

SESSION OF 2017

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2140

As Recommended by House Committee on
Federal and State Affairs

Brief*

HB 2140 would adopt the Great Plains Interstate Fire Compact (Compact), and immediately authorize the Governor of Kansas to enter into an interstate compact to promote effective prevention and control of forest fires in the Great Plains region of the United States (U.S.).

The bill would establish nine articles of the Compact.

Article I

Article I would provide that the purpose of the Compact is to promote effective prevention and control of forest fires in the Great Plains region of the U.S. by the maintenance of adequate forest fire fighting services by member states and by providing for reciprocal aid in fighting forest fires.

The following states and provinces have entered into the Compact: Colorado, Nebraska, New Mexico, North Dakota, Saskatchewan, South Dakota, and Wyoming.

Article II

Article II would state the Compact is operative immediately between two or more states who have ratified it.

*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>

Article III

Article III would provide for administration of the Compact. Compact administrators in member states would be the state forester, or other state officer holding an equivalent position who is responsible for forest fire control. Administrators could implement coordination between fellow member states for forest fire prevention and control. Each member state could formulate and put into effect a forest fire plan for that state.

Article IV

Article IV would state a member shall render all possible aid in combating, controlling, and preventing forest fires to a requesting member state while still maintaining such protections in the home state.

Article V

Article V would provide protections for firefighters providing assistance in another member state under the Compact. First, such personnel would be granted the same powers, duties, rights, privileges (except for arrest powers), and immunities that are afforded similar personnel in the member state where aid is being provided. Second, all liability for the acts of any personnel providing assistance in a member state would be assumed by the member state requesting the assistance. Third, any member state providing assistance under the Compact would be reimbursed for losses of, damages to, and expense incurred by the use of equipment and costs of materials, transportation, wages, salaries, and maintenance of employees and equipment incurred in providing such assistance. However, nothing prevents the member state providing assistance from donating such services or from assuming such loss, damage, or expense and not seeking reimbursement. Finally, workers

compensation benefits would extend to all personnel providing assistance in a member state.

For purposes of the Compact, the term employee would include volunteers or auxiliaries legally included in the forest fire fighting forces of the aiding state.

Compact administrators would be able to create procedures for any claims or reimbursement under the Compact.

Article VI

Article VI would provide that ratification of the Compact would not authorize member states to curtail or diminish its forest fire fighting forces, equipment, services, or facilities. Each member state would be required to maintain adequate forces and equipment for fire fighting within its borders as if the Compact was not operative.

The Compact would specify it would not limit the ability of the member states to provide for the prevention, control, and extinguishment of forest fires or prohibiting enactment or enforcement of state laws, rules, or regulations intended to aid in such endeavors. The Compact would also not affect existing or future arrangements between the U.S. Forest Service and member states.

Article VII

Article VII would provide that members of the U.S. Forest Service could attend meetings of Compact administrators.

Article VIII

Article VIII would provide that reciprocal aid between member states could also be extended to member states of

other regional compacts, provided that the legislature of a state in another regional compact has assented to the mutual aid provisions of the Compact.

Article IX

Article IX would provide that the Compact would remain in force and binding on each member state until its legislature or governor takes action to withdraw. Notice must be given to all other member states, and withdrawal would not take effect until six months after notice. This article would further provide that volunteer firefighters entitled to workers compensation who are engaged by the State of Kansas under the Compact shall be deemed employees of the State of Kansas for purposes of the Workers Compensation Act.

Background

The bill was introduced by the House Committee on Federal and State Affairs at the request of Representative Rooker. In the House Committee hearing, representatives of the Kansas Forest Service, the Kansas State Firefighters Association and Riley County Fire District #1, testified as proponents of the bill. The Kansas League of Municipalities, the Kansas State Firefighters Association, and an Oklahoma State Forester provided written-only proponent testimony. No other testimony was provided.

According to the fiscal note prepared by the Division of the Budget, Kansas State University indicates enactment of the bill would have no fiscal effect on the Kansas Forest Service. The Compact does not require any membership dues and would not require resources above those currently budgeted.

The Kansas Department of Labor estimates there could be additional workers compensation cases presented to administrative law judges; however, the additional cases

could be absorbed within existing resources. Any fiscal effect associated with the bill is not reflected in *The FY 2018 Governor's Budget Report*.