

**NEW SECTION.** Sec. 10. If any provision of this 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. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 1, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 29, 1990.

Filed in Office of Secretary of State March 29, 1990.

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## CHAPTER 294

[Substitute Senate Bill No. 6182]

### FIRE PROTECTION DISTRICT SERVICE CHARGES

AN ACT Relating to fire protection district service charges; amending RCW 52.18.010, 52.18.020, 52.18.030, 52.18.040, 52.18.050, 52.18.060, 52.18.065, 52.18.070, and 52.18.080; adding a new section to chapter 52.18 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 126, Laws of 1974 ex. sess. as last amended by section 28, chapter 63, Laws of 1989 and RCW 52.18.010 are each amended to read as follows:

The board of fire commissioners of a fire protection district may by resolution, for fire protection district purposes authorized by law, fix and impose a ((service)) benefit charge on 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 benefits provided by the fire protection district, to be paid by the owners of the properties: PROVIDED, That a ((service)) benefit charge shall not apply to personal property and improvements to real property owned or used by any recognized religious denomination or religious organization as, or including, a sanctuary or for purposes related to the bona fide religious ministries of the denomination or religious organization, including schools and educational facilities used for kindergarten, primary, or secondary educational purposes or for institutions of higher education and all grounds and buildings related thereto, but not including personal property and improvements to real property owned or used by any recognized religious denomination or religious organization for business operations, profit-making enterprises, or activities not including use of a sanctuary or related to kindergarten, primary, or secondary educational purposes or for institutions of higher education. The aggregate amount of such ((service)) benefit 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)) benefit charge is to be collected: PROVIDED, That it shall be the duty of the county legislative authority or authorities of the county or counties in which the fire protection district is located to make any necessary adjustments to assure compliance with such limitation and to immediately notify the board of fire commissioners of any changes thereof.

A ((service)) benefit charge imposed shall be reasonably proportioned to the measurable benefits to property resulting from the services afforded by the district. It is acceptable to apportion the ((service)) benefit charge to the values of the properties as found by the county assessor or assessors modified generally in the proportion that fire insurance rates are reduced or entitled to be reduced as the result of providing the services. Any other method that reasonably apportions the ((service)) benefit charges to the actual benefits resulting from the degree of protection, which may include but is not limited to the distance from regularly maintained fire protection equipment, the level of fire prevention services provided to the properties, or the need of the properties for specialized services, may be specified in the resolution and shall be subject to contest on the ground of unreasonable or capricious action or action in excess of the measurable benefits to the property resulting from services afforded by the district(~~(-PROVIDED, That a service))~~). The board of fire commissioners may determine that certain properties or types or classes of properties are not receiving measurable benefits based on criteria they establish by resolution. A benefit charge authorized by this chapter shall not be applicable to the personal property or improvements to real property of any individual, corporation, partnership, firm, organization, or association maintaining a 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, but such property may be protected by the fire protection district under a contractual agreement.

Sec. 2. Section 2, chapter 126, Laws of 1974 ex. sess. as last amended by section 2, chapter 325, Laws of 1987 and RCW 52.18.020 are each amended to read as follows:

The term "personal property" for the purposes of this chapter shall include every form of tangible personal property, including but not limited to, all goods, chattels, stock in trade, estates, or crops: PROVIDED, That all personal property not assessed and subjected to ad valorem taxation ((by the county assessor)) under Title 84 RCW, ((and)) all property ((subject to)) under contract or for which the district is receiving payment for as authorized by RCW 52.30.020 and all property subject to the provisions of chapter 54.28 RCW, or all property that is subject to a contract for services with a fire protection district, shall be exempt from the ((service)) benefit

charge imposed under this chapter: PROVIDED FURTHER, That the term "personal property" shall not include any personal property used for farming, field crops, farm equipment((;)) or livestock((; or other tangible personal property, not ordinarily housed or stored within a building structure)): AND 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.

Sec. 3. Section 3, chapter 126, Laws of 1974 ex. sess. as last amended by section 29, chapter 63, Laws of 1989 and RCW 52.18.030 are each amended to read as follows:

The resolution establishing ((service)) benefit charges as specified in RCW 52.18.010 shall specify, by legal geographical areas or other specific designations, the charge to apply to each property by location, type, or other designation, or other information that is necessary to the proper computation of the ((service)) benefit charge to be charged to each property owner subject to the resolution. The county assessor of each county in which the district is located shall determine and identify the personal properties and improvements to real property which are subject to a ((service)) benefit charge in each fire protection district and shall furnish and deliver to the county treasurer of that county a listing of the properties with information describing the location, legal description, and address of the person to whom the statement of ((service)) benefit charges is to be mailed, the name of the owner, and the value of the property and improvements, together with the ((service)) benefit charge to apply to each. These ((service)) benefit charges 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 under RCW 76.04.610 and the same penalties and provisions for collection shall apply.

Sec. 4. Section 4, chapter 126, Laws of 1974 ex. sess. as last amended by section 30, chapter 63, Laws of 1989 and RCW 52.18.040 are each amended to read as follows:

Each fire protection district shall contract, prior to the ((effective date of a resolution imposing)) imposition of a ((service)) benefit charge, for the administration and collection of the ((service)) benefit charge by each county treasurer, who shall deduct a percent, as provided by contract to reimburse the county for expenses incurred by the county assessor and county treasurer in the administration of the resolution and this chapter. The county treasurer shall make distributions each year, as the charges are collected, in the amount of the ((service)) benefit charges imposed on behalf of each district, less the deduction provided for in the contract.

Sec. 5. Section 5, chapter 126, Laws of 1974 ex. sess. as last amended by section 1, chapter 27, Laws of 1989 and RCW 52.18.050 are each amended to read as follows:

(1) Any ((service)) benefit charge authorized by this chapter shall not be effective unless a proposition to impose the ((service)) benefit 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. An 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 a ((service)) benefit charge approved at an election shall not remain in effect for a period of more than six years nor more than the number of years authorized by the voters if fewer than six 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)) benefit charge to vote "Yes" and those opposed thereto to vote "No," and the ballot shall be:

"Shall . . . . . county fire protection district No. . . . . be authorized to impose ((service)) benefit charges each year for ((~~up to a six-year period~~)) . . . . (insert number of years not to exceed six) years, not to exceed an amount equal to sixty percent of its operating budget, and be prohibited from imposing an additional property tax under RCW 52.16.160?

YES

NO

Sec. 6. Section 6, chapter 126, Laws of 1974 ex. sess. as last amended by section 31, chapter 63, Laws of 1989 and RCW 52.18.060 are each amended to read as follows:

(1) Not less than ten days nor more than six months before the election at which the proposition to impose the ((service)) benefit charge is submitted as provided in this chapter, the board of fire commissioners of the district shall hold a public hearing specifically setting forth its proposal to impose ((service)) benefit charges for the support of its legally authorized activities which will maintain or improve the services afforded in the district. 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.

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

All resolutions imposing or changing the ((service)) benefit charges shall be filed with the county treasurer or treasurers of each county in which

the property is located, together with the record of each public hearing, before ~~((October 31))~~ November 30 immediately preceding the year in which the ~~((service))~~ benefit charges are to be collected on behalf of the district.

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.

Sec. 7. Section 9, chapter 325, Laws of 1987 and RCW 52.18.065 are each amended to read as follows:

A fire protection district that imposes a ~~((service))~~ benefit charge under this chapter shall not impose all or part of the property tax authorized under RCW 52.16.160.

Sec. 8. Section 7, chapter 126, Laws of 1974 ex. sess. as amended by section 7, chapter 325, Laws of 1987 and RCW 52.18.070 are each amended to read as follows:

~~((From the fifteenth to the thirtieth day of November of each year))~~  
After notice has been given to the property owners of the amount of the charge, the board of fire commissioners of a fire protection district imposing a ~~((service))~~ benefit charge under this chapter shall form a review board for at least a two-week period and shall, upon complaint in writing of a party aggrieved owning property in the district, reduce the charge of a person who, in their opinion, has been charged too large a sum, to a sum or amount as they believe to be the true, fair, and just amount.

Sec. 9. Section 8, chapter 126, Laws of 1974 ex. sess. as amended by section 8, chapter 325, Laws of 1987 and RCW 52.18.080 are each amended to read as follows:

The Washington fire commissioners association, as soon as practicable, shall draft a model resolution to impose the fire protection district ~~((service))~~ benefit charge authorized by this chapter and may provide assistance to fire protection districts in the establishment of a program to develop ~~((service))~~ benefit charges.

NEW SECTION. Sec. 10. A new section is added to chapter 52.18 RCW to read as follows:

A person who is receiving the exemption contained in RCW 84.36.381 through 84.36.389 shall be exempt from any legal obligation to pay a portion of the charge imposed by this chapter according to the following.

(1) A person who meets the income limitation contained in RCW 84.36.381(5)(a) and does not meet the income limitation contained in RCW 84.36.381(5)(b)(i) or (ii) shall be exempt from twenty-five percent of the charge.

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

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

**NEW SECTION.** Sec. 11. If any provision of this 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. 12. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 6, 1990.  
Passed the House March 2, 1990.  
Approved by the Governor March 29, 1990.  
Filed in Office of Secretary of State March 29, 1990.

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CHAPTER 295

[Substitute House Bill No. 2932]

REGIONAL WATER RESOURCE PLANNING

AN ACT Relating to regional water resource planning; amending RCW 90.54.010 and 90.54.030; adding a new section to chapter 90.54 RCW; creating a new section; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 225, Laws of 1971 ex. sess. and RCW 90-.54.010 are each amended to read as follows:

(1) The legislature finds that:

(a) Proper utilization of the water resources of this state is necessary to the promotion of public health and the economic well-being of the state and the preservation of its natural resources and aesthetic values. ~~((The legislature further finds that the availability of waters of the state is being evaluated by interests who desire to remove portions thereof from the state in a manner inconsistent with the public interest of people of the state.))~~ Although water is a renewable resource, its supply and availability are becoming increasingly limited, particularly during summer and fall months and dry years when demand is greatest. Growth and prosperity have significantly increased the competition for this limited resource. Adequate water supplies are essential to meet the needs of the state's growing population and economy. At the same time instream resources and values must be preserved and protected so that future generations can continue to enjoy them.

(b) All citizens of Washington share an interest in the proper stewardship of our invaluable water resources. To ensure that available water supplies are managed to best meet both instream and offstream needs, a comprehensive planning process is essential. The people of the state have the unique opportunity to work together to plan and manage our water. Through a comprehensive planning process that includes the state, Indian