposes,
25 and purposes of taxing districts coextensive with the county, must be
26 determined, calculated and fixed by the county assessors of the
27 respective counties, within the limitations provided by law, upon the
28 assessed valuation of the property of the county, as shown by the
29 completed tax rolls of the county, and the rate percent of all taxes
30 levied for purposes of taxing districts within any county must be
31 determined, calculated and fixed by the county assessors of the
32 respective counties, within the limitations provided by law, upon the
33 assessed valuation of the property of the taxing districts
34 respectively.

35 (3) When a county assessor finds that the aggregate rate of tax
36 levy on any property, that is subject to the limitations set forth in
37 RCW 84.52.043 or 84.52.050, exceeds the limitations provided in
38 either of these sections, the assessor must recompute and establish a
39 consolidated levy in the following manner:

1 (a) The full certified rates of tax levy for state, county,
2 county road district, regional transit authority, and city or town
3 purposes must be extended on the tax rolls in amounts not exceeding
4 the limitations established by law; however any state levy takes
5 precedence over all other levies and may not be reduced for any
6 purpose other than that required by RCW 84.55.010. If, as a result of
7 the levies imposed under RCW 36.54.130, 84.34.230, 84.52.069,
8 84.52.105, the portion of the levy by a metropolitan park district
9 that was protected under RCW 84.52.120, 84.52.125, 84.52.135, and
10 84.52.140, and the portion of the levy by a flood control zone
11 district that was protected under RCW 84.52.816, the combined rate of
12 regular property tax levies that are subject to the one percent
13 limitation exceeds one percent of the true and fair value of any
14 property, then these levies must be reduced as follows:

15 (i) The portion of the levy by a flood control zone district that
16 was protected under RCW 84.52.816 must be reduced until the combined
17 rate no longer exceeds one percent of the true and fair value of any
18 property or must be eliminated;

19 (ii) If the combined rate of regular property tax levies that are
20 subject to the one percent limitation still exceeds one percent of
21 the true and fair value of any property, the levy imposed by a county
22 under RCW 84.52.140 must be reduced until the combined rate no longer
23 exceeds one percent of the true and fair value of any property or
24 must be eliminated;

25 (iii) If the combined rate of regular property tax levies that
26 are subject to the one percent limitation still exceeds one percent
27 of the true and fair value of any property, the portion of the levy
28 by a fire protection district or regional fire protection service
29 authority that is protected under RCW 84.52.125 must be reduced until
30 the combined rate no longer exceeds one percent of the true and fair
31 value of any property or must be eliminated;

32 (iv) If the combined rate of regular property tax levies that are
33 subject to the one percent limitation still exceeds one percent of
34 the true and fair value of any property, the levy imposed by a county
35 under RCW 84.52.135 must be reduced until the combined rate no longer
36 exceeds one percent of the true and fair value of any property or
37 must be eliminated;

38 (v) If the combined rate of regular property tax levies that are
39 subject to the one percent limitation still exceeds one percent of
40 the true and fair value of any property, the levy imposed by a ferry

1 district under RCW 36.54.130 must be reduced until the combined rate
2 no longer exceeds one percent of the true and fair value of any
3 property or must be eliminated;

4 (vi) If the combined rate of regular property tax levies that are
5 subject to the one percent limitation still exceeds one percent of
6 the true and fair value of any property, the portion of the levy by a
7 metropolitan park district that is protected under RCW 84.52.120 must
8 be reduced until the combined rate no longer exceeds one percent of
9 the true and fair value of any property or must be eliminated;

10 (vii) If the combined rate of regular property tax levies that
11 are subject to the one percent limitation still exceeds one percent
12 of the true and fair value of any property, then the levies imposed
13 under RCW 84.34.230, 84.52.105, and any portion of the levy imposed
14 under RCW 84.52.069 that is in excess of thirty cents per thousand
15 dollars of assessed value, must be reduced on a pro rata basis until
16 the combined rate no longer exceeds one percent of the true and fair
17 value of any property or must be eliminated; and

18 (viii) If the combined rate of regular property tax levies that
19 are subject to the one percent limitation still exceeds one percent
20 of the true and fair value of any property, then the thirty cents per
21 thousand dollars of assessed value of tax levy imposed under RCW
22 84.52.069 must be reduced until the combined rate no longer exceeds
23 one percent of the true and fair value of any property or eliminated.

24 (b) The certified rates of tax levy subject to these limitations
25 by all junior taxing districts imposing taxes on such property must
26 be reduced or eliminated as follows to bring the consolidated levy of
27 taxes on such property within the provisions of these limitations:

28 (i) First, the certified property tax levy authorized under RCW
29 84.52.821 must be reduced on a pro rata basis or eliminated;

30 (ii) Second, if the consolidated tax levy rate still exceeds
31 these limitations, the certified property tax levy rates of those
32 junior taxing districts authorized under RCW 36.68.525, 36.69.145,
33 35.95A.100, and 67.38.130 must be reduced on a pro rata basis or
34 eliminated;

35 (iii) Third, if the consolidated tax levy rate still exceeds
36 these limitations, the certified property tax levy rates of flood
37 control zone districts other than the portion of a levy protected
38 under RCW 84.52.816 must be reduced on a pro rata basis or
39 eliminated;

1 (iv) Fourth, if the consolidated tax levy rate still exceeds
2 these limitations, the certified property tax levy rates of all other
3 junior taxing districts, other than fire protection districts,
4 regional fire protection service authorities, library districts, the
5 first fifty cent per thousand dollars of assessed valuation levies
6 for metropolitan park districts, and the first fifty cent per
7 thousand dollars of assessed valuation levies for public hospital
8 districts, must be reduced on a pro rata basis or eliminated;

9 (v) Fifth, if the consolidated tax levy rate still exceeds these
10 limitations, the first fifty cent per thousand dollars of assessed
11 valuation levies for metropolitan park districts created on or after
12 January 1, 2002, must be reduced on a pro rata basis or eliminated;

13 (vi) Sixth, if the consolidated tax levy rate still exceeds these
14 limitations, the certified property tax levy rates authorized to fire
15 protection districts under RCW 52.16.140 and 52.16.160 and regional
16 fire protection service authorities under RCW 52.26.140(1) (b) and
17 (c) must be reduced on a pro rata basis or eliminated; and

18 (vii) Seventh, if the consolidated tax levy rate still exceeds
19 these limitations, the certified property tax levy rates authorized
20 for fire protection districts under RCW 52.16.130, regional fire
21 protection service authorities under RCW 52.26.140(1)(a), library
22 districts, metropolitan park districts created before January 1,
23 2002, under their first fifty cent per thousand dollars of assessed
24 valuation levy, and public hospital districts under their first fifty
25 cent per thousand dollars of assessed valuation levy, must be reduced
26 on a pro rata basis or eliminated.

27 **Sec. 11.** RCW 84.52.043 and 2015 3rd sp.s. c 44 s 322 are each
28 amended to read as follows:

29 Within and subject to the limitations imposed by RCW 84.52.050 as
30 amended, the regular ad valorem tax levies upon real and personal
31 property by the taxing districts hereafter named are as follows:

32 (1) Levies of the senior taxing districts are as follows: (a) The
33 levy by the state may not exceed three dollars and sixty cents per
34 thousand dollars of assessed value adjusted to the state equalized
35 value in accordance with the indicated ratio fixed by the state
36 department of revenue to be used exclusively for the support of the
37 common schools; (b) the levy by any county may not exceed one dollar
38 and eighty cents per thousand dollars of assessed value; (c) the levy
39 by any road district may not exceed two dollars and twenty-five cents

1 per thousand dollars of assessed value; and (d) the levy by any city
2 or town may not exceed three dollars and thirty-seven and one-half
3 cents per thousand dollars of assessed value. However any county is
4 hereby authorized to increase its levy from one dollar and eighty
5 cents to a rate not to exceed two dollars and forty-seven and one-
6 half cents per thousand dollars of assessed value for general county
7 purposes if the total levies for both the county and any road
8 district within the county do not exceed four dollars and five cents
9 per thousand dollars of assessed value, and no other taxing district
10 has its levy reduced as a result of the increased county levy.

11 (2) The aggregate levies of junior taxing districts and senior
12 taxing districts, other than the state, may not exceed five dollars
13 and ninety cents per thousand dollars of assessed valuation. The term
14 "junior taxing districts" includes all taxing districts other than
15 the state, counties, road districts, cities, towns, port districts,
16 and public utility districts. The limitations provided in this
17 subsection do not apply to: (a) Levies at the rates provided by
18 existing law by or for any port or public utility district; (b)
19 excess property tax levies authorized in Article VII, section 2 of
20 the state Constitution; (c) levies for acquiring conservation futures
21 as authorized under RCW 84.34.230; (d) levies for emergency medical
22 care or emergency medical services imposed under RCW 84.52.069; (e)
23 levies to finance affordable housing for very low-income housing
24 imposed under RCW 84.52.105; (f) the portions of levies by
25 metropolitan park districts that are protected under RCW 84.52.120;
26 (g) levies imposed by ferry districts under RCW 36.54.130; (h) levies
27 for criminal justice purposes under RCW 84.52.135; (i) the portions
28 of levies by fire protection districts and regional fire protection
29 service authorities that are protected under RCW 84.52.125; (j)
30 levies by counties for transit-related purposes under RCW 84.52.140;
31 (k) the protected portion of the levies imposed under RCW 86.15.160
32 by flood control zone districts in a county with a population of
33 seven hundred seventy-five thousand or more that are coextensive with
34 a county; and (l) levies imposed by a regional transit authority
35 under RCW 81.104.175.

36 **Sec. 12.** RCW 84.52.043 and 2015 3rd sp.s. c 44 s 323 are each
37 amended to read as follows:

1 Within and subject to the limitations imposed by RCW 84.52.050 as
2 amended, the regular ad valorem tax levies upon real and personal
3 property by the taxing districts hereafter named are as follows:

4 (1) Levies of the senior taxing districts are as follows: (a) The
5 levy by the state may not exceed three dollars and sixty cents per
6 thousand dollars of assessed value adjusted to the state equalized
7 value in accordance with the indicated ratio fixed by the state
8 department of revenue to be used exclusively for the support of the
9 common schools; (b) the levy by any county may not exceed one dollar
10 and eighty cents per thousand dollars of assessed value; (c) the levy
11 by any road district may not exceed two dollars and twenty-five cents
12 per thousand dollars of assessed value; and (d) the levy by any city
13 or town may not exceed three dollars and thirty-seven and one-half
14 cents per thousand dollars of assessed value. However any county is
15 hereby authorized to increase its levy from one dollar and eighty
16 cents to a rate not to exceed two dollars and forty-seven and one-
17 half cents per thousand dollars of assessed value for general county
18 purposes if the total levies for both the county and any road
19 district within the county do not exceed four dollars and five cents
20 per thousand dollars of assessed value, and no other taxing district
21 has its levy reduced as a result of the increased county levy.

22 (2) The aggregate levies of junior taxing districts and senior
23 taxing districts, other than the state, may not exceed five dollars
24 and ninety cents per thousand dollars of assessed valuation. The term
25 "junior taxing districts" includes all taxing districts other than
26 the state, counties, road districts, cities, towns, port districts,
27 and public utility districts. The limitations provided in this
28 subsection do not apply to: (a) Levies at the rates provided by
29 existing law by or for any port or public utility district; (b)
30 excess property tax levies authorized in Article VII, section 2 of
31 the state Constitution; (c) levies for acquiring conservation futures
32 as authorized under RCW 84.34.230; (d) levies for emergency medical
33 care or emergency medical services imposed under RCW 84.52.069; (e)
34 levies to finance affordable housing for very low-income housing
35 imposed under RCW 84.52.105; (f) the portions of levies by
36 metropolitan park districts that are protected under RCW 84.52.120;
37 (g) levies imposed by ferry districts under RCW 36.54.130; (h) levies
38 for criminal justice purposes under RCW 84.52.135; (i) the portions
39 of levies by fire protection districts and regional fire protection
40 service authorities that are protected under RCW 84.52.125; (j)

1 levies by counties for transit-related purposes under RCW 84.52.140;
2 (k) the portion of the levy by flood control zone districts that are
3 protected under RCW 84.52.816; and (l) levies imposed by a regional
4 transit authority under RCW 81.104.175.

5 **Sec. 13.** RCW 84.52.125 and 2005 c 122 s 1 are each amended to
6 read as follows:

7 A fire protection district or regional fire protection service
8 authority may protect the district's or authority's tax levy from
9 prorationing under RCW 84.52.010(~~((2))~~) (3)(b) by imposing up to a
10 total of twenty-five cents per thousand dollars of assessed value of
11 the tax levies authorized under RCW 52.16.140 and 52.16.160, or
12 52.26.140(1) (b) and (c) outside of the five dollars and ninety cents
13 per thousand dollars of assessed valuation limitation established
14 under RCW 84.52.043(2), if those taxes otherwise would be prorated
15 under RCW 84.52.010(~~((2)(e))~~) (3)(b)(vi).

16 **Sec. 14.** RCW 52.26.070 and 2006 c 200 s 5 are each amended to
17 read as follows:

18 If the voters approve the plan, including creation of a regional
19 fire protection service authority and imposition of taxes and benefit
20 charges, if any, the authority is formed on the effective date as set
21 forth in the plan or the next January 1st or July 1st, whichever
22 occurs first. The appropriate county election officials shall, within
23 fifteen days of the final certification of the election results,
24 publish a notice in a newspaper or newspapers of general circulation
25 in the authority declaring the authority formed. A party challenging
26 the procedure or the formation of a voter-approved authority must
27 file the challenge in writing by serving the prosecuting attorney of
28 each county within, or partially within, the regional fire protection
29 service authority and the attorney general within thirty days after
30 the final certification of the election. Failure to challenge within
31 that time forever bars further challenge of the authority's valid
32 formation.

33 NEW SECTION. **Sec. 15.** Sections 5 and 6 of this act apply to
34 benefit charges approved after the effective date of this section.

35 NEW SECTION. **Sec. 16.** Section 9 of this act expires January 1,
36 2018.

1 NEW SECTION. **Sec. 17.** Section 10 of this act takes effect
2 January 1, 2018.

3 NEW SECTION. **Sec. 18.** Sections 9 through 13 of this act apply
4 to property taxes levied for collection in 2018 and thereafter.

5 NEW SECTION. **Sec. 19.** Section 11 of this act expires January 1,
6 2018.

7 NEW SECTION. **Sec. 20.** Section 12 of this act takes effect
8 January 1, 2018.

9 NEW SECTION. **Sec. 21.** Except for sections 10 and 12 of this
10 act, this act is necessary for the immediate preservation of the
11 public peace, health, or safety, or support of the state government
12 and its existing public institutions, and takes effect immediately.

--- END ---