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**SUBSTITUTE HOUSE BILL 1345**

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**State of Washington                      58th Legislature                      2003 Regular Session**

**By** House Committee on Local Government (originally sponsored by Representatives Cooper, Haigh, Simpson, Dunshee and Ericksen)

READ FIRST TIME 03/05/03.

1            AN ACT Relating to creating regional fire protection service  
2 authorities; amending RCW 57.90.010, 84.09.030, and 84.52.069;  
3 reenacting and amending RCW 84.52.010 and 84.52.052; adding a new  
4 section to chapter 84.52 RCW; adding a new chapter to Title 52 RCW; and  
5 creating a new section.

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

7            NEW SECTION.    **Sec. 1.** FINDINGS. The legislature finds that:

8            (1) The ability to respond to emergency situations by many of  
9 Washington state's fire protection jurisdictions have not kept up with  
10 the state's needs, particularly in urban regions;

11            (2) Providing a fire protection service system requires a shared  
12 partnership and responsibility between the federal, state, local, and  
13 regional governments and the private sector;

14            (3) There are efficiencies to be gained by regional fire protection  
15 service delivery while retaining local control; and

16            (4) Timely development of significant projects can best be achieved  
17 through enhanced funding options for regional fire protection service  
18 agencies, using already existing tax authority to address fire

1 protection emergency service needs and new authority to address  
2 critical fire protection projects and emergency services.

3 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this  
4 section apply throughout this chapter unless the context clearly  
5 requires otherwise.

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

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

16 (3) "Regional fire protection service authority planning committee"  
17 or "planning committee" means the advisory committee created under  
18 section 3 of this act to create and propose to fire protection  
19 jurisdictions a regional fire protection service authority plan to  
20 design, finance, and develop fire protection service projects.

21 (4) "Regional fire protection service authority plan" or "plan"  
22 means a plan to develop and finance a fire protection service authority  
23 project or projects, including, but not limited to, specific capital  
24 projects, fire and emergency service operations, and preservation and  
25 maintenance of existing or future facilities.

26 (5) "Fire protection jurisdiction" means a fire district, city,  
27 town, port district, or Indian tribe.

28 (6) "Regular property taxes" has the same meaning as in RCW  
29 84.04.140.

30 (7)(a) "Personal property" includes every form of tangible personal  
31 property including, but not limited to, all goods, chattels, stock in  
32 trade, estates, or crops.

33 (b) "Personal property" does not include any personal property used  
34 for farming, field crops, farm equipment, or livestock.

35 (8) "Improvements to real property" does not include permanent  
36 growing crops, field improvements installed for the purpose of aiding

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

3 NEW SECTION. **Sec. 3.** PLANNING COMMITTEE FORMATION. Regional fire  
4 protection service authority planning committees are advisory entities  
5 that are created, convened, and empowered as 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.

9 (2) Each governing body of the fire protection jurisdictions  
10 participating in planning under this chapter shall appoint three  
11 elected officials to the authority planning committee. Members of the  
12 planning committee may receive compensation and may be reimbursed for  
13 travel and incidental expenses at the discretion of their respective  
14 governing body.

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

23 (4) The planning committee shall conduct its affairs and formulate  
24 a regional fire protection service authority plan as provided under  
25 section 4 of this act.

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

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

33 NEW SECTION. **Sec. 4.** PLANNING COMMITTEE DUTIES. (1) A regional  
34 fire protection service authority planning committee shall adopt a  
35 regional fire protection service authority plan providing for the

1 design, financing, and development of fire protection services. The  
2 planning committee may consider the following factors in formulating  
3 its plan:

4 (a) Land use planning criteria; and

5 (b) The input of cities and counties located within, or partially  
6 within, a participating fire protection jurisdiction.

7 (2) The planning committee may coordinate its activities with  
8 neighboring cities, towns, and other local governments that engage in  
9 fire protection planning.

10 (3) The planning committee shall:

11 (a) Create opportunities for public input in the development of the  
12 plan;

13 (b) Adopt a plan proposing the creation of a regional fire  
14 protection service authority and recommending design, financing, and  
15 development of fire protection and emergency service facilities and  
16 operations, including maintenance and preservation of facilities or  
17 systems; and

18 (c) Recommend sources of revenue authorized by section 5 of this  
19 act and a financing plan to fund selected fire protection service  
20 projects.

21 (4) Once adopted, the plan must be forwarded to the participating  
22 fire protection jurisdictions' governing bodies to initiate the  
23 election process under section 6 of this act.

24 (5) If the ballot measure is not approved, the planning committee  
25 may redefine the selected regional fire protection service authority  
26 projects, financing plan, and the ballot measure. The fire protection  
27 jurisdictions' governing bodies may approve the new plan and ballot  
28 measure, and may then submit the revised proposition to the voters at  
29 a subsequent election or a special election. If a ballot measure is  
30 not approved by the voters by the third vote, the planning committee is  
31 dissolved.

32 NEW SECTION. **Sec. 5. TAXES AND FEES.** (1) A regional fire  
33 protection service authority planning committee may, as part of a  
34 regional fire protection service authority plan, recommend the  
35 imposition of some or all of the following revenue sources, which a  
36 regional fire protection service authority may impose upon approval of  
37 the voters as provided in this chapter:

- 1 (a) Benefit charges under sections 24 through 33 of this act;  
2 (b) Property taxes under sections 15 through 18 and 20 of this act  
3 and RCW 84.09.030, 84.52.010, 84.52.052, and 84.52.069; or  
4 (c) Both (a) and (b) of this subsection.

5 (2) Taxes and benefit charges may not be imposed unless they are  
6 identified in the regional fire protection service authority plan and  
7 approved by an affirmative vote of the majority of the voters within  
8 the boundaries of the authority voting on a ballot proposition as set  
9 forth in section 6 of this act. Revenues from these taxes and benefit  
10 charges may be used only to implement the plan as set forth in this  
11 chapter.

12 NEW SECTION. **Sec. 6.** SUBMISSION OF PLAN TO THE VOTERS. The  
13 governing bodies of two or more adjacent fire protection jurisdictions,  
14 upon receipt of the regional fire protection service authority plan  
15 under section 4 of this act, may certify the plan to the ballot,  
16 including identification of the tax options necessary to fund the plan.  
17 The governing bodies of the fire protection jurisdictions may draft a  
18 ballot title, give notice as required by law for ballot measures, and  
19 perform other duties as required to put the plan before the voters of  
20 the proposed authority for their approval or rejection as a single  
21 ballot measure that both approves formation of the authority and  
22 approves the plan. Authorities may negotiate interlocal agreements  
23 necessary to implement the plan. The electorate is the voters voting  
24 within the boundaries of the proposed regional fire protection service  
25 authority. A simple majority of the total persons voting on the single  
26 ballot measure to approve the plan, establish the authority, and  
27 approve the taxes is required for approval. The authority must act in  
28 accordance with the general election laws of the state. The authority  
29 is liable for its proportionate share of the costs when the elections  
30 are held under RCW 29.13.010 and 29.13.020.

31 NEW SECTION. **Sec. 7.** CERTIFICATION OF FORMATION. If the voters  
32 approve the plan, including creation of a regional fire protection  
33 service authority and imposition of taxes, if any, the authority is  
34 formed. The appropriate county election officials shall, within  
35 fifteen days of the final certification of the election results,  
36 publish a notice in a newspaper or newspapers of general circulation in

1 the authority declaring the authority formed. A party challenging the  
2 procedure or the formation of a voter-approved authority must file the  
3 challenge in writing by serving the prosecuting attorney of each county  
4 within, or partially within, the regional fire protection service  
5 authority and the attorney general within thirty days after the final  
6 certification of the election. Failure to challenge within that time  
7 forever bars further challenge of the authority's valid formation.

8 NEW SECTION. **Sec. 8.** BOARD ORGANIZATION AND COMPOSITION. (1) The  
9 board shall adopt rules for the conduct of business. The board shall  
10 adopt bylaws to govern authority affairs, which may include:

- 11 (a) The time and place of regular meetings;
- 12 (b) Rules for calling special meetings;
- 13 (c) The method of keeping records of proceedings and official acts;
- 14 (d) Procedures for the safekeeping and disbursement of funds; and
- 15 (e) Any other provisions the board finds necessary to include.

16 (2) The governing board shall be determined by the plan and consist  
17 solely of elected officials.

18 NEW SECTION. **Sec. 9.** BOARD'S POWERS AND DUTIES. (1) The  
19 governing board of the authority is responsible for the execution of  
20 the voter-approved plan. Participating jurisdictions shall review the  
21 plan every ten years. The board shall:

- 22 (a) Levy and impose taxes as authorized in the plan and approved by  
23 authority voters;
- 24 (b) Enter into agreements with federal, state, local, and regional  
25 entities and departments as necessary to accomplish authority purposes  
26 and protect the authority's investments;
- 27 (c) Accept gifts, grants, or other contributions of funds that will  
28 support the purposes and programs of the authority;
- 29 (d) Monitor and audit the progress and execution of fire protection  
30 service projects to protect the investment of the public and annually  
31 make public its findings;
- 32 (e) Pay for services and enter into leases and contracts, including  
33 professional service contracts;
- 34 (f) Hire, manage, and terminate employees; and
- 35 (g) Exercise other powers and duties as may be reasonable to carry  
36 out the purposes of the authority.

1 (2) An authority may acquire, hold, or dispose of real property.

2 (3) An authority may exercise the powers of eminent domain.

3 (4) An authority may enforce fire codes as provided under chapter  
4 19.27 RCW.

5 NEW SECTION. **Sec. 10.** TRANSFER OF RESPONSIBILITIES. (1) All  
6 powers, duties, and functions of a participating fire protection  
7 jurisdiction pertaining to providing fire protection services may be  
8 transferred, by resolution, to the regional fire protection service  
9 authority.

10 (2)(a) All reports, documents, surveys, books, records, files,  
11 papers, or written material in the possession of the participating fire  
12 protection jurisdiction pertaining to the powers, functions, and duties  
13 transferred shall be delivered to the custody of the regional fire  
14 protection service authority. All real property and personal property  
15 including cabinets, furniture, office equipment, motor vehicles, and  
16 other tangible property employed by the participating fire protection  
17 jurisdiction in carrying out the powers, functions, and duties  
18 transferred shall be made available to the regional fire protection  
19 service authority. All funds, credits, or other assets held in  
20 connection with the powers, functions, and duties transferred shall be  
21 assigned to the regional fire protection service authority.

22 (b) Any appropriations made to the participating fire protection  
23 jurisdiction for carrying out the powers, functions, and duties  
24 transferred shall, on the effective date of the resolution, be  
25 transferred and credited to the regional fire protection service  
26 authority.

27 (c) Whenever any question arises as to the transfer of any  
28 personnel, funds, books, documents, records, papers, files, equipment,  
29 or other tangible property used or held in the exercise of the powers  
30 and the performance of the duties and functions transferred, the  
31 governing body of the participating fire protection jurisdiction shall  
32 make a determination as to the proper allocation.

33 (3) All rules and all pending business before the participating  
34 fire protection jurisdiction pertaining to the powers, functions, and  
35 duties transferred shall be continued and acted upon by the regional  
36 fire protection service authority. All existing contracts and

1 obligations shall remain in full force and shall be performed by the  
2 regional fire protection service authority.

3 (4) The transfer of the powers, duties, functions, and personnel of  
4 the participating fire protection jurisdiction shall not affect the  
5 validity of any act performed before the effective date of the  
6 resolution.

7 (5) If apportionments of budgeted funds are required because of the  
8 transfers directed by the resolution, the treasurer under section 18 of  
9 this act shall certify the apportionments.

10 (6) Nothing contained in this section may be construed to alter any  
11 existing collective bargaining unit or the provisions of any existing  
12 collective bargaining agreement until the agreement has expired or  
13 until the bargaining unit has been modified as provided by law. RCW  
14 35.13.215 through 35.13.235 apply to the transfer of employees under  
15 this section.

16 NEW SECTION. **Sec. 11. WITHDRAWAL.** (1) As provided in this  
17 section, a regional fire protection service authority may withdraw  
18 areas from its boundaries.

19 (2) The withdrawal of an area is authorized upon: (a) Adoption of  
20 a resolution by the board requesting the withdrawal and finding that,  
21 in the opinion of the board, inclusion of this area within the regional  
22 fire protection service authority will result in a reduction of the  
23 district's tax levy rate under the provisions of RCW 84.52.010; or (b)  
24 adoption of a resolution by the city or town council approving the  
25 withdrawal, if the area is located within the city or town, or adoption  
26 of a resolution by the fire district or authorities of the fire  
27 district within which the area is located approving the withdrawal, if  
28 the area is located outside of a city or town. A withdrawal is  
29 effective at the end of the day on the thirty-first day of December in  
30 the year in which the resolutions under (b) of this subsection are  
31 adopted, but for purposes of establishing boundaries for property tax  
32 purposes, the boundaries shall be established immediately upon the  
33 adoption of the second resolution.

34 (3)(a) The authority of an area to be withdrawn from a regional  
35 fire protection service authority as provided under this section is in  
36 addition to, and not subject to, section 10(6) of this act.



1 (b) The withdrawal of an area from the boundaries of a regional  
2 fire protection service authority does not exempt any property therein  
3 from taxation for the purpose of paying the costs of redeeming any  
4 indebtedness of the fire protection district existing at the time of  
5 withdrawal.

6 NEW SECTION. **Sec. 12.** DISSOLUTION--ELECTION. Any fire protection  
7 district within the authority may be dissolved by a majority vote of  
8 the registered electors of the district at an election conducted by the  
9 election officials of the county or counties in which the district is  
10 located in accordance with the general election laws of the state. The  
11 proceedings for dissolution may be initiated by the adoption of a  
12 resolution by the board. The dissolution of the district shall not  
13 cancel outstanding obligations of the district or of a local  
14 improvement district within the district, and the county legislative  
15 authority or authorities of the county or counties in which the  
16 district was located may make annual levies against the lands within  
17 the district until the obligations of the districts are paid. All  
18 powers, duties, and functions of a dissolved fire protection  
19 jurisdiction within the authority boundaries, pertaining to providing  
20 fire protection services may be transferred, by resolution, to the  
21 regional fire protection service authority.

22 **Sec. 13.** RCW 57.90.010 and 1999 c 153 s 24 are each amended to  
23 read as follows:

24 Water-sewer, park and recreation, metropolitan park, county rural  
25 library, cemetery, flood control, mosquito control, diking and  
26 drainage, irrigation or reclamation, weed, health, or fire protection  
27 districts, and any air pollution control authority or regional fire  
28 protection service authority, hereinafter referred to as "special  
29 districts," which are located wholly or in part within a county with a  
30 population of two hundred ten thousand or more may be disincorporated  
31 when the district has not actively carried out any of the special  
32 purposes or functions for which it was formed within the preceding  
33 consecutive five-year period.

34 NEW SECTION. **Sec. 14.** DEBT AND BONDING. Unless contrary to this  
35 section, chapter 39.42 RCW applies to debt and bonding under this

1 section. The authority may borrow money, but may not issue any debt of  
2 its own for more than ten years' duration. An authority may issue  
3 notes or other evidences of indebtedness with a maturity of not more  
4 than twenty years. An authority may, when authorized by the plan,  
5 enter into agreements with the state to pledge taxes or other revenues  
6 of the authority for the purpose of paying in part or whole principal  
7 and interest on bonds issued by the authority. The contracts pledging  
8 revenues and taxes are binding for the term of the agreement, but not  
9 to exceed twenty-five years, and no tax pledged by an agreement may be  
10 eliminated or modified if it would impair the pledge of the agreement.

11 NEW SECTION. **Sec. 15.** (1) To carry out the purposes for which a  
12 regional fire protection service authority is created, as authorized in  
13 the plan and approved by the voters, the governing board of an  
14 authority may annually levy the following taxes:

15 (a) An ad valorem tax on all taxable property located within the  
16 authority not to exceed fifty cents per thousand dollars of assessed  
17 value;

18 (b) An ad valorem tax on all property located within the authority  
19 not to exceed fifty cents per thousand dollars of assessed value and  
20 which will not cause the combined levies to exceed the constitutional  
21 or statutory limitations. This levy, or any portion of this levy, may  
22 also be made when dollar rates of other taxing units are released by  
23 agreement with the other taxing units from their authorized levies; and

24 (c) An ad valorem tax on all taxable property located within the  
25 authority not to exceed fifty cents per thousand dollars of assessed  
26 value if the authority has at least one full-time, paid employee, or  
27 contracts with another municipal corporation for the services of at  
28 least one full-time, paid employee. This levy may be made only if it  
29 will not affect dollar rates which other taxing districts may lawfully  
30 claim nor cause the combined levies to exceed the constitutional or  
31 statutory limitations or both.

32 (2) Levies in excess of the amounts provided in subsection (1) of  
33 this section or in excess of the aggregate dollar rate limitations or  
34 both may be made for any authority purpose when so authorized at a  
35 special election under RCW 84.52.052. Any such tax when levied must be  
36 certified to the proper county officials for the collection of the tax  
37 as for other general taxes. The taxes when collected shall be placed

1 in the appropriate authority fund or funds as provided by law, and must  
2 be paid out on warrants of the auditor of the county in which all, or  
3 the largest portion of, the authority is located, upon authorization of  
4 the governing board of the authority.

5 (3) Authorities are additionally authorized to incur general  
6 indebtedness and to issue general obligation bonds for capital purposes  
7 as provided in section 14 of this act. Authorities may provide for the  
8 retirement of general indebtedness by excess property tax levies, when  
9 the voters of the authority have approved a proposition authorizing  
10 such indebtedness and levies by an affirmative vote of three-fifths of  
11 those voting on the proposition at such an election, at which election  
12 the total number of persons voting shall constitute not less than forty  
13 percent of the voters in the authority who voted at the last preceding  
14 state general election. Elections must be held as provided in RCW  
15 39.36.050. The maximum term of any bonds issued under the authority of  
16 this section may not exceed ten years and must be issued and sold in  
17 accordance with chapter 39.46 RCW.

18 (4) For purposes of this section, the term "value of the taxable  
19 property" has the same meaning as in RCW 39.36.015.

20 NEW SECTION. **Sec. 16.** At the time of making general tax levies in  
21 each year, the county legislative authority or authorities of the  
22 county or counties in which a regional fire protection service  
23 authority is located shall make the required levies for authority  
24 purposes against the real and personal property in the authority in  
25 accordance with the equalized valuations of the property for general  
26 tax purposes and as a part of the general taxes. The tax levies are  
27 part of the general tax roll and must be collected as a part of the  
28 general taxes against the property in the authority.

29 NEW SECTION. **Sec. 17.** In the event that lands lie within both a  
30 regional fire protection service authority and a forest protection  
31 assessment area they shall be taxed and assessed as follows:

32 (1) If the lands are wholly unimproved, they are subject to forest  
33 protection assessments but not to authority levies;

34 (2) If the lands are wholly improved, they are subject to authority  
35 levies but not to forest protection assessments; and

1 (3) If the lands are partly improved and partly unimproved, they  
2 are subject both to authority levies and to forest protection  
3 assessments. However, upon request, accompanied by appropriate legal  
4 descriptions, the county assessor shall segregate any unimproved  
5 portions which each consist of twenty or more acres, and thereafter the  
6 unimproved portion or portions are subject only to forest protection  
7 assessments.

8 NEW SECTION. **Sec. 18.** It is the duty of the county treasurer of  
9 the county in which the regional fire protection service authority  
10 created under this chapter is located to collect taxes authorized and  
11 levied under this chapter. However, when a regional fire protection  
12 service authority is located in more than one county, the county  
13 treasurer of each county in which the authority is located shall  
14 collect the regional fire protection service authority's taxes that are  
15 imposed on property located within the county and transfer these funds  
16 to the treasurer of the county in which the majority of the authority  
17 lies.

18 **Sec. 19.** RCW 84.09.030 and 1996 c 230 s 1613 are each amended to  
19 read as follows:

20 Except as follows, the boundaries of counties, cities and all other  
21 taxing districts, for purposes of property taxation and the levy of  
22 property taxes, shall be the established official boundaries of such  
23 districts existing on the first day of March of the year in which the  
24 property tax levy is made.

25 The official boundaries of a newly incorporated taxing district  
26 shall be established at a different date in the year in which the  
27 incorporation occurred as follows:

28 (1) Boundaries for a newly incorporated city shall be established  
29 on the last day of March of the year in which the initial property tax  
30 levy is made, and the boundaries of a road district, library district,  
31 or fire protection district or districts, that include any portion of  
32 the area that was incorporated within its boundaries shall be altered  
33 as of this date to exclude this area, if the budget for the newly  
34 incorporated city is filed pursuant to RCW 84.52.020 and the levy  
35 request of the newly incorporated city is made pursuant to RCW  
36 84.52.070. Whenever a proposed city incorporation is on the March

1 special election ballot, the county auditor shall submit the legal  
2 description of the proposed city to the department of revenue on or  
3 before the first day of March;

4 (2) Boundaries for a newly incorporated port district or regional  
5 fire protection service authority shall be established on the first day  
6 of October if the boundaries of the newly incorporated port district or  
7 regional fire protection service authority are coterminous with the  
8 boundaries of another taxing district or districts, as they existed on  
9 the first day of March of that year;

10 (3) Boundaries of any other newly incorporated taxing district  
11 shall be established on the first day of June of the year in which the  
12 property tax levy is made if the taxing district has boundaries  
13 coterminous with the boundaries of another taxing district, as they  
14 existed on the first day of March of that year;

15 (4) Boundaries for a newly incorporated water-sewer district shall  
16 be established on the fifteenth of June of the year in which the  
17 proposition under RCW 57.04.050 authorizing a water district excess  
18 levy is approved.

19 The boundaries of a taxing district shall be established on the  
20 first day of June if territory has been added to, or removed from, the  
21 taxing district after the first day of March of that year with  
22 boundaries coterminous with the boundaries of another taxing district  
23 as they existed on the first day of March of that year. However, the  
24 boundaries of a road district, library district, or fire protection  
25 district or districts, that include any portion of the area that was  
26 annexed to a city or town within its boundaries shall be altered as of  
27 this date to exclude this area. In any case where any instrument  
28 setting forth the official boundaries of any newly established taxing  
29 district, or setting forth any change in such boundaries, is required  
30 by law to be filed in the office of the county auditor or other county  
31 official, said instrument shall be filed in triplicate. The officer  
32 with whom such instrument is filed shall transmit two copies to the  
33 county assessor.

34 No property tax levy shall be made for any taxing district whose  
35 boundaries are not established as of the dates provided in this  
36 section.

1        NEW SECTION.    **Sec. 20.**    A new section is added to chapter 84.52 RCW  
2 to read as follows:

3        (1) If a fire protection district is a participating fire  
4 protection jurisdiction in a regional fire protection service  
5 authority, the regular property tax levies of the fire protection  
6 district are limited as follows:

7        (a) The regular levy of the district under RCW 52.16.130 shall not  
8 exceed fifty cents per thousand dollars of assessed value of taxable  
9 property in the district less the amount of any levy imposed by the  
10 authority under section 15(1)(a) of this act;

11        (b) The levy of the district under RCW 52.16.140 shall not exceed  
12 fifty cents per thousand dollars of assessed value of taxable property  
13 in the district less the amount of any levy imposed by the authority  
14 under section 15(1)(b) of this act; and

15        (c) The levy of the district under RCW 52.16.160 shall not exceed  
16 fifty cents per thousand dollars of assessed value of taxable property  
17 in the district less the amount of any levy imposed by the authority  
18 under section 15(1)(c) of this act.

19        (2) If a city or town is a participating fire protection  
20 jurisdiction in a regional fire protection service authority, the  
21 regular levies of the city or town shall not exceed the applicable  
22 rates provided in RCW 27.12.390, 52.04.081, and 84.52.043(1) less the  
23 aggregate rates of any regular levies made by the authority under  
24 section 15(1) of this act.

25        (3) If a port district is a participating fire protection  
26 jurisdiction in a regional fire protection service authority, the  
27 regular levy of the port district under RCW 53.36.020 shall not exceed  
28 forty-five cents per thousand dollars of assessed value of taxable  
29 property in the district less the aggregate rates of any regular levies  
30 imposed by the authority under section 15(1) of this act.

31        (4) For purposes of this section, the following definitions apply:

32        (a) "Fire protection jurisdiction" means a fire protection  
33 district, city, town, Indian tribe, or port district; and

34        (b) "Participating fire protection jurisdiction" means a fire  
35 protection district, city, town, Indian tribe, or port district that is  
36 represented on the governing board of a regional fire protection  
37 service authority.

1       **Sec. 21.** RCW 84.52.010 and 2002 c 248 s 15 and 2002 c 88 s 7 are  
2 each reenacted and amended to read as follows:

3       Except as is permitted under RCW 84.55.050, all taxes shall be  
4 levied or voted in specific amounts.

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

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

21       (1) The full certified rates of tax levy for state, county, county  
22 road district, and city or town purposes shall be extended on the tax  
23 rolls in amounts not exceeding the limitations established by law;  
24 however any state levy shall take precedence over all other levies and  
25 shall not be reduced for any purpose other than that required by RCW  
26 84.55.010. If, as a result of the levies imposed under RCW 84.52.069,  
27 84.34.230, the portion of the levy by a metropolitan park district that  
28 was protected under RCW 84.52.120, and 84.52.105, the combined rate of  
29 regular property tax levies that are subject to the one percent  
30 limitation exceeds one percent of the true and fair value of any  
31 property, then these levies shall be reduced as follows: (a) The  
32 portion of the levy by a metropolitan park district that is protected  
33 under RCW 84.52.120 shall be reduced until the combined rate no longer  
34 exceeds one percent of the true and fair value of any property or shall  
35 be eliminated; (b) if the combined rate of regular property tax levies  
36 that are subject to the one percent limitation still exceeds one  
37 percent of the true and fair value of any property, then the levies  
38 imposed under RCW 84.34.230, 84.52.105, and any portion of the levy

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

11 (2) The certified rates of tax levy subject to these limitations by  
12 all junior taxing districts imposing taxes on such property shall be  
13 reduced or eliminated as follows to bring the consolidated levy of  
14 taxes on such property within the provisions of these limitations:

15 (a) First, the certified property tax levy rates of those junior  
16 taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100,  
17 and 67.38.130 shall be reduced on a pro rata basis or eliminated;

18 (b) Second, if the consolidated tax levy rate still exceeds these  
19 limitations, the certified property tax levy rates of flood control  
20 zone districts shall be reduced on a pro rata basis or eliminated;

21 (c) Third, if the consolidated tax levy rate still exceeds these  
22 limitations, the certified property tax levy rates of all other junior  
23 taxing districts, other than fire protection districts, regional fire  
24 protection service authorities, library districts, the first fifty cent  
25 per thousand dollars of assessed valuation levies for metropolitan park  
26 districts, and the first fifty cent per thousand dollars of assessed  
27 valuation levies for public hospital districts, shall be reduced on a  
28 pro rata basis or eliminated;

29 (d) Fourth, if the consolidated tax levy rate still exceeds these  
30 limitations, the first fifty cent per thousand dollars of assessed  
31 valuation levies for metropolitan park districts created on or after  
32 January 1, 2002, shall be reduced on a pro rata basis or eliminated;

33 (e) Fifth, if the consolidated tax levy rate still exceeds these  
34 limitations, the certified property tax levy rates authorized to  
35 regional fire protection service authorities under section 15(1) (b)  
36 and (c) of this act and fire protection districts under RCW 52.16.140  
37 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and



1 (f) Sixth, if the consolidated tax levy rate still exceeds these  
2 limitations, the certified property tax levy rates authorized for  
3 regional fire protection service authorities under section 15(1)(a) of  
4 this act, fire protection districts under RCW 52.16.130, library  
5 districts, metropolitan park districts created before January 1, 2002,  
6 under their first fifty cent per thousand dollars of assessed valuation  
7 levy, and public hospital districts under their first fifty cent per  
8 thousand dollars of assessed valuation levy, shall be reduced on a pro  
9 rata basis or eliminated.

10 In determining whether the aggregate rate of tax levy on any  
11 property, that is subject to the limitations set forth in RCW  
12 84.52.050, exceeds the limitations provided in that section, the  
13 assessor shall use the hypothetical state levy, as apportioned to the  
14 county under RCW 84.48.080, that was computed under RCW 84.48.080  
15 without regard to the reduction under RCW 84.55.012.

16 **Sec. 22.** RCW 84.52.052 and 2002 c 248 s 16 and 2002 c 180 s 1 are  
17 each reenacted and amended to read as follows:

18 The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW  
19 84.52.043 shall not prevent the levy of additional taxes by any taxing  
20 district, except school districts and fire protection districts, in  
21 which a larger levy is necessary in order to prevent the impairment of  
22 the obligation of contracts. As used in this section, the term "taxing  
23 district" means any county, metropolitan park district, park and  
24 recreation service area, park and recreation district, water-sewer  
25 district, solid waste disposal district, public facilities district,  
26 flood control zone district, county rail district, service district,  
27 public hospital district, road district, rural county library district,  
28 island library district, rural partial-county library district,  
29 intercounty rural library district, cemetery district, city, town,  
30 transportation benefit district, emergency medical service district  
31 with a population density of less than one thousand per square mile,  
32 cultural arts, stadium, regional fire protection service authority, and  
33 convention district, or city transportation authority.

34 Any such taxing district may levy taxes at a rate in excess of the  
35 rate specified in RCW 84.52.050 through 84.52.056 and 84.52.043, or  
36 84.55.010 through 84.55.050, when authorized so to do by the voters of

1 such taxing district in the manner set forth in Article VII, section  
2 2(a) of the Constitution of this state at a special or general election  
3 to be held in the year in which the levy is made.

4 A special election may be called and the time therefor fixed by the  
5 county legislative authority, or council, board of commissioners, or  
6 other governing body of any such taxing district, by giving notice  
7 thereof by publication in the manner provided by law for giving notices  
8 of general elections, at which special election the proposition  
9 authorizing such excess levy shall be submitted in such form as to  
10 enable the voters favoring the proposition to vote "yes" and those  
11 opposed thereto to vote "no."

12 **Sec. 23.** RCW 84.52.069 and 1999 c 224 s 1 are each amended to read  
13 as follows:

14 (1) As used in this section, "taxing district" means a county,  
15 emergency medical service district, city or town, public hospital  
16 district, urban emergency medical service district, regional fire  
17 protection service authority, or fire protection district.

18 (2) A taxing district may impose additional regular property tax  
19 levies in an amount equal to fifty cents or less per thousand dollars  
20 of the assessed value of property in the taxing district. The tax  
21 shall be imposed (a) each year for six consecutive years, (b) each year  
22 for ten consecutive years, or (c) permanently. A tax levy under this  
23 section must be specifically authorized by a majority of at least  
24 three-fifths of the registered voters thereof approving a proposition  
25 authorizing the levies submitted at a general or special election, at  
26 which election the number of persons voting "yes" on the proposition  
27 shall constitute three-fifths of a number equal to forty percent of the  
28 total number of voters voting in such taxing district at the last  
29 preceding general election when the number of registered voters voting  
30 on the proposition does not exceed forty percent of the total number of  
31 voters voting in such taxing district in the last preceding general  
32 election; or by a majority of at least three-fifths of the registered  
33 voters thereof voting on the proposition when the number of registered  
34 voters voting on the proposition exceeds forty percent of the total  
35 number of voters voting in such taxing district in the last preceding  
36 general election. Ballot propositions shall conform with RCW

1 29.30.111. A taxing district shall not submit to the voters at the  
2 same election multiple propositions to impose a levy under this  
3 section.

4 (3) A taxing district imposing a permanent levy under this section  
5 shall provide for separate accounting of expenditures of the revenues  
6 generated by the levy. The taxing district shall maintain a statement  
7 of the accounting which shall be updated at least every two years and  
8 shall be available to the public upon request at no charge.

9 (4) A taxing district imposing a permanent levy under this section  
10 shall provide for a referendum procedure to apply to the ordinance or  
11 resolution imposing the tax. This referendum procedure shall specify  
12 that a referendum petition may be filed at any time with a filing  
13 officer, as identified in the ordinance or resolution. Within ten  
14 days, the filing officer shall confer with the petitioner concerning  
15 form and style of the petition, issue the petition an identification  
16 number, and secure an accurate, concise, and positive ballot title from  
17 the designated local official. The petitioner shall have thirty days  
18 in which to secure the signatures of not less than fifteen percent of  
19 the registered voters of the taxing district, as of the last general  
20 election, upon petition forms which contain the ballot title and the  
21 full text of the measure to be referred. The filing officer shall  
22 verify the sufficiency of the signatures on the petition and, if  
23 sufficient valid signatures are properly submitted, shall certify the  
24 referendum measure to the next election within the taxing district if  
25 one is to be held within one hundred eighty days from the date of  
26 filing of the referendum petition, or at a special election to be  
27 called for that purpose in accordance with RCW 29.13.020.

28 The referendum procedure provided in this subsection shall be  
29 exclusive in all instances for any taxing district imposing the tax  
30 under this section and shall supersede the procedures provided under  
31 all other statutory or charter provisions for initiative or referendum  
32 which might otherwise apply.

33 (5) Any tax imposed under this section shall be used only for the  
34 provision of emergency medical care or emergency medical services,  
35 including related personnel costs, training for such personnel, and  
36 related equipment, supplies, vehicles and structures needed for the  
37 provision of emergency medical care or emergency medical services.

1 (6) If a county levies a tax under this section, no taxing district  
2 within the county may levy a tax under this section. If a regional  
3 fire protection service authority imposes a tax under this section, no  
4 other taxing district that is a participating fire protection  
5 jurisdiction in the regional fire protection service authority may levy  
6 a tax under this section. No other taxing district may levy a tax  
7 under this section if another taxing district has levied a tax under  
8 this section within its boundaries: PROVIDED, That if a county levies  
9 less than fifty cents per thousand dollars of the assessed value of  
10 property, then any other taxing district may levy a tax under this  
11 section equal to the difference between the rate of the levy by the  
12 county and fifty cents: PROVIDED FURTHER, That if a taxing district  
13 within a county levies this tax, and the voters of the county  
14 subsequently approve a levying of this tax, then the amount of the  
15 taxing district levy within the county shall be reduced, when the  
16 combined levies exceed fifty cents. Whenever a tax is levied county-  
17 wide, the service shall, insofar as is feasible, be provided throughout  
18 the county: PROVIDED FURTHER, That no county-wide levy proposal may be  
19 placed on the ballot without the approval of the legislative authority  
20 of each city exceeding fifty thousand population within the county:  
21 AND PROVIDED FURTHER, That this section and RCW 36.32.480 shall not  
22 prohibit any city or town from levying an annual excess levy to fund  
23 emergency medical services: AND PROVIDED, FURTHER, That if a county  
24 proposes to impose tax levies under this section, no other ballot  
25 proposition authorizing tax levies under this section by another taxing  
26 district in the county may be placed before the voters at the same  
27 election at which the county ballot proposition is placed: AND  
28 PROVIDED FURTHER, That any taxing district emergency medical service  
29 levy that is limited in duration and that is authorized subsequent to  
30 a county emergency medical service levy that is limited in duration,  
31 shall expire concurrently with the county emergency medical service  
32 levy.

33 (7) The limitations in RCW 84.52.043 shall not apply to the tax  
34 levy authorized in this section.

35 (8) If a ballot proposition approved under subsection (2) of this  
36 section did not impose the maximum allowable levy amount authorized for  
37 the taxing district under this section, any future increase up to the

1 maximum allowable levy amount must be specifically authorized by the  
2 voters in accordance with subsection (2) of this section at a general  
3 or special election.

4 (9) The limitation in RCW 84.55.010 shall not apply to the first  
5 levy imposed pursuant to this section following the approval of such  
6 levy by the voters pursuant to subsection (2) of this section.

7 (10) For purposes of this section, the following definitions apply:

8 (a) "Fire protection jurisdiction" means a fire protection  
9 district, city, town, Indian tribe, or port district; and

10 (b) "Participating fire protection jurisdiction" means a fire  
11 protection district, city, town, Indian tribe, or port district that is  
12 represented on the governing board of a regional fire protection  
13 service authority.

14 NEW SECTION. Sec. 24. (1) The governing board of a regional fire  
15 protection service authority may by resolution, as authorized in the  
16 plan and approved by the voters, for authority purposes authorized by  
17 law, fix and impose a benefit charge on personal property and  
18 improvements to real property which are located within the authority on  
19 the date specified and which have received or will receive the benefits  
20 provided by the authority, to be paid by the owners of the properties.  
21 A benefit charge does not apply to personal property and improvements  
22 to real property owned or used by any recognized religious denomination  
23 or religious organization as, or including, a sanctuary or for purposes  
24 related to the bona fide religious ministries of the denomination or  
25 religious organization, including schools and educational facilities  
26 used for kindergarten, primary, or secondary educational purposes or  
27 for institutions of higher education and all grounds and buildings  
28 related thereto. However, a benefit charge does apply to personal  
29 property and improvements to real property owned or used by any  
30 recognized religious denomination or religious organization for  
31 business operations, profit-making enterprises, or activities not  
32 including use of a sanctuary or related to kindergarten, primary, or  
33 secondary educational purposes or for institutions of higher education.  
34 The aggregate amount of these benefit charges in any one year may not  
35 exceed an amount equal to sixty percent of the operating budget for the  
36 year in which the benefit charge is to be collected. It is the duty of  
37 the county legislative authority or authorities of the county or

1 counties in which the regional fire protection service authority is  
2 located to make any necessary adjustments to assure compliance with  
3 this limitation and to immediately notify the governing board of an  
4 authority of any changes thereof.

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

31 (3) For administrative purposes, the benefit charge imposed on any  
32 individual property may be compiled into a single charge, provided that  
33 the authority, upon request of the property owner, provide an itemized  
34 list of charges for each measurable benefit included in the charge.

35 NEW SECTION. **Sec. 25.** All personal property not assessed and  
36 subjected to ad valorem taxation under Title 84 RCW, all property under  
37 contract or for which the regional fire protection service authority is

1 receiving payment for as authorized by law, all property subject to  
2 chapter 54.28 RCW, and all property that is subject to a contract for  
3 services with an authority, is exempt from the benefit charge imposed  
4 under this chapter.

5 NEW SECTION. **Sec. 26.** (1) The resolution establishing benefit  
6 charges as specified in section 24 of this act must specify, by legal  
7 geographical areas or other specific designations, the charge to apply  
8 to each property by location, type, or other designation, or other  
9 information that is necessary to the proper computation of the benefit  
10 charge to be charged to each property owner subject to the resolution.

11 (2) The county assessor of each county in which the regional fire  
12 protection service authority is located shall determine and identify  
13 the personal properties and improvements to real property that are  
14 subject to a benefit charge in each authority and shall furnish and  
15 deliver to the county treasurer of that county a listing of the  
16 properties with information describing the location, legal description,  
17 and address of the person to whom the statement of benefit charges is  
18 to be mailed, the name of the owner, and the value of the property and  
19 improvements, together with the benefit charge to apply to each. These  
20 benefit charges must be certified to the county treasurer for  
21 collection in the same manner that is used for the collection of fire  
22 protection charges for forest lands protected by the department of  
23 natural resources under RCW 76.04.610 and the same penalties and  
24 provisions for collection apply.

25 NEW SECTION. **Sec. 27.** Each regional fire protection service  
26 authority shall contract, prior to the imposition of a benefit charge,  
27 for the administration and collection of the benefit charge by each  
28 county treasurer, who shall deduct a percentage, as provided by  
29 contract to reimburse the county for expenses incurred by the county  
30 assessor and county treasurer in the administration of the resolution  
31 and this chapter. The county treasurer shall make distributions each  
32 year, as the charges are collected, in the amount of the benefit  
33 charges imposed on behalf of each authority, less the deduction  
34 provided for in the contract.

1 NEW SECTION. **Sec. 28.** (1) Notwithstanding any other provision in  
2 this chapter to the contrary, any benefit charge authorized by this  
3 chapter is not effective unless a proposition to impose the benefit  
4 charge is approved by a sixty percent majority of the voters of the  
5 regional fire protection service authority voting at a general election  
6 or at a special election called by the authority for that purpose, held  
7 within the authority. An election held under this section must be held  
8 not more than twelve months prior to the date on which the first charge  
9 is to be assessed. A benefit charge approved at an election expires in  
10 six years or fewer as authorized by the voters, unless subsequently  
11 reapproved by the voters.

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

16 "Shall . . . . . the regional fire protection service  
17 authority composed of (insert the participating fire protection  
18 jurisdictions) . . . . . be authorized to impose benefit  
19 charges each year for . . . . . (insert number of years not to  
20 exceed six) years, not to exceed an amount equal to sixty  
21 percent of its operating budget, and be prohibited from  
22 imposing an additional property tax under RCW . . . (section  
23 15(1)(c) of this act)?

24 YES NO  
25

26 (3) Authorities renewing the benefit charge may elect to use the  
27 following alternative ballot:

28 "Shall . . . . . the regional fire protection service authority  
29 composed of (insert the participating fire protection  
30 jurisdictions) . . . . . be authorized to continue  
31 voter-authorized benefit charges each year for . . . . . (insert  
32 number of years not to exceed six) years, not to exceed an  
33 amount equal to sixty percent of its operating budget, and be  
34 prohibited from imposing an additional property tax under RCW  
35 . . . (section 15(1)(c) of this act)?

36 YES NO



1           □       □"

2           NEW SECTION.   **Sec. 29.**   (1) Not fewer than ten days nor more than  
3 six months before the election at which the proposition to impose the  
4 benefit charge is submitted as provided in this chapter, the governing  
5 board of the regional fire protection service authority shall hold a  
6 public hearing specifically setting forth its proposal to impose  
7 benefit charges for the support of its legally authorized activities  
8 that will maintain or improve the services afforded in the authority.  
9 A report of the public hearing shall be filed with the county treasurer  
10 of each county in which the property is located and be available for  
11 public inspection.

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

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

21           (4) After the benefit charges have been established, the owners of  
22 the property subject to the charge must be notified of the amount of  
23 the charge.

24           NEW SECTION.   **Sec. 30.**   A regional fire protection service  
25 authority that imposes a benefit charge under this chapter shall not  
26 impose all or part of the property tax authorized under section  
27 15(1)(c) of this act.

28           NEW SECTION.   **Sec. 31.**   After notice has been given to the property  
29 owners of the amount of the charge, the governing board of a regional  
30 fire protection service authority imposing a benefit charge under this  
31 chapter shall form a review board for at least a two-week period and  
32 shall, upon complaint in writing of an aggrieved party owning property  
33 in the authority, reduce the charge of a person who, in their opinion,  
34 has been charged too large a sum, to a sum or amount as they believe to  
35 be the true, fair, and just amount.

1        NEW SECTION.    **Sec. 32.**    The Washington fire commissioners  
2 association, as soon as practicable, shall draft a model resolution to  
3 impose the regional fire protection service authority benefit charge  
4 authorized by this chapter and may provide assistance to authorities in  
5 the establishment of a program to develop benefit charges.

6        NEW SECTION.    **Sec. 33.**    A person who is receiving the exemption  
7 contained in RCW 84.36.381 through 84.36.389 is exempt from any legal  
8 obligation to pay a portion of the benefit charge imposed under this  
9 chapter as follows:

10        (1) A person who meets the income limitation contained in RCW  
11 84.36.381(5)(a) and does not meet the income limitation contained in  
12 RCW 84.36.381(5)(b) (i) or (ii) is exempt from twenty-five percent of  
13 the charge;

14        (2) A person who meets the income limitation contained in RCW  
15 84.36.381(5)(b)(i) is exempt from fifty percent of the charge; and

16        (3) A person who meets the income limitation contained in RCW  
17 84.36.381(5)(b)(ii) shall be exempt from seventy-five percent of the  
18 charge.

19        NEW SECTION.    **Sec. 34.**    CAPTIONS.    Captions used in this act are  
20 not any part of the law.

21        NEW SECTION.    **Sec. 35.**    CODIFICATION.    Sections 1 through 12, 14  
22 through 18, and 24 through 33 of this act constitute a new chapter in  
23 Title 52 RCW.

24        NEW SECTION.    **Sec. 36.**    SEVERABILITY.    If any provision of this act  
25 or its application to any person or circumstance is held invalid, the  
26 remainder of the act or the application of the provision to other  
27 persons or circumstances is not affected.

--- END ---