

HB 1605 - H AMD 168

By Representative Peterson

WITHDRAWN 03/10/2015

1 On page 6, after line 6, insert the following:

2

3 "Sec. 5. RCW 52.18.010 and 1998 c 16 s 1 are each amended to
4 read as follows:

5 (1) The board of fire commissioners of a fire protection
6 district may by resolution, for fire protection district purposes
7 authorized by law, fix and impose a benefit charge on personal
8 property and improvements to real property which are located within
9 the fire protection district on the date specified and which have or
10 will receive the benefits provided by the fire protection district,
11 to be paid by the owners of the properties: PROVIDED, That, in
12 accordance with subsection (4) of this section, a benefit charge
13 shall not apply to personal property and improvements to real
14 property owned or used by a housing authority created in accordance
15 with RCW 35.82.030 or by any recognized religious denomination or
16 religious organization as, or including, a sanctuary or for purposes
17 related to the bona fide religious ministries of the denomination or
18 religious organization, including schools and educational facilities
19 used for kindergarten, primary, or secondary educational purposes or
20 for institutions of higher education and all grounds and buildings
21 related thereto, but not including personal property and
22 improvements to real property owned or used by any recognized
23 religious denomination or religious organization for business
24 operations, profit-making enterprises, or activities not including
25 use of a sanctuary or related to kindergarten, primary, or secondary
26 educational purposes or for institutions of higher education. The
27 aggregate amount of such benefit charges in any one year shall not

1 exceed an amount equal to sixty percent of the operating budget for
2 the year in which the benefit charge is to be collected: PROVIDED,
3 That it shall be the duty of the county legislative authority or
4 authorities of the county or counties in which the fire protection
5 district is located to make any necessary adjustments to assure
6 compliance with such limitation and to immediately notify the board
7 of fire commissioners of any changes thereof.

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

1 (3) 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 (4) The prohibition in subsection (1) of this section on the
7 application of benefit charges on personal property and improvements
8 to real property owned or used by a housing authority does not apply
9 to districts that imposed benefit charges on personal property and
10 improvements to real property owned or used by a housing authority
11 on or before January 1, 2015.

12

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

15 (1) The governing board of a regional fire protection service
16 authority may by resolution, as authorized in the plan and approved
17 by the voters, for authority purposes authorized by law, fix and
18 impose a benefit charge on personal property and improvements to
19 real property which are located within the authority on the date
20 specified and which have received or will receive the benefits
21 provided by the authority, to be paid by the owners of the
22 properties. In accordance with subsection (5) of this section, a
23 benefit charge does not apply to personal property and improvements
24 to real property owned or used by a housing authority created in
25 accordance with RCW 35.82.030 or by any recognized religious
26 denomination or religious organization as, or including, a sanctuary
27 or for purposes related to the bona fide religious ministries of the
28 denomination or religious organization, including schools and
29 educational facilities used for kindergarten, primary, or secondary
30 educational purposes or for institutions of higher education and all
31 grounds and buildings related thereto. However, a benefit charge
32 does apply to personal property and improvements to real property
33 owned or used by any recognized religious denomination or religious
34 organization for business operations, profit-making enterprises, or

1 activities not including use of a sanctuary or related to
2 kindergarten, primary, or secondary educational purposes or for
3 institutions of higher education. The aggregate amount of these
4 benefit charges in any one year may not exceed an amount equal to
5 sixty percent of the operating budget for the year in which the
6 benefit charge is to be collected. It is the duty of the county
7 legislative authority or authorities of the county or counties in
8 which the regional fire protection service authority is located to
9 make any necessary adjustments to assure compliance with this
10 limitation and to immediately notify the governing board of an
11 authority of any changes thereof.

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

1 underwriter maintaining a fire protection engineering and inspection
2 service authorized by the state insurance commissioner to do
3 business in this state, but the property may be protected by the
4 authority under a contractual agreement.

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

10 (4) For the purposes of this section and RCW 52.26.190 through
11 52.26.270, the following definitions apply:

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

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

17 (b) "Improvements to real property" does not include permanent
18 growing crops, field improvements installed for the purpose of
19 aiding the growth of permanent crops, or other field improvements
20 normally not subject to damage by fire.

21 (5) The prohibition in subsection (1) of this section on the
22 application of benefit charges on personal property and improvements
23 to real property owned or used by a housing authority does not apply
24 to authorities that imposed benefit charges on personal property and
25 improvements to real property owned or used by a housing authority
26 on or before January 1, 2015."

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28 Correct the title.

29

EFFECT: (1) Prohibits fire protection districts (fire districts) and regional fire protection service authorities (RFAs) from applying voter-approved benefit charges to personal property and improvements to real property owned or used by a housing authority.

(2) Exempts from the prohibition fire districts and RFAs that imposed benefit charges on personal property and improvements to

real property owned or used by a housing authority on or before
January 1, 2015.

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