

HOUSE BILL No. 2140

By Committee on Federal and State Affairs

1-24

1 AN ACT concerning firefighting; relating to interstate compacts; great
2 plains interstate fire compact.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. The governor of Kansas may execute a compact on behalf
6 of the state with any one or more states who may, by their legislative
7 bodies, authorize a compact, in form substantially as follows:

8 ARTICLE I

9 The purpose of this compact is to promote effective prevention and
10 control of forest fires in the great plains region of the United States by the
11 maintenance of adequate forest fire fighting services by the member states,
12 and by providing for reciprocal aid in fighting forest fires among the
13 compacting states of the region, including South Dakota, North Dakota,
14 Wyoming, Colorado and any adjoining state of a current member state.

15 ARTICLE II

16 This compact is operative immediately as to those states ratifying it if
17 any two or more of the member states have ratified it.

18 ARTICLE III

19 In each state, the state forester or officer holding the equivalent
20 position, who is responsible for forest fire control, may act as compact
21 administrator for that state and may consult with like officials of the other
22 member states and may implement cooperation between the states in forest
23 fire prevention and control. The compact administrators of the member
24 states may organize to coordinate the services of the member states and
25 provide administrative integration in carrying out the purposes of this
26 compact. Each member state may formulate and put into effect a forest fire
27 plan for that state.

28 ARTICLE IV

29 If the state forest fire control agency of a member state requests aid
30 from the state forest fire control agency of any other member state in
31 combating, controlling, or preventing forest fires, the state forest fire
32 control agency of that state may render all possible aid to the requesting
33 agency, consonant with the maintenance of protection at home.

34 ARTICLE V

35 If the forces of any member state are rendering outside aid pursuant to
36 the request of another member state under this compact, the employees of

1 the state shall, under the direction of the officers of the state to which they
2 are rendering aid, have the same powers (except the power of arrest),
3 duties, rights, privileges, and immunities as comparable employees of the
4 state to which they are rendering aid.

5 No member state or its officers or employees rendering outside aid
6 pursuant to this compact is liable on account of any act or omission on the
7 part of such forces while so engaged, or on account of the maintenance or
8 use of any equipment or supplies in connection with rendering the outside
9 aid.

10 All liability, except as otherwise provided in this compact, that may
11 arise either under the laws of the requesting state or under the laws of the
12 aiding state or under the laws of a third state on account of or in
13 connection with a request for aid, shall be assumed and borne by the
14 requesting state.

15 Any member state rendering outside aid pursuant to this compact shall,
16 subject to appropriations, be reimbursed by the member state receiving the
17 aid for any loss or damage to, or expense incurred in the operation of any
18 equipment answering a request for aid, and for the cost of all materials,
19 transportation, wages, salaries, and maintenance of employees and
20 equipment incurred in connection with such request. However, nothing in
21 this compact prevents any assisting member state from assuming such loss,
22 damage, expense, or other cost or from loaning such equipment or from
23 donating such services to the receiving member state without charge or
24 cost.

25 Each member state shall assure that workers compensation benefits in
26 conformity with the minimum legal requirements of the state are available
27 to all employees and contract firefighters sent to a requesting state
28 pursuant to this compact.

29 For the purposes of this compact the term, employee, includes any
30 volunteer or auxiliary legally included within the forest fire fighting forces
31 of the aiding state under the laws of the aiding state.

32 The compact administrators may formulate procedures for claims and
33 reimbursement under the provisions of this article, in accordance with the
34 laws of the member states.

35 ARTICLE VI

36 Ratification of this compact does not affect any existing statute so as to
37 authorize or permit curtailment or diminution of the forest fire fighting
38 forces, equipment, services, or facilities of any member state.

39 Nothing in the compact authorizes or permits any member state to
40 curtail or diminish its forest fire fighting forces, equipment, services, or
41 facilities. Each member state shall maintain adequate forest fire fighting
42 forces and equipment to meet demands for forest fire protection within its
43 borders in the same manner and to the same extent as if this compact were

1 not operative.

2 Nothing in this compact limits or restricts the powers of any state
3 ratifying the compact to provide for the prevention, control, and
4 extinguishment of forest fires, or to prohibit the enactment or enforcement
5 of state laws, rules, or regulations intended to aid in the prevention,
6 control, and extinguishment in the state.

7 Nothing in this compact affects any existing or future cooperative
8 relationship or arrangement between the United States forest service and a
9 member state or states.

10 ARTICLE VII

11 Representatives of the United States forest service may attend meetings
12 of the compact administrators.

13 ARTICLE VIII

14 The provisions of Articles IV and V of this compact that relate to
15 reciprocal aid in combating, controlling, or preventing forest fires are
16 operative as between any state party to this compact and any other state
17 which is party to this compact and any other state that is party to a regional
18 forest fire protection compact in another region if the legislature of the
19 other state has given its assent to the mutual aid provisions of this
20 compact.

21 ARTICLE IX

22 This compact shall continue in force and remain binding on each state
23 ratifying it until the legislature or the governor of the state takes action to
24 withdraw from the compact. Such action is not effective until six months
25 after notice of the withdrawal has been sent by the chief executive of the
26 state desiring to withdraw to the chief executives of all states then parties
27 to the compact.

28 Sec. 2. A volunteer firefighter entitled to benefits under the workers
29 compensation act who is engaged by the state of Kansas under the
30 compact pursuant to section 1, and amendments thereto, shall be deemed
31 to be an employee of the state of Kansas solely for purposes of the workers
32 compensation act.

33 Sec. 3. This act shall take effect and be in force from and after its
34 publication in the ~~statute book~~ *Kansas register*.