

Interstate Compacts—Great Plains Interstate Fire Compact; HB 2140

HB 2140 adopts the Great Plains Interstate Fire Compact (Compact) and immediately authorizes 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. Although the Compact does not specifically define “forest fires,” it is understood among members that the Compact terms are not limited to forest fires, and means any type of fire, including wild fires and structural fires.

The bill establishes nine articles of the Compact.

Article I

Article I provides that the purpose of the Compact is to promote effective prevention and control of forest fires in the Great Plains region 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 province are also part of the Compact: Colorado, Nebraska, New Mexico, North Dakota, Saskatchewan, South Dakota, and Wyoming.

Article II

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

Article III

Article III provides for administration of the Compact. The Compact administrator in member states is the state forester or other state officer holding an equivalent position who is responsible for forest fire control. Administrators can implement coordination among fellow member states for forest fire prevention and control. Each member state can formulate and put into effect a forest fire plan for that state.

Article IV

Article IV states that a member must 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 provides protections for firefighters providing assistance in another member state under the Compact. First, such personnel are 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 is assumed by the member state requesting the assistance. Third, any member state providing assistance under the Compact will 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 will extend to all personnel providing assistance in a member state.

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

Compact administrators may create procedures for any claims or reimbursement under the Compact.

Article VI

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

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

Article VII

Article VII provides that members of the U.S. Forest Service may attend meetings of Compact administrators.

Article VIII

Article VIII provides that reciprocal aid between member states can 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 provides that the Compact will remain in force and be 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 cannot take effect until six months after notice. This article further provides 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.