

NEW SECTION. Sec. 4. At the close of the 1973-75 biennium the department of general administration is authorized and directed to enter into such agreements and contracts as may be necessary to dispose of any of the state's property interests in the project to either the department of highways or to the state parks and recreation commission.

NEW SECTION. Sec. 5. It is the intent of the legislature that if federal matching funds are made available, then such state moneys as are no longer necessary to accomplish the purposes of this act shall revert to the general fund.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 12, 1974.  
Passed the House February 12, 1974.  
Approved by the Governor February 19, 1974.  
Filed in Office of Secretary of State February 19, 1974.

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CHAPTER 126

[Engrossed Substitute Senate Bill No. 2938]

FIRE PROTECTION DISTRICTS—  
SERVICE CHARGE

AN ACT Relating to revenue and taxation; authorizing a fire protection district service charge; providing for its administration by certain county officials and a payment therefor; requiring a public hearing and election prior to imposing a service charge for support of a fire district; requiring public hearings; establishing an administrative review procedure; and adding a new chapter to Title 52 RCW.

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

NEW SECTION. Section 1. The board of fire commissioners of any fire protection district created pursuant to chapter 52.04 RCW may by resolution, for fire protection purposes authorized by law, fix and impose a service charge upon personal property and improvements to real property, which are located within the fire protection district on the date specified and which have or will receive the benefit of fire protection provided by the fire protection district, to be paid by the owners of such properties: PROVIDED, That such service charge shall not apply to personal property and improvements to real property owned or used by any recognized religious denomination for purposes related to the religious works of such denomination, including schools and

educational facilities and all grounds and buildings related thereto or to personal property and improvements to real property owned or used by public or private schools or institutions of higher education. The aggregate amount of such service charges in any one year shall not exceed an amount equal to sixty percent of the operating budget for the year in which the service charge is to be collected: PROVIDED, That it shall be the duty of the county legislative authority to make any necessary adjustments to assure compliance with such limitation and to immediately notify the board of fire commissioners of any changes thereof.

Any such service charge imposed shall be reasonably proportioned to the measurable financial benefits to property resulting from the fire protection afforded by the district. It shall be deemed acceptable to proportion the service charge to the values of the properties as found by the county assessor modified generally in the proportion that fire insurance rates are reduced or entitled to be reduced as the result of providing such fire services. Any other method that reasonably apportions the service charges to the actual financial benefits resulting from the degree of protection, such as the distance from regularly maintained fire protection equipment, may be specified in the resolution and shall be subject to contest only on the ground of unreasonable or capricious action: PROVIDED, That any such method shall be in accordance with the fire defense rating of the district as ratified by the state insurance commissioner: PROVIDED FURTHER, That no service charge authorized by the provisions of this chapter shall be applicable to the personal property or improvements to real property of any individual, corporation, partnership, firm, organization, or association maintaining his or its own fire department and whose fire protection and training system has been accepted by a fire insurance underwriter maintaining a fire protection engineering and inspection service authorized by the state insurance commissioner to do business in this state.

NEW SECTION. Sec. 2. The term "personal property" for the purposes of this chapter shall be held and construed to embrace and include every form and manner of tangible personal property, including but not limited to, all goods, chattels, stock in trade, estates, or crops: PROVIDED, That there shall be exempt from the service charge imposed pursuant to the provisions of this chapter all personal property not assessed and subjected to ad valorem taxation by the county assessor pursuant to the provisions of Title 84 RCW, and all property subject to the provisions of RCW 52.36.020: PROVIDED, That the term "personal property" shall not include field crops, livestock or other tangible personal farm property not

ordinarily housed or stored within a building structure: PROVIDED FURTHER, That the term "improvements to real property" shall not include permanent growing crops, field improvements installed for the purpose of aiding the growth of permanent crops, or other field improvements normally not subject to damage by fire.

NEW SECTION. Sec. 3. The resolution establishing service charges as specified in section 1 of this 1974 act, shall specify, by legal geographical areas or other specific designation, the rate to apply to each property by location or other designation, and such other information as is deemed necessary to the proper computation of the service charge to be charged to each property owner subject to the resolution. The county assessor shall determine and identify the personal properties and improvements to real property which are subject to a service charge in each fire district and shall furnish and deliver to the county treasurer a listing of such properties with information describing the location, legal description, and address of the person to whom the statement of service charges is to be mailed, the name of the owner and the value of the property and improvements together with the service charge to apply to each. Service charges levied hereunder shall be certified to the county treasurer for collection in the same manner that is used for the collection of fire protection charges for forest lands protected by the department of natural resources as prescribed by the provisions of RCW 76.04.360 and the same penalties and provisions for collection shall apply.

NEW SECTION. Sec. 4. Each fire protection district shall contract, prior to the effective date of a resolution imposing a service charge, for the administration and collection of such service charges by the county treasurer, who shall deduct a percentage amount, as provided by contract as reimbursement of the county for expenses incurred by the county assessor and county treasurer in the administration of the provisions of the resolution and this chapter. The county treasurer shall make distribution each year, as the charges are collected, the amount of the service charges imposed on behalf of each district, less the deduction provided for in the contract.

NEW SECTION. Sec. 5. (1) Any service charge authorized by this chapter shall not be effective unless a proposition to impose such service charge is approved by a sixty percent majority of the voters of the district voting at a general election or at a special election called by the district for that purpose, held within the fire protection district. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the first such charge is to be assessed: PROVIDED, That such a

service charge shall not remain in effect for a period of more than three years unless subsequently reapproved by the voters.

(2) The ballot shall be submitted so as to enable the voters favoring the authorization of a fire protection district service charge to vote "Yes" and those opposed thereto to vote "No" and such ballot shall be in substantially the following form:

"Shall fire protection district No. .... be authorized to impose a fire protection district service charge each year hereafter in an aggregate amount each year not to exceed an amount equal to sixty percent of the operating budget for the year in which the service charge is to be collected

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

NEW SECTION. Sec. 6. (1) Not less than ten days nor more than six months before the election at which the proposition to impose the service charge is submitted as provided in this 1974 act, the board of fire commissioners of the district shall hold a public hearing specifically setting forth its proposal to impose service charges for the support of its legally authorized activities which will substantially improve the fire protection afforded in the district. A report of the public hearing shall be filed with the county treasurer and be available for public inspection.

(2) Prior to October 15 of each year the board of fire commissioners shall hold a public hearing to review and establish the fire district service charge for the subsequent year.

All resolutions imposing or changing such service charges shall be filed with the county treasurer, together with the record of each public hearing, before October 31 immediately preceding the year in which the service charges are to be collected on behalf of the district.

NEW SECTION. Sec. 7. From the fifteenth to the thirtieth day of November of each year, the board of fire commissioners of any fire protection district imposing a service charge pursuant to the provisions of this chapter shall form a review board and shall, upon complaint in writing of any party aggrieved owning property in such district, reduce the charge of such person who, in their opinion, has been charged too large a sum, to such sum or amount as they believe to be the true, fair, and just amount.

NEW SECTION. Sec. 8. The Washington fire commissioners association, as soon as practicable, and with the assistance of the appropriate association of county prosecutors, shall draft a model resolution for the imposition of the fire protection district service charge authorized by this 1974 act.

NEW SECTION. Sec. 9. If any provision of this 1974 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. Sections 1 through 9 of this 1974 act shall constitute a new chapter in Title 52 RCW.

Passed the Senate February 11, 1974.  
Passed the House February 11, 1974.  
Approved by the Governor February 19, 1974.  
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CHAPTER 127

[Engrossed Senate Bill No. 3003]

ELECTION LAWS--REVISIONS--PENALTIES

AN ACT Relating to elections; amending section 29.04.055, chapter 9, Laws of 1965 and RCW 29.04.055; amending section 6, chapter 156, Laws of 1965 ex. sess. as last amended by section 2, chapter 111, Laws of 1973 1st ex. sess. and RCW 29.04.100; amending section 4, chapter 111, Laws of 1973 1st ex. sess. and RCW 29.04.120; amending section 29.07.160, chapter 9, Laws of 1965 as amended by section 20, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.160; amending section 29.18.110, chapter 9, Laws of 1965 and RCW 29.18.110; amending section 29.39.120, chapter 9, Laws of 1965 as amended by section 2, chapter 178, Laws of 1971 ex. sess. and RCW 29.39.120; amending section 1, chapter 73, Laws of 1967 ex. sess. as amended by section 3, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.010; amending section 3, chapter 73, Laws of 1967 ex. sess. as amended by section 6, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.030; amending section 5, chapter 73, Laws of 1967 ex. sess. as amended by section 9, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.050; amending section 6, chapter 73, Laws of 1967 ex. sess. as amended by section 10, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.060; amending section 7, chapter 73, Laws of 1967 ex. sess. as amended by section 11, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.070; repealing section 5, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.025; repealing section 8, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.045; repealing section 13, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.900; adding new sections to chapter 9, Laws of 1965 and to chapter 29.07 RCW; defining crimes; prescribing penalties; and declaring an emergency.