

SESSION OF 2014

SUPPLEMENTAL NOTE ON SENATE BILL NO. 381

As Amended by Senate Committee on Federal
and State Affairs

Brief*

SB 381, as amended, would allow the State Fire Marshal to enter into contracts to establish regional emergency response teams that would respond to hazardous materials or search and rescue incidents. Under the provisions of the bill, in any event that activates a response by a hazardous materials or a search and rescue team, caused by a negligent or willful act or omission, the party responsible will be liable to the State Fire Marshal for costs. However, no party would be liable for costs in the case of an incident caused by a natural disaster.

Background

The bill was introduced by the Senate Committee on Federal and State Affairs at the request of the State Fire Marshal. At the Senate Committee hearing, the State Fire Marshal testified that the bill would give the responsibility to the Office of the State Fire Marshal to administer and identify funding for both hazardous materials and search and rescue initiatives. 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. The bill would allow both programs to be managed under one entity.

*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>

Written testimony in support of the bill was provided by a representative of the Kansas Search and Rescue Working Group. Neutral written testimony was provided on behalf of the Kansas Agribusiness Retailers Association, the Kansas Cooperative Council, and the Kansas Grain and Feed Association. There was no opponent testimony.

The Senate Committee amended the bill to remove the language associated with a strict liability provision and to insert language referring to a response caused by a negligent or willful act or omission. Under the provisions of the original bill, any party responsible for the hazardous materials was to be held strictly liable for the costs of an activated response to any incident. The Committee also amended the bill to allow the State Fire Marshal an opportunity to hold a hearing after notice when recovering costs for an incident. Additionally, the Committee amended the bill to update the definition of "hazardous materials" as defined under the Code of Federal Regulations.

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 combination coordinator and trainer position and an administrative assistant position, plus \$85,897 for training and reimbursement expenses. Any fiscal effect associated with the bill is not included in *The FY 2015 Governor's Budget Report*.