

the department pursuant to chapter 70.105 RCW. In the implementation of said section, the department shall consult and cooperate with the energy facility site evaluation council and, in order to reduce duplication of effort and to provide necessary coordination of monitoring and on-site inspection programs at energy facility sites, any on-site inspection by the department that may be required for the purposes of this chapter shall be performed pursuant to an interagency coordination agreement with the council.

(3) To facilitate the implementation of this chapter, the energy facility site evaluation council may require certificate holders to remove from their energy facility sites any dangerous wastes, controlled by this chapter, within ninety days of their generation.

Passed the Senate March 4, 1984.

Passed the House March 5, 1984.

Approved by the Governor March 27, 1984.

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CHAPTER 238

[Senate Bill No. 4619]

FIRE PROTECTION DISTRICTS

AN ACT Relating to fire protection districts; amending section 20, chapter 34, Laws of 1939 as last amended by section 48, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.08.030; amending section 26, chapter 34, Laws of 1939 as last amended by section 1, chapter 64, Laws of 1977 and RCW 52.12.050; adding new sections to chapter 52.14 RCW; and repealing section 1, chapter 176, Laws of 1953, section 2, chapter 101, Laws of 1972 ex. sess., section 161, chapter 3, Laws of 1983 and RCW 52.12.110.

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

Sec. 1. Section 20, chapter 34, Laws of 1939 as last amended by section 48, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.08.030 are each amended to read as follows:

Any fire protection district organized under this ~~((act shall have authority))~~ title may:

(1) ~~((To))~~ Lease, acquire, own, maintain, operate, and provide fire ~~((engines))~~ and emergency medical apparatus and all other necessary or proper ~~((apparatus,))~~ facilities, machinery, and equipment for the prevention and ~~((extinguishment))~~ suppression of fires, the providing of emergency medical services and the protection of life and property;

(2) ~~((To))~~ Lease, acquire, own, maintain, and operate real property, improvements, and fixtures ~~((thereon suitable and convenient))~~ for housing, repairing, and ~~((caring for fire fighting equipment))~~ maintaining the apparatus, facilities, machinery, and equipment described in subsection (1) of this section;

(3) ~~((To enter into contract with any incorporated city or town where- by such city or town shall furnish fire prevention and fire extinguishment service to the districts and the inhabitants thereof under the provisions of~~

~~this act upon such terms as the board of directors of the district shall determine. To)) Contract with ((another county fire protection district, or with any town, city or municipal corporation or governmental agency)) any governmental entity or private person or ((persons)) entity to consolidate or cooperate for ((mutual)) fire ((fighting protection and)) prevention protection, fire suppression, and emergency medical purposes. ((Any city, town, municipal corporation or governmental agency may contract with a county fire protection district established and maintained under the provisions of this act for the purpose of affording such district fire fighting and protection equipment and service or fire prevention facilities, and in so contracting the district, city, town, municipal corporation or other governmental agency shall be deemed for all purposes to act within its governmental capacity. Any county fire protection district established and maintained under the provisions of this act, or any city, town, municipal corporation or other governmental agency is hereby authorized to contract with any person, firm or corporation for the purpose of affording fire fighting, protection or fire prevention facilities to such person, firm or corporation and such contractual relation shall be deemed for all purposes to be within the governmental power of such rural fire protection district, city, town, municipal corporation or other governmental agency)) In so contracting, the district or governmental entity is deemed for all purposes to be acting within its governmental capacity. This contracting authority includes the furnishing of fire prevention, fire suppression, emergency medical services, facilities, and equipment to or by the district, governmental entity, or private person or entity;~~

~~(4) ((Fire protection districts situated in different counties may contract to operate jointly in carrying out the objects of their creation. Contracts for joint operation may provide for joint ownership of property and equipment, and may authorize a joint board of fire commissioners of the contracting districts to manage the affairs of the joint operations; to employ and discharge the necessary agents and employees and fix their respective wages and salaries; to provide and designate a suitable place in any county in which any of the contracting districts is situated, as a regular meeting place for the joint board; to incur the necessary expenses and direct the payment therefor from the funds of the contracting districts in such proportion as the joint boards shall determine; and to do all things as may in the judgment of the joint board be required to carry out the joint operations of the contracting districts.~~

~~The joint board shall consist of the members of the boards of the contracting districts and a majority of the membership of each district board shall constitute a quorum for the transaction of the business of the joint board. The members of the boards of fire commissioners of the contracting districts shall organize as a joint board annually in January after the second Monday thereof; elect a chairman and appoint a secretary for the ensuing~~

~~year. Any member of the board of any contracting district may act as secretary of the joint board or the joint board may appoint such other person as the joint board may determine. The joint board shall prepare the annual budget for the joint operation of the contracting districts and shall determine the share of revenues for the joint operation to be raised by each district and the share of the expense of joint operation to be paid by each district in the ensuing year, and the secretary of the joint board shall certify and deliver within the time required by law, to the county auditor of each county involved, the part of the budget to be raised by the district in that county and the tax officials of that county shall levy and collect the tax, and the county treasurer shall pay vouchers drawn by the joint board on the funds of the district in that county upon warrants issued by the county auditor of that county.~~

~~Contracts for joint operation of fire districts, as herein authorized shall run from year to year and as of January 1st may be terminated by written notice of the board of fire commissioners of any contracting district to the other contracting district or districts on or before July 1st and the contract for joint operations shall terminate on January 1st following: PROVIDED, That all obligations of the joint operations must be paid or definitely arranged for before contract termination and no notice of termination shall relieve any contracting district of its unpaid obligation incurred under the contract for joint operation;~~

~~(5) To) Encourage uniformity and coordination of fire protection district operations ((programs;)). The fire commissioners of ((two or more)) fire protection districts(;) may form an association ((thereof, for the purpose of securing data and)) to secure information of value in ((fighting and in)) suppressing and preventing fires(;) and other district purposes, to hold and attend meetings ((thereof;)), and to promote more economical and efficient operation of the associated fire protection districts. The ((directors)) commissioners of fire protection districts ((so associated)) in the association shall adopt articles of association or articles of incorporation for a nonprofit corporation, select a chairman ((and)), secretary, and ((such)) other officers as they may determine, and may employ and discharge ((such)) agents and employees as the officers deem convenient to carry out the purposes of the association. The expenses of the association may be paid from ((fire protection district expense)) funds ((upon vouchers of the respective associated)) paid into the association by fire protection districts: PROVIDED, That the aggregate contributions made to the association by ((any)) a district in ((any)) a calendar year shall not exceed two and one-half cents per thousand dollars of assessed valuation;~~

~~((6) Two or more fire protection districts may contract with each other and such a district may contract with a city or county or the state supervisor of forestry or any association approved by him for the joint leasing;~~

~~ownership, maintenance and operation of all necessary and proper apparatus, facilities, machinery, and equipment for the elimination of fire hazards and for the protection of life and property within the contracting districts, and of real property; improvements and fixtures thereon suitable and convenient for the housing, repairing, and caring for such apparatus, facilities, machinery, and equipment, and may contribute their agreed proportion of the cost and expense thereof.~~

~~Such contracts shall be executed by the commissioners of the contracting districts and, when the contract is between such districts, the terms and conditions thereof shall be carried out by the boards of commissioners acting jointly;~~

~~(7) To do all things and perform all acts not otherwise prohibited by law.~~

~~(8) May)) (5) Enter into contracts to provide group life insurance for the benefit of the personnel of the fire districts((, but not to exceed ten thousand dollars coverage per covered employee, and not more than fifty percent of the cost of such insurance shall be borne by the employer fire district));~~

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

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

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

Sec. 2. Section 26, chapter 34, Laws of 1939 as last amended by section 1, chapter 64, Laws of 1977 and RCW 52.12.050 are each amended to read as follows:

In ~~((case))~~ the event of a vacancy occurring; in the office of fire commissioner, ~~((such))~~ the vacancy shall, within ~~((thirty))~~ sixty days, be filled by appointment of a resident elector of the district by a vote of the remaining fire commissioners ~~((and))~~. The person appointed shall serve until ~~((his))~~ a successor has been elected or appointed and has qualified. If the

board of commissioners fails to fill the vacancy within the sixty-day period, the county legislative authority shall make the appointment. If ~~((there should be at the same time such))~~ the number of vacancies is such that there are not ~~((in office))~~ a majority of the full number of commissioners in office as fixed by law, the county legislative authority shall within thirty days of ~~((such))~~ the vacancies appoint the required number to create a majority as prescribed by law to fill the vacancies ad interim through the next general election. At the next general election, if there is sufficient time for the nomination of candidates for office of fire commissioner ~~((as herein provided))~~, after the filling of any vacancy in ~~((such))~~ the office ~~((as afore-said))~~, ~~((there shall be elected))~~ a fire commissioner shall be elected to serve for the remainder of the unexpired term.

If a fire commissioner is absent from the district for three consecutive regularly scheduled meetings unless by permission of the board ~~((his))~~, the office shall be declared vacant by the board of ~~((county))~~ commissioners and ~~((such))~~ the vacancy shall be filled as provided for in this section ~~((but provided that no))~~. However, such an action shall not be taken unless ~~((he))~~ the commissioner is notified by mail after two consecutive unexcused absences that ~~((his))~~ the position will be declared vacant if ~~((he))~~ the commissioner is absent without being excused from the next regularly scheduled meeting.

NEW SECTION. Sec. 3. There is added to chapter 52.14 RCW a new section to read as follows:

Insofar as practicable, purchases and any public works by the district shall be based on competitive bids. A formal sealed bid procedure shall be used as standard procedure for purchases and contracts for purchases executed by the board of commissioners. Formal sealed bidding shall not be required for:

(1) Emergency purchases if the sealed bidding procedure would prevent or hinder the emergency from being addressed appropriately. The term emergency means an occurrence that creates an immediate threat to life or property;

(2) The purchase of any materials, supplies, or equipment if the cost will not exceed the sum of ten thousand dollars: PROVIDED, That whenever the estimated cost is from forty-five hundred dollars up to ten thousand dollars, the commissioners shall require quotations from at least three different sources to be obtained in writing or by telephone, and recorded for public perusal to assure establishment of a competitive price for such purchase;

(3) Contracting for work to be done involving the construction or improvement of a fire station or other buildings where the estimated cost will not exceed the sum of two thousand five hundred dollars, which includes the costs of labor, material, and equipment;

(4) Purchases which are clearly and legitimately limited to a single source of supply, or services, in which instances the purchase price may be best established by direct negotiation; PROVIDED, That this subsection shall not apply to purchases or contracts relating to public works as defined in chapter 39.04 RCW; and

(5) Purchases of insurance and bonds.

NEW SECTION. Sec. 4. There is added to chapter 52.14 RCW a new section to read as follows:

(1) Notice of the call for bids shall be given by posting notice in three public places in the district and by publication once each week for two consecutive weeks. The posting and first publication shall be at least two weeks before the date fixed for opening of the bids, and the publication shall be in a newspaper of general circulation within the district. If no bid is received on the first call, the commissioners may readvertise and make a second call, or may enter into a contract without a further call.

(2) A public work involving three or more specialty contractors requires that the district retain the services of a general contractor as defined in RCW 18.27.010.

NEW SECTION. Sec. 5. Section 1, chapter 176, Laws of 1953, section 2, chapter 101, Laws of 1972 ex. sess., section 161, chapter 3, Laws of 1983 and RCW 52.12.110 are each repealed.

Passed the Senate March 6, 1984.

Passed the House March 6, 1984.

Approved by the Governor March 27, 1984.

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CHAPTER 239

[Substitute Senate Bill No. 4788]

BALD EAGLES—HABITAT BUFFER ZONES

AN ACT Relating to threatened species; adding new sections to chapter 77.12 RCW; and creating a new section.

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

NEW SECTION. Sec. 1. The legislature hereby declares that the protection of the bald eagle is consistent with a societal concern for the perpetuation of natural life cycles, the sensitivity and vulnerability of particular rare and distinguished species, and the quality of life of humans.

NEW SECTION. Sec. 2. The department of game shall cooperate with other local, state, and federal agencies and governments to protect bald eagles and their essential habitats through existing governmental programs, including but not limited to:

(1) The natural heritage program managed by the department of natural resources under chapter 79.70 RCW;