

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1243

Introduced by McDonnell, 5.

Read first time January 16, 2024

Committee:

- 1 A BILL FOR AN ACT relating to wildland fires; to adopt the Wildland Fire
- 2 Response Act.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 7 of this act shall be known and may be
2 cited as the Wildland Fire Response Act.

3 Sec. 2. (1) The Wildland Incident Response Assistance Team is
4 created and for administrative purposes is part of the office of the
5 State Fire Marshal.

6 (2) The Wildland Incident Response Assistance Team may provide
7 assistance or guidance to any individual who or entity that is attempting
8 to prevent, control, suppress, or otherwise mitigate a wildland fire, as
9 determined by the State Fire Marshal or his or her designee. Such
10 assistance or guidance may be provided regardless of a state of emergency
11 proclamation issued by the Governor relating to a wildland fire incident.

12 (3) The Adjutant General and the Nebraska Emergency Management
13 Agency shall provide assistance to the Wildland Incident Response
14 Assistance Team following a state of emergency proclamation issued by the
15 Governor relating to a wildland fire incident.

16 Sec. 3. The State Fire Marshal shall serve as the coordinator of
17 the Wildland Incident Response Assistance Team and shall:

18 (1) Establish squads within the team and select a squad leader and
19 squad members for each squad. The State Fire Marshal may consult with the
20 State Forester when establishing a squad, selecting a squad leader, or
21 selecting a squad member. The State Fire Marshal is limited to selecting
22 squad leaders and squad members from employees of the State Fire Marshal
23 and employees of the Nebraska Forest Service;

24 (2) Maintain a roster of all individuals who are a part of the
25 Wildland Incident Response Assistance Team; and

26 (3) Establish standards for the operation, training, equipment, and
27 administration of the Wildland Incident Response Assistance Team. It is
28 the intent of the Legislature that such standards should comply with the
29 standards established by the National Wildfire Coordinating Group or its
30 successor.

31 Sec. 4. (1) A squad leader or squad member of the Wildland Incident

1 Response Assistance Team shall have the powers, duties, rights,
2 privileges, and immunities and receive the compensation incidental to
3 employment of such leader or member by the State Fire Marshal or the
4 Nebraska Forest Service.

5 (2) Each squad leader is responsible for the organization,
6 administration, and operation of the squad to which the squad leader is
7 assigned.

8 (3) While operating under the Wildland Incident Response Assistance
9 Team, each squad leader and squad member are subject to the operational
10 control of the State Fire Marshal.

11 (4) While operating under the Wildland Incident Response Assistance
12 Team, each squad member assigned to a wildland fire incident is subject
13 to the operational control of the squad leader assigned to such wildland
14 fire incident.

15 Sec. 5. (1) The office of the State Fire Marshal is responsible for
16 paying the compensation of any squad leader or squad member who is an
17 employee of the State Fire Marshal while such squad leader or squad
18 member is assigned to a wildland fire incident, including any overtime
19 worked by such squad leader or squad member.

20 (2) The Nebraska Forest Service is responsible for paying the
21 compensation of any squad leader or squad member who is an employee of
22 the Nebraska Forest Service while such squad leader or squad member is
23 assigned to a wildland fire incident, including any overtime worked by
24 such squad leader or squad member.

25 (3) Each squad leader and squad member shall be reimbursed as
26 provided in sections 81-1174 to 81-1177 for expenses incurred as a result
27 of being assigned to a wildland fire incident.

28 (4) The State Fire Marshal and the Nebraska Forest Service shall be
29 responsible for requesting adequate appropriations each fiscal year to
30 pay the expenses of any employee who is selected to be a squad leader or
31 squad member of the Wildland Incident Response Assistance Team, including

1 expenses predicted to be incurred pursuant to this section and section 6
2 of this act.

3 Sec. 6. The Wildland Incident Response Assistance Team may rent
4 equipment that is needed to respond to a wildland fire incident and shall
5 pay a reasonable rental fee for the use of such equipment. The Wildland
6 Incident Response Assistance Team is responsible for any loss or damage
7 to the rented equipment caused due to the negligent use or misuse of such
8 rented equipment by the Wildland Incident Response Assistance Team.

9 Sec. 7. The State Fire Marshal may adopt and promulgate rules and
10 regulations to carry out the Wildland Fire Response Act.