

SHB 2615 - S COMM AMD

By Committee on Government Operations, Tribal Relations & Elections

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 35.13 RCW
4 to read as follows:

5 (1) A city or town that has annexed since 2006 or is conducting
6 annexations of all or a part of a fire protection district or fire
7 protection districts may by resolution, for the enhancement of fire
8 protection services, fix and impose a benefit charge on personal
9 property and improvements to real property that are located in the city
10 or town, to be paid by the owners of the properties: PROVIDED, That a
11 benefit charge shall not apply to personal property and improvements to
12 real property owned or used by: (a) Any recognized religious
13 denomination or religious organization as, or including, a sanctuary or
14 for purposes related to the bona fide religious ministries of the
15 denomination or religious organization, including schools and
16 educational facilities used for kindergarten, primary, or secondary
17 educational purposes or for institutions of higher education and all
18 grounds and buildings related thereto, but not including personal
19 property and improvements to real property owned or used by any
20 recognized religious denomination or religious organization for
21 business operations, profit-making enterprises, or activities not
22 including use of a sanctuary or related to kindergarten, primary, or
23 secondary educational purposes or for institutions of higher education;
24 or (b) any entity exempt from taxation under RCW 35.82.210,
25 84.36.030(3), or 84.36.560.

26 (2) A benefit charge imposed shall be reasonably proportioned to
27 the measurable benefits to property resulting from the enhancement of
28 services afforded by the city or town fire department. It is
29 acceptable to apportion the benefit charge to the values of the
30 properties as found by the county assessor or assessors modified

1 generally in the proportion that fire insurance rates are reduced or
2 entitled to be reduced as the result of providing the services. Any
3 other method that reasonably apportions the benefit charges to the
4 actual benefits resulting from the degree of protection, which may
5 include but is not limited to the distance from regularly maintained
6 fire protection equipment, the level of fire prevention services
7 provided to the properties, or the need of the properties for
8 specialized services, may be specified in the resolution and shall be
9 subject to contest on the ground of unreasonable or capricious action
10 or action in excess of the measurable benefits to the property
11 resulting from services afforded by the city or town fire department.
12 The city or town may determine that certain properties or types or
13 classes of properties are not receiving measurable benefits based on
14 criteria they establish by resolution. A benefit charge authorized by
15 this section shall not be applicable to the personal property or
16 improvements to real property of any individual, corporation,
17 partnership, firm, organization, or association maintaining a fire
18 department and whose fire protection and training system has been
19 accepted by a fire insurance underwriter maintaining a fire protection
20 engineering and inspection service authorized by the state insurance
21 commissioner to do business in this state, but such property may be
22 protected by the city or town under a contractual agreement. For
23 administrative purposes, the benefit charge imposed on any individual
24 property may be compiled into a single charge, provided that the city
25 or town, upon request of the property owner, provide an itemized list
26 of charges for each measurable benefit included in the charge.

27 (3) The resolution establishing benefit charges shall specify, by
28 legal geographical areas or other specific designations, the charge to
29 apply to each property by location, type, or other designation, or
30 other information that is necessary to the proper computation of the
31 benefit charge to be charged to each property owner subject to the
32 resolution. The county assessor of each county shall determine and
33 identify the personal properties and improvements to real property
34 which are subject to a benefit charge in each city or town and shall
35 furnish and deliver to the county treasurer of that county a listing of
36 the properties with information describing the location, legal
37 description, and address of the person to whom the statement of benefit
38 charges is to be mailed, the name of the owner, and the value of the

1 property and improvements, together with the benefit charge to apply to
2 each. These benefit charges shall be certified to the county treasurer
3 for collection in the same manner that is used for the collection of
4 fire protection assessments for forest lands protected by the
5 department of natural resources under RCW 76.04.610 and the same
6 penalties and provisions for collection shall apply.

7 (4) Each city and town shall contract, prior to the imposition of
8 a benefit charge, for the administration and collection of the benefit
9 charge by each county treasurer, who shall deduct a percent, as
10 provided by contract to reimburse the county for expenses incurred by
11 the county assessor and county treasurer in the administration of the
12 resolution and this section. The county treasurer shall make
13 distributions each year, as the charges are collected, in the amount of
14 the benefit charges imposed on behalf of the city or town, less the
15 deduction provided for in the contract.

16 (5) Any benefit charge authorized by this section shall not be
17 effective unless a proposition to impose the benefit charge is approved
18 by a sixty percent majority of the voters of the city or town voting at
19 a general election or at a special election called by the city or town
20 for that purpose, held within the city or town. An election held
21 pursuant to this section shall be held not more than twelve months
22 prior to the date on which the first such charge is to be assessed:
23 PROVIDED, That a benefit charge approved at an election shall not
24 remain in effect for a period of more than six years nor more than the
25 number of years authorized by the voters if fewer than six years unless
26 subsequently reapproved by the voters.

27 (6) The ballot shall be submitted so as to enable the voters
28 favoring the authorization of a benefit charge to vote "Yes" and those
29 opposed thereto to vote "No," and the ballot shall be:

30 "Shall be authorized to impose benefit
31 charges each year for (insert number of years not to
32 exceed six) years, not to exceed an amount equal to
33 (insert percentage amount not to exceed sixty) percent of its
34 fire department operating budget?

35 YES NO

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(7) A city or town renewing the benefit charge may elect to use the following alternative ballot:

"Shall be authorized to continue voter-authorized benefit charges each year for (insert number of years not to exceed six) years, not to exceed an amount equal to (insert percentage amount not to exceed sixty) percent of its fire department operating budget?

YES NO
□ □"

(8) Not less than ten days nor more than six months before the election at which the proposition to impose the benefit charge is submitted as provided in this section, the city or town shall hold a public hearing specifically setting forth its proposal to impose benefit charges for the support of its legally authorized activities which will maintain or improve the services afforded in the city or town. A report of the public hearing shall be filed with the county treasurer of each county in which the property is located and be available for public inspection.

(9)(a) Prior to November 15th of each year the city or town shall hold a public hearing to review and establish the benefit charges for the subsequent year.

(b) All resolutions imposing or changing the benefit charges shall be filed with the county treasurer for each county in which the property is located, together with the record of each public hearing, before November 30th immediately preceding the year in which the benefit charges are to be collected on behalf of the city or town fire department.

(c) After the benefit charges have been established, the owners of the property subject to the charge shall be notified of the amount of the charge.

(10) After notice has been given to the property owners of the amount of the charge, the city or town imposing a benefit charge under

1 this section shall form a review board for at least a two-week period
2 and shall, upon complaint in writing of a party aggrieved owning
3 property in the city or town, reduce the charge of a person who, in
4 their opinion, has been charged too large a sum, to a sum or amount as
5 they believe to be the true, fair, and just amount.

6 (11) A person who is receiving the exemption contained in RCW
7 84.36.381 through 84.36.389 shall be exempt from any legal obligation
8 to pay a portion of the charge imposed by this section according to the
9 following:

10 (a) 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) shall be exempt from twenty-five
13 percent of the charge.

14 (b) A person who meets the income limitation contained in RCW
15 84.36.381(5)(b)(i) shall be exempt from fifty percent of the charge.

16 (c) 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 (12) For the purposes of this section:

20 (a) "Personal property" includes every form of tangible personal
21 property, including but not limited to, all goods, chattels, stock in
22 trade, estates, or crops, except that the term "personal property" does
23 not include any personal property used for farming, field crops, farm
24 equipment, or livestock; and

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

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29 On page 1, line 2 of the title, after "services;" strike the
30 remainder of the title and insert "and adding a new section to chapter

1 35.13 RCW."

EFFECT: Nonprofit organizations or associations engaged in character building of boys and girls under the age of 18 are exempt from the benefit charge.

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