
SENATE BILL 5638

State of Washington 61st Legislature 2009 Regular Session

By Senators Swecker, Haugen, Hewitt, Schoesler, and Shin

Read first time 01/28/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to fire protection district contracts; and amending
2 RCW 52.12.031.

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

4 **Sec. 1.** RCW 52.12.031 and 1995 c 369 s 65 are each amended to read
5 as follows:

6 (1) Any fire protection district organized under this title may:
7 ~~((+1))~~ (a) Lease, acquire, own, maintain, operate, and provide
8 fire and emergency medical apparatus and all other necessary or proper
9 facilities, machinery, and equipment for the prevention and suppression
10 of fires, the providing of emergency medical services and the
11 protection of life and property;

12 ~~((+2))~~ (b) Lease, acquire, own, maintain, and operate real
13 property, improvements, and fixtures for housing, repairing, and
14 maintaining the apparatus, facilities, machinery, and equipment
15 described in subsection (1) of this section;

16 ~~((+3))~~ (c) Contract with any governmental entity under chapter
17 39.34 RCW or private person or entity to consolidate, provide, or
18 cooperate for fire prevention protection, fire suppression,
19 investigation, and emergency medical purposes. In so contracting, the

1 district or governmental entity is deemed for all purposes to be acting
2 within its governmental capacity. This contracting authority includes
3 the furnishing of fire prevention, fire suppression, investigation,
4 emergency medical services, facilities, and equipment to or by the
5 district, governmental entity, or private person or entity;

6 ~~((+4))~~ (d) Encourage uniformity and coordination of fire
7 protection district operations. The fire commissioners of fire
8 protection districts may form an association to secure information of
9 value in suppressing and preventing fires and other district purposes,
10 to hold and attend meetings, and to promote more economical and
11 efficient operation of the associated fire protection districts. The
12 commissioners of fire protection districts in the association shall
13 adopt articles of association or articles of incorporation for a
14 nonprofit corporation, select a chairman, secretary, and other officers
15 as they may determine, and may employ and discharge agents and
16 employees as the officers deem convenient to carry out the purposes of
17 the association. The expenses of the association may be paid from
18 funds paid into the association by fire protection districts:
19 PROVIDED, That the aggregate contributions made to the association by
20 a district in a calendar year shall not exceed two and one-half cents
21 per thousand dollars of assessed valuation;

22 ~~((+5))~~ (e) Enter into contracts to provide group life insurance
23 for the benefit of the personnel of the fire districts;

24 ~~((+6))~~ (f) Perform building and property inspections that the
25 district deems necessary to provide fire prevention services and pre-
26 fire planning within the district and any area that the district serves
27 by contract in accordance with RCW 19.27.110: PROVIDED, That codes
28 used by the district for building and property inspections shall be
29 limited to the applicable codes adopted by the state, county, city, or
30 town that has jurisdiction over the area in which the property is
31 located. A copy of inspection reports prepared by the district shall
32 be furnished by the district to the appropriate state, county, city, or
33 town that has jurisdiction over the area in which the property is
34 located: PROVIDED, That nothing in this subsection shall be construed
35 to grant code enforcement authority to a district. This subsection
36 shall not be construed as imposing liability on any governmental
37 jurisdiction;

1 ~~((7))~~ (g) Determine the origin and cause of fires occurring
2 within the district and any area the district serves by contract. In
3 exercising the authority conferred by this subsection, the fire
4 protection district and its authorized representatives shall comply
5 with the provisions of RCW ~~((48.48.060))~~ 43.44.050;

6 ~~((8))~~ (h) Perform acts consistent with this title and not
7 otherwise prohibited by law.

8 (2)(a) Any contract between a fire protection district and (i) a
9 government entity; (ii) a private person; or (iii) a commercial entity
10 must provide for adequate compensation.

11 (b) "Adequate compensation" means the compensation may not fall
12 below the proportional property tax burden of a property located within
13 the fire protection district, as defined by chapter 52.16 RCW.

14 (3) A fire protection district may not provide fire service
15 protection to any government entity or private person or commercial
16 entity outside of their fire district without the expressed consent of
17 the fire district in which the property resides in.

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