

SESSION OF 2014

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2580

As Amended by Senate Committee of the Whole

Brief*

HB 2580, as amended, would allow the State Fire Marshal to enter into contracts and establish regional emergency response teams that would respond to hazardous materials or search and rescue incidents. Under the provisions of the bill, for any event that activates a response by a hazardous materials team caused by a negligent or willful act or omission, the State Fire Marshal would notify the Attorney General who would investigate and would have authority to file court action to recover reasonable and necessary costs related to the incident. Any moneys recovered would be paid to the State General Fund.

The bill would provide that no person would be liable for costs in the case of an incident caused by a natural disaster, unless a party's actions or omissions negligently or willfully contributed to or aggravated the incident.

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 and act as advisers to the State Fire Marshal and the director of the emergency response division. The committees would meet at the direction of the State Fire Marshal.

The Hazardous Materials Advisory Committee would be composed of the following:

- One member from each hazardous materials response region;

*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>

- One representative from the Kansas Division of Emergency Management, Adjutant General's Department;
- One representative from the Kansas National Guard Civil Support Team;
- One representative from the Kansas Fire and Rescue Training Institute; and
- One representative from the Kansas Department of Health and Environment.

The Search and Rescue Advisory Committee would be composed of the following:

- One member from each search and rescue region;
- One representative from the Kansas Division of Emergency Management;
- One representative from the Kansas National Guard/Crisis City;
- One representative from the Kansas Fire and Rescue Training Institute; and
- One representative from the Kansas Search and Rescue Dog Association.

Background

The bill was introduced by the House Committee on Veterans, Military and Homeland Security at the request of the State Fire Marshal. At the House Committee hearing, the State Fire Marshal testified that passage of the bill would give the responsibility of administering and identifying funding for search and rescue initiatives to the Office of the State Fire Marshal. The Fire Marshal indicated the current search and rescue initiative is composed of 125 individuals in 39 emergency response departments. Currently, the hazardous

materials response team is administered by the Office of the State Fire Marshal, and the bill would allow both programs to be managed under one entity. Written testimony in support of the bill was provided by a representative of the Kansas Search and Rescue Working Group. Neutral testimony was provided by a representative of the Kansas Cooperative Council. There was no opponent testimony.

The House Committee amended the bill to remove the strict liability provision. Under the provisions of the original bill, any party responsible for a hazardous materials release was to be held strictly liable for the costs of the response. Additionally, the Committee created two advisory committees. The Committee also amended the bill to allow the State Fire Marshal an opportunity for a hearing when recovering costs for an incident.

The House Committee of the Whole amended the bill to clarify the State Fire Marshal may adopt rules and regulations governing training requirements. (Under current law, the State Fire Marshal is permitted to adopt rules and regulations governing the composition, training, response and operations of the emergency response teams.)

The Senate Committee amended the bill:

- By deleting reference to search and rescue incidents, leaving in the bill reference to hazardous materials incidents, and
- By adding reference to certain negligent or willful actions or non-actions during natural disaster incidents that may cause liability for costs.

The Senate Committee of the Whole amended the bill to remove language allowing the State Fire Marshall to recover costs from hazardous materials incidents, and added new language requiring the State Fire Marshall to notify the Attorney General of certain incidents believed caused by negligent or willful acts or omissions. The bill would authorize

the Attorney General to investigate and bring court action if warranted. Any moneys recovered would be paid to the State General Fund.

According to the fiscal note provided by the Division of the Budget on the original bill, the Office of the State Fire Marshal would need additional expenditures of \$200,000, all from agency fee funds, and 2.0 additional non-FTE unclassified permanent positions in FY 2015. The estimate included \$114,103 in salaries and wages for a coordinator/trainer position and an administrative assistant position and \$85,897 for training and reimbursement expenses.