

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955



# ENROLLED

HOUSE BILL No. 499

(By Mr. Fumich)



PASSED Mar 12 1955

In Effect 90 Days from Passage



Filed In the Office of the Secretary of State  
of West Virginia

**MAR 17 1955**

D. PITT O'BRIEN  
SECRETARY OF STATE

ENROLLED

House Bill No. 499

(BY MR. FUMICH)

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[Passed March 12, 1955; in effect ninety days from passage.]

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AN ACT to amend chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, to be designated article eleven, relating to the southeastern interstate forest fire protection compact and providing that the state of West Virginia enter into such compact.

*Be it enacted by the Legislature of West Virginia:*

That chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, to be designated article eleven, to read as follows:

**Article 11. Southeastern Interstate Forest Fire Protection Compact.**

Section 1. *Governor Authorized to Execute Compact.*—

2 The governor on behalf of this state is hereby authorized

3 to execute a compact in substantially the following form,  
4 with any one or more of the states of Alabama, Florida,  
5 Georgia, Kentucky, Mississippi, North Carolina, South  
6 Carolina, Tennessee, and Virginia, and the Legislature  
7 hereby signifies in advance its approval and ratification  
8 of such compact:

9           SOUTHEASTERN INTERSTATE FOREST  
10           FIRE PROTECTION COMPACT

11                           Article I.

12   The purpose of this compact is to promote effective  
13 prevention and control of forest fires in the southeastern  
14 region of the United States by the development of in-  
15 tegrated forest fire plans, by the maintenance of adequate  
16 forest fire fighting services by the member states, by pro-  
17 viding for mutual aid in fighting forest fires among the  
18 compacting states of the region and with states which  
19 are party to other regional forest fire protection com-  
20 pacts or agreements, and for more adequate forest pro-  
21 tection.

22                           Article II.

23   This compact shall become operative immediately as

24 to those states ratifying it whenever any two or more of  
25 the states of Alabama, Florida, Georgia, Kentucky, Mis-  
26 sissippi, North Carolina, South Carolina, Tennessee, Vir-  
27 ginia, and West Virginia, which are contiguous have  
28 ratified it and congress has given consent thereto. Any  
29 state not mentioned in this article which is contiguous  
30 with any member state may become a party to this com-  
31 pact subject to approval by the legislature of each of the  
32 member states.

33 Article III.

34 In each state, the state forester or officer holding the  
35 equivalent position who is responsible for forest fire  
36 control shall act as compact administrator for that state  
37 and shall consult with like officials of the other member  
38 states and shall implement cooperation between such  
39 states in forest fire prevention and control.

40 The compact administrators of the member states shall  
41 coordinate the services of the member states and provide  
42 administrative integration in carrying out the purposes  
43 of this compact.

44 There shall be established an advisory committee of

45 legislators, forestry commission representatives, and for-  
46 estry or forest products industries representative which  
47 shall meet from time to time with the compact adminis-  
48 trators. Each member state shall name one member of  
49 the senate and one member of the house of delegates who  
50 shall be designated by that state's commission on in-  
51 terstate cooperation, or if said commission cannot con-  
52 stitutionally designate the said members, they shall be  
53 designated in accordance with laws of that state; and  
54 the governor of each member state shall appoint two  
55 representatives, one of whom shall be associated with  
56 forestry or forest products industries to comprise the  
57 membership of the advisory committee. Action shall be  
58 taken by a majority of the compacting states, and each  
59 state shall be entitled to one vote.

60 The compact administrators shall formulate and, in  
61 accordance with need, from time to time, revise a regional  
62 forest fire plan for the member states.

63 It shall be the duty of each member state to formulate  
64 and put in effect a forest fire plan for that state and take  
65 such measures as may be necessary to integrate such forest

66 fire plan with the regional forest fire plan formulated  
67 by the compact administrators.

68 Article IV.

69 Whenever the state forest fire control agency of a mem-  
70 ber state requests aid from the state forest fire control  
71 agency of any other member state in combating, control-  
72 ing or preventing forest fires, it shall be the duty of the  
73 state forest fire control agency of that state to render  
74 all possible aid to the requesting agency which is con-  
75 sonant with the maintenance of protection at home.

76 Article V.

77 Whenever the forces of any member state are render-  
78 ing outside aid pursuant to the request of another mem-  
79 ber state under this compact, the employees of such  
80 state shall, under the direction of the officers of the state  
81 to which they are rendering aid, have the same powers  
82 (except the power of arrest), duties, rights, privileges  
83 and immunities as comparable employees of the state  
84 to which they are rendering aid.

85 No member state or its officers or employees rendering  
86 outside aid pursuant to this compact shall be liable on

87 account of any act or omission on the part of such forces  
88 while so engaged, or on account of the maintenance, or  
89 use of any equipment or supplies in connection therewith:  
90 *Provided*, That nothing herein shall be construed as  
91 relieving any person from liability for his own negligent  
92 act or omission, or as imposing liability for such negli-  
93 gent act or omission upon any state.

94 All liability, except as otherwise provided hereinafter,  
95 that may arise either under the laws of the requesting  
96 state or under the laws of the aiding state or under the  
97 laws of a third state on account of or in connection with  
98 a request for aid, shall be assumed and borne by the  
99 requesting state.

100 Any member state rendering outside aid pursuant to  
101 this compact shall be reimbursed by the member state  
102 receiving such aid for any loss or damage to, or expense  
103 incurred in the operation of any equipment answering  
104 a request for aid, and for the cost of all materials, trans-  
105 portation, wages, salaries, and subsistence of employees  
106 and maintenance of equipment incurred in connection  
107 with such request: *Provided*, That nothing herein con-

108 tained shall prevent any assisting member state from  
109 assuming such loss, damage, expense or other cost or  
110 from loaning such equipment or from donating such  
111 service to the receiving member state without charge or  
112 cost.

113 Each member state shall provide for the payment of  
114 compensation and death benefits to injured employees  
115 and the representatives of deceased employees in case  
116 employees sustain injuries or are killed while rendering  
117 outside aid pursuant to this compact, in the same manner  
118 and on the same terms as if the injury or death were  
119 sustained within such state.

120 For the purposes of this compact the term employee  
121 shall include any volunteer or auxiliary legally included  
122 within the forest fire fighting forces of the aiding state  
123 under the laws thereof.

124 The compact administrators shall formulate procedures  
125 for claims and reimbursement under the provisions of  
126 this article, in accordance with the laws of the member  
127 states.



128

## Article VI.

129     Ratification of this compact shall not be construed to  
130     affect any existing statute so as to authorize or permit  
131     curtailment or diminution of the forest fire fighting forces,  
132     equipment, services or facilities of any member state.  
133     Nothing in this compact shall be construed to limit  
134     or restrict the powers of any state ratifying the same to  
135     provide for the prevention, control and extinguishment  
136     of forest fires, or to prohibit the enactment or enforce-  
137     ment of state laws, rules or regulations intended to aid  
138     in such prevention, control and extinguishment in such  
139     state.

140     Nothing in this compact shall be construed to affect  
141     any existing or future cooperative relationship or ar-  
142     rangement between any federal agency and a member  
143     state or states.

144

## Article VII.

145     The compact administrators may request the United  
146     States forest service to act as a research and coordinating  
147     agency of the southeastern interstate forest fire protec-  
148     tion compact in cooperation with the appropriate agencies

149 in each state, and the United States forest service may  
150 accept responsibility for preparing and presenting to  
151 the compact administrators its recommendations with  
152 respect to the regional fire plan. Representatives of any  
153 federal agency engaged in forest fire prevention and con-  
154 trol may attend meetings of the compact administrators.

155 Article VIII.

156 The provisions of articles four and five of this com-  
157 pact which relate to mutual aid in combating, controlling  
158 or preventing forest fires shall be operative as between  
159 any state party to this compact and any other state which  
160 is party to a regional forest fire protection compact in  
161 another region: *Provided*, That the legislature of such  
162 other state shall have given its assent to such mutual aid  
163 provisions of this compact.

164 Article IX.

165 This compact shall continue in force and remain bind-  
166 ing on each state ratifying it until the legislature or the  
167 governor of such state, as the laws of such state shall  
168 provide, takes action to withdraw therefrom. Such action  
169 shall not be effective until six months after notice

170 thereof has been sent by the chief executive of the state  
171 desiring to withdraw to the chief executives of all states  
172 then parties to the compact.

Sec. 2. *When and How Compact Becomes Operative.*—

2 When the governor shall have executed said compact on  
3 behalf of this state and shall have caused a verified copy  
4 thereof to be filed with the state secretary, and when said  
5 compact shall have been ratified by one or more of the  
6 states named in section one of this act, then said compact  
7 shall become operative and effective as between this  
8 state and such other state or states. The governor is  
9 hereby authorized and directed to take such action as  
10 may be necessary to complete the exchange of official  
11 documents as between this state and any other state  
12 ratifying said compact.

Sec. 3. *Members of Compact Committee; How Ap-*

2 *pointed; Term of Office; Filling of Vacancies.*—In pursu-  
3 ance of article three of said compact, the director of con-  
4 servation of the state of West Virginia or his designated  
5 representative shall act as compact administrator for the  
6 state of West Virginia of the southeastern interstate

7 forest fire protection compact during his term of office as  
8 conservation director, and his successor as compact ad-  
9 ministrator shall be his successor as director of conser-  
10 vation. As compact administrator he shall be an ex  
11 officio member of the advisory committee of the south-  
12 eastern interstate forest fire protection compact, and  
13 chairman ex officio of the West Virginia members of said  
14 advisory committee. There shall be four members of the  
15 southeastern interstate forest fire protection compact  
16 advisory committee from the state of West Virginia. Two  
17 of the members from the state of West Virginia shall be  
18 members of the Legislature of West Virginia, one from  
19 the senate and one from the house of delegates, designated  
20 by the state's commission on interstate cooperation and  
21 the terms of any such members shall terminate at the  
22 time they cease to hold legislative office, and their suc-  
23 cessors as members shall be named in like manner. The  
24 governor shall appoint the other two members from the  
25 state of West Virginia, one of whom shall be associated  
26 with forestry or forest products industries. The terms of  
27 such members shall be two years and such members shall

28 hold office until their respective successors shall be ap-  
29 pointed and qualified. Vacancies occurring in the office  
30 of such members from any reason or cause shall be filled  
31 by appointment by the governor for the unexpired term.  
32 The director of conservation as compact administrator  
33 may delegate, from time to time, to any deputy or other  
34 subordinate in his department or office, the power to be  
35 present and participate, including voting as his repre-  
36 sentative or substitute at any meeting of or hearing by or  
37 other proceeding of the compact administrators or of the  
38 advisory committee. The terms of each of the initial four  
39 memberships of the advisory committee, whether appoint-  
40 ed at said time or not, shall begin upon the date upon  
41 which said compact shall become effective in accordance  
42 with article two of said compact. Any member of said  
43 advisory committee may be removed from office by the  
44 governor upon charges and after a hearing.

Sec. 4. *Powers of Committee.*—There is hereby granted  
2 to the director of conservation, as compact administrator  
3 and chairman ex officio of the West Virginia members of  
4 said advisory committee, and to the members from West

5 Virginia of said advisory committee all the powers pro-  
6 vided for in the said compact and all the powers necessary  
7 or incidental to the carrying out of said compact in every  
8 particular. All officers of the state of West Virginia are  
9 hereby authorized and directed to do all things falling  
10 within their respective provinces and jurisdiction neces-  
11 sary or incidental to the carrying out of said compact in  
12 every particular; it being hereby declared to be the policy  
13 of the state of West Virginia to perform and carry out  
14 the said compact and to accomplish the purposes thereof.  
15 All officers, bureaus, departments and persons of and in  
16 the state government or administration of the state of  
17 West Virginia are hereby authorized and directed at  
18 convenient times and upon request of said compact ad-  
19 ministrator, or of said advisory committee, to furnish  
20 information and data relating to the purposes of said  
21 compact possessed by them or any of them to said compact  
22 administrator or said advisory committee. They are fur-  
23 ther authorized to aid said compact administrator or said  
24 advisory committee by loan of personnel, equipment, or  
25 other means in carrying out the purposes of said compact.

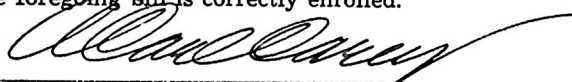
Sec. 5. *Powers Granted by Other Laws to Supplement the Powers Vested Herein.*—Any powers herein granted to the state forester shall be regarded as in aid of and supplemental to, and in no case a limitation upon, any of the powers vested in said director by other laws of the state of West Virginia or by the laws of the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia or by the congress or the terms of said compact.

Sec. 6. *Saving Clause.*—If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

Sec. 7. *Articles Inconsistent Herewith.*—All articles or parts of articles inconsistent herewith are hereby repealed.

Sec. 8. *When Article Shall Take Effect.*—This article shall take effect upon its approval by the governor.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee



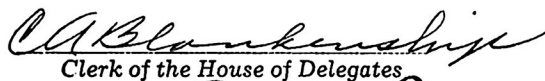
Chairman House Committee

Originated in the House of Delegates

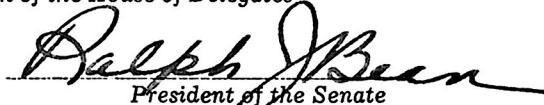
Takes effect 90 days from passage.



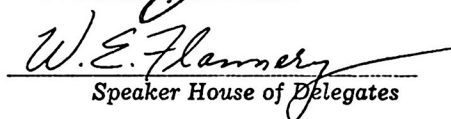
Clerk of the Senate



Clerk of the House of Delegates

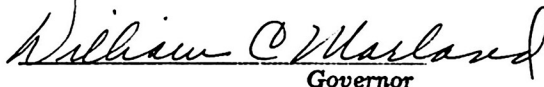


President of the Senate



Speaker House of Delegates

The within approved this the 16  
day of March, 1955.



Governor

Filed in the Office of the Secretary of State  
of West Virginia

MAR 17 1955

D. PITT O'BRIEN  
SECRETARY OF STATE