

**Introduced by Senator Romero**

March 19, 2001

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An act to amend Sections 6303 and 6304.1 of the Labor Code, relating to occupational safety and health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1207, as introduced, Romero. Occupational safety and health: volunteer firefighters.

Existing provisions of the California Occupational Safety and Health Act of 1973 define the terms "employee" and "employment." The definition of "employment" in existing law limits "employment" to work for hire.

This bill would impose a state-mandated local program by including within these definitions, and thereby making the act applicable to, volunteer firefighters when covered by workers' compensation pursuant to provisions applicable to volunteer firefighters of specified volunteer fire departments that are wholly or partially supported by a county, city, or public district.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6303 of the Labor Code is amended to  
2 read:

3 6303. (a) “Place of employment” means any place, and the  
4 premises appurtenant thereto, where employment is carried on,  
5 except a place the health and safety jurisdiction over which is  
6 vested by law in, and actively exercised by, any state or federal  
7 agency other than the division.

8 (b) “Employment” includes the carrying on of any trade,  
9 enterprise, project, industry, business, occupation, or work,  
10 including all excavation, demolition, and construction work, or  
11 any process or operation in any way related thereto, in which any  
12 person is engaged or permitted to work for hire, except household  
13 domestic service. *“Employment,” for purposes of this division*  
14 *only, also includes volunteer firefighting when covered by Division*  
15 *4 (commencing with Section 3200) pursuant to Section 3361.*

16 SEC. 2. Section 6304.1 of the Labor Code is amended to read:

17 6304.1. “Employee” means every person who is required or  
18 directed by any employer; to engage in any employment; or to go  
19 to work or be at any time in any place of employment. *“Employee”*  
20 *also includes volunteer firefighters covered by Division 4*  
21 *(commencing with Section 3200) pursuant to Section 3361.*

22 SEC. 3. Notwithstanding Section 17610 of the Government  
23 Code, if the Commission on State Mandates determines that this  
24 act contains costs mandated by the state, reimbursement to local  
25 agencies and school districts for those costs shall be made pursuant  
26 to Part 7 (commencing with Section 17500) of Division 4 of Title  
27 2 of the Government Code. If the statewide cost of the claim for  
28 reimbursement does not exceed one million dollars (\$1,000,000),  
29 reimbursement shall be made from the State Mandates Claims  
30 Fund.

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