

SESSION OF 2015

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2097

As Amended by House Committee of the Whole

Brief*

HB 2097 would authorize the State Fire Marshal to enter into contracts to establish regional search and rescue teams to respond to search and rescue incidents, and to appoint a Search and Rescue Advisory Committee.

The Search and Rescue Advisory Committee would meet periodically to provide input to the search and rescue program and act as advisors to the State Fire Marshal and the Director of the Division of Emergency Management. The Committee would be composed of one member or representative of each of the following:

- Each search and rescue region;
- Kansas Division of Emergency Management;
- Kansas National Guard/Crisis City;
- Kansas Fire and Rescue Training Institute; and
- Kansas Search and Rescue Dog Association.

Committee members would receive *per diem* compensation and subsistence, mileage, and reasonable and necessary expenses as provided in KSA 75-3223.

The State Fire Marshal would be authorized to adopt rules and regulations governing the composition, training requirements, response, and operations of the regional search and rescue teams.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Any member of a regional search and rescue team or regional hazardous materials response team contracting with the State Fire Marshal would be included within an exemption under the Kansas Tort Claims Act in connection with authorized training or upon activation for an emergency response.

The Hazardous Materials Emergency Fund of the State Fire Marshal would be redesignated as the Emergency Response Fund. Moneys in the Fund would be used to establish and maintain regional emergency response teams to provide a response to hazardous materials or search and rescue incidents, in addition to other authorized purposes. If the balance in the Emergency Response Fund falls below \$500,000, the State Fire Marshal would be authorized to transfer from the Fire Marshal Fee Fund the amount necessary to return the balance in the Emergency Response Fund to \$500,000.

The bill would be in effect upon publication in the *Kansas Register*.

Background

The State Fire Marshal testified in support of the bill in the House Committee on Veterans, Military and Homeland Security. He stated, over the past five to six years, nearly \$5.0 million of Homeland Security money has been invested in the state search and rescue initiative for equipment and training, but those funds are diminishing. He said the provisions of the bill are intended to retain a viable search and rescue function by allowing the State Fire Marshal to contract with local fire departments and emergency responders to coordinate teams as needed to respond to incidents.

Written testimony in support of the bill was received from the Chairperson of the Kansas Search and Rescue Working Group (KSARWG), a group chartered under the Governor's

Commission on Emergency Planning and Response. The testimony indicates KSARWG reached out to the State Fire Marshal in searching for a parent state agency to oversee the search and rescue function.

No neutral or opponent testimony was presented.

The House Committee of the Whole amended the bill to specify it would take effect upon publication in the *Kansas Register*. The maker of the amendment said the change was necessary for search and rescue teams to be prepared to participate in mock disaster drills scheduled for early August.

According to the fiscal note prepared by the Division of the Budget, the State Fire Marshal estimates additional expenditures of \$200,000 from agency fee funds and 2.0 additional non-FTE unclassified permanent positions would be needed in FY 2016 if the bill were enacted. Of that amount, \$113,574 would be for salaries and wages and \$86,426 would be for training and to reimburse related expenses. For FY 2017, the agency estimates additional expenditures of \$250,000 from agency fee funds. Any fiscal effect associated with the bill is not reflected in *The FY 2016 Governor's Budget Report*.