

# SENATE BILL REPORT

## HB 2606

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As Reported By Senate Committee On:  
Government Operations & Elections, February 23, 2006

**Title:** An act relating to allowing volunteer fire personnel to hold elective or appointed office.

**Brief Description:** Allowing volunteer fire fighter personnel to hold elective or appointed office.

**Sponsors:** Representatives Curtis, Takko, Orcutt, McDonald, Grant, Hinkle, Clements, Moeller, Chandler, Wallace, Tom, Kretz, Nixon, Blake, Kessler, Rodne, Haigh, B. Sullivan and Morrell.

**Brief History:** Passed House: 2/14/06, 96-0.

**Committee Activity:** Government Operations & Elections: 2/16/06, 2/23/06 [DPA].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** Do pass as amended.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Roach, Ranking Minority Member; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken and Pridemore.

**Staff:** Genevieve Pisarski (786-7488)

**Background:** The position of firefighter is considered a public office by the courts of this state and subject to the common law doctrine of incompatible public offices that prohibits an individual from simultaneously holding two public offices, when the nature and duties of the two offices would make it inherently repugnant, detrimental to the public interest, and contrary to public policy. The two situations when this has been found to be the case have been when one office was directly subordinate to the other and when the offices were with separate and distinct entities, but one entity was subject to the statutory authority of the other. Because it is common law, the doctrine of incompatible public offices can be superseded by statute.

**Summary of Amended Bill:** Except as otherwise prohibited by law, a volunteer firefighter who works for a city, town, or fire protection district, except the fire chief, will be able to hold an elected or appointed public office. Volunteer means a firefighter who receives no compensation or consideration, except for the pension benefits and other relief that are available to volunteer fire fighters under existing law.

**Amended Bill Compared to Original Bill:** The amended bill clarifies that any laws that would prohibit a volunteer firefighter from holding a particular public office are not superceded.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Small communities need to have the benefit of individuals who are willing and available to hold public office.

**Testimony Against:** None.

**Who Testified:** PRO: Rep. Curtis, Prime Sponsor.