

February 19, 2014

The Honorable Ralph Ostmeyer, Chairperson
Senate Committee on Federal and State Affairs
Statehouse, Room 136-E
Topeka, Kansas 66612

Dear Senator Ostmeyer:

SUBJECT: Fiscal Note for SB 381 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 381 is respectfully submitted to your committee.

SB 381 would allow the State Fire Marshal to enter contracts to establish regional emergency response teams that respond to hazardous materials or search and rescue incidents. The bill would specify that when a regional emergency response team contracting with the State Fire Marshal is activated to respond to a hazardous materials incident, the party responsible for the hazardous material would be liable to the State Fire Marshal for the cost of the response. When activated to respond to a technical search or rescue incident caused by the negligent or the willful act or omission of another party, the responsible party would be liable to the State Fire Marshal for the costs of the response. If payment is not made in full within 60 days after a final agency order is issued, the State Fire Marshal would contact the responsible party in an effort to obtain payment. If the matter remained unresolved, the State Fire Marshal could obtain a civil enforcement of the final agency order under the Kansas Judicial Review Act and could recover any cost of collection, including reasonable attorney fees.

The bill would allow the State Fire Marshal to appoint a Hazardous Materials Advisory Committee and a Search and Rescue Advisory Committee to provide input and assistance to the Emergency Response Program and act as advisors to the State Fire Marshal. The bill would change the definition of "employee."

Estimated State Fiscal Effect				
	FY 2014 SGF	FY 2014 All Funds	FY 2015 SGF	FY 2015 All Funds
Revenue	--	--	--	--
Expenditure	--	--	--	\$200,000
FTE Pos.	--	--	--	--

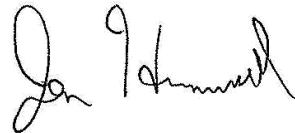
The Honorable Ralph Ostmeyer, Chairperson

February 19, 2014

Page 2—SB 381

The State Fire Marshal estimates additional expenditures of \$200,000 from agency fee funds and 2.00 additional non-FTE unclassified permanent positions would be needed in FY 2015 if SB 381 were enacted. Of that amount, \$114,103 would be for salaries and wages for a new Coordinator/Trainer non-FTE unclassified permanent position, a new Administrative Assistant non-FTE unclassified permanent position, and a salary increase for the Hazmat Program Manager who would oversee the emergency response teams. The remaining \$85,897 would be used to provide training and to reimburse related expenses. The agency does not provide an estimate of revenues recovered from responsible parties. The Office of Judicial Administration states the bill would allow the State Fire Marshal to obtain civil enforcement of a final agency order under the Kansas Judicial Review Act, which could result in some additional district court case filings, but the Office estimates the number of additional filings would be negligible. Enactment of SB 381 could also result in the collection of docket fees in those cases filed under the bill's provisions. Until the courts have had an opportunity to operate under the provisos of SB 381, an accurate estimate of the fiscal effect on the Judicial Branch cannot be given. Any fiscal effect associated with SB 381 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is fluid and cursive, with the first name "Jon" being more prominent than the last name "Hummell".

Jon Hummell,
Interim Director of the Budget

cc: Becky Bahr, Fire Marshal's Office