

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 820**

Introduced by Davis, 43; Dubas, 34; Hansen, 42; Kolowski, 31;  
Schilz, 47; Sullivan, 41; Wallman, 30.

Read first time January 10, 2014

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to firefighting; to authorize the Governor on  
2 behalf of the state to join an interstate compact for the  
3 prevention and control of forest fires; and to provide  
4 employment status for certain volunteer firefighters.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. The Governor of Nebraska may execute a compact  
2 on behalf of the state with any one or more states who may, by their  
3 legislative bodies, authorize a compact, in form substantially as  
4 follows:

5           ARTICLE I

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

13           ARTICLE II

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

17           ARTICLE III

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

1 formulate and put in effect a forest fire plan for that state.

2 ARTICLE IV

3 If the state forest fire control agency of a member state  
4 requests aid from the state forest fire control agency of any other  
5 member state in combating, controlling, or preventing forest fires,  
6 the state forest fire control agency of that state may render all  
7 possible aid to the requesting agency, consonant with the maintenance  
8 of protection at home.

9 ARTICLE V

10 If the forces of any member state are rendering outside  
11 aid pursuant to the request of another member state under this  
12 compact, the employees of the state shall, under the direction of the  
13 officers of the state to which they are rendering aid, have the same  
14 powers (except the power of arrest), duties, rights, privileges, and  
15 immunities as comparable employees of the state to which they are  
16 rendering aid.

17 No member state or its officers or employees rendering  
18 outside aid pursuant to this compact is liable on account of any act  
19 or omission on the part of such forces while so engaged, or on  
20 account of the maintenance or use of any equipment or supplies in  
21 connection with rendering the outside aid.

22 All liability, except as otherwise provided in this  
23 compact, that may arise either under the laws of the requesting state  
24 or under the laws of the aiding state or under the laws of a third  
25 state on account of or in connection with a request for aid, shall be

1 assumed and borne by the requesting state.

2 Any member state rendering outside aid pursuant to this  
3 compact shall be reimbursed by the member state receiving the aid for  
4 any loss or damage to, or expense incurred in the operation of any  
5 equipment answering a request for aid, and for the cost of all  
6 materials, transportation, wages, salaries, and maintenance of  
7 employees and equipment incurred in connection with such request.  
8 However, nothing in this compact prevents any assisting member state  
9 from assuming such loss, damage, expense, or other cost or from  
10 loaning such equipment or from donating such services to the  
11 receiving member state without charge or cost.

12 Each member state shall assure that workers' compensation  
13 benefits in conformity with the minimum legal requirements of the  
14 state are available to all employees and contract firefighters sent  
15 to a requesting state pursuant to this compact.

16 For the purposes of this compact, the term employee  
17 includes any volunteer or auxiliary legally included within the  
18 forest fire fighting forces of the aiding state under the laws of the  
19 aiding state.

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

23 ARTICLE VI

24 Ratification of this compact does not affect any existing  
25 statute so as to authorize or permit curtailment or diminution of the

1 forest fire fighting forces, equipment, services, or facilities of  
2 any member state.

3 Nothing in the compact authorizes or permits any member  
4 state to curtail or diminish its forest fire fighting forces,  
5 equipment, services, or facilities. Each member state shall maintain  
6 adequate forest fire fighting forces and equipment to meet demands  
7 for forest fire protection within its borders in the same manner and  
8 to the same extent as if this compact were not operative.

9 Nothing in this compact limits or restricts the powers of  
10 any state ratifying the compact to provide for the prevention,  
11 control, and extinguishment of forest fires, or to prohibit the  
12 enactment or enforcement of state laws, rules, or regulations  
13 intended to aid in the prevention, control, and extinguishment in the  
14 state.

15 Nothing in this compact affects any existing or future  
16 cooperative relationship or arrangement between the United States  
17 Forest Service and a member state or states.

18 ARTICLE VII

19 Representatives of the United States Forest Service may  
20 attend meetings of the compact administrators.

21 ARTICLE VIII

22 The provisions of articles IV and V of this compact that  
23 relate to reciprocal aid in combating, controlling, or preventing  
24 forest fires are operative as between any state party to this compact  
25 and any other state which is party to this compact and any other

1 state that is party to a regional forest fire protection compact in  
2 another region if the Legislature of the other state has given its  
3 assent to the mutual aid provisions of this compact.

4 ARTICLE IX

5 This compact shall continue in force and remain binding  
6 on each state ratifying it until the Legislature or the Governor of  
7 the state takes action to withdraw from the compact. Such action is  
8 not effective until six months after notice of the withdrawal has  
9 been sent by the chief executive of the state desiring to withdraw to  
10 the chief executives of all states then parties to the compact.

11 Sec. 2. A volunteer firefighter entitled to benefits  
12 under the Nebraska Workers' Compensation Act pursuant to section  
13 48-115 who is engaged by the State of Nebraska under the compact set  
14 forth in section 1 of this act shall be deemed to be an employee of  
15 the University of Nebraska solely for purposes of the Nebraska  
16 Workers' Compensation Act.