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**SUBSTITUTE SENATE BILL 5638**

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**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** Senate Government Operations & Elections (originally sponsored by Senators Swecker, Haugen, Hewitt, Schoesler, and Shin)

READ FIRST TIME 02/23/09.

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) The adequate compensation requirement in (a) of this subsection  
12 does not apply to mutual aid agreements entered into by fire protection  
13 districts; agreements between fire protection districts and the  
14 department of natural resources; schools; libraries; or where the  
15 compensation requirements of the agreement are defined elsewhere in  
16 statute.

17        (c) "Adequate compensation" means the person or entity receiving  
18 the services must pay the same amount that would be collected by the  
19 fire district if the property was subject to the fire district levy.

20        (3) A fire protection district may not provide fire service  
21 protection to any government entity or private person or commercial  
22 entity outside of their fire district without the expressed consent of  
23 the fire district in which the property resides in.

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