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. PIT O'BRIEN
SECRETARY OF STATE
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:


Section 1. Governor Authorized to Execute Compact.—

2 The governor on behalf of this state is hereby authorized
to execute a compact in substantially the following form, with any one or more of the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, and the Legislature hereby signifies in advance its approval and ratification of such compact:

SOUTHEASTERN INTERSTATE FOREST FIRE PROTECTION COMPACT

Article I.

The purpose of this compact is to promote effective prevention and control of forest fires in the southeastern region of the United States by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member states, by providing for mutual aid in fighting forest fires among the compacting states of the region and with states which are party to other regional forest fire protection compacts or agreements, and for more adequate forest protection.

Article II.

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

Article III.

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

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

There shall be established an advisory committee of
45 legislators, forestry commission representatives, and forestry or forest products industries representative which shall meet from time to time with the compact administrators. Each member state shall name one member of the senate and one member of the house of delegates who shall be designated by that state's commission on interstate cooperation, or if said commission cannot constitutionally designate the said members, they shall be designated in accordance with laws of that state; and the governor of each member state shall appoint two representatives, one of whom shall be associated with forestry or forest products industries to comprise the membership of the advisory committee. Action shall be taken by a majority of the compacting states, and each state shall be entitled to one vote.

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

63 It shall be the duty of each member state to formulate and put in effect a forest fire plan for that state and take such measures as may be necessary to integrate such forest
fire plan with the regional forest fire plan formulated
by the compact administrators.

Article IV.

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

Article V.

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

No member state or its officers or employees rendering
outside aid pursuant to this compact shall be liable on
account of any act or omission on the part of such forces
while so engaged, or on account of the maintenance, or
use of any equipment or supplies in connection therewith:

Provided, That nothing herein shall be construed as
relieving any person from liability for his own negligent
act or omission, or as imposing liability for such negli-
gent act or omission upon any state.

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

Any member state rendering outside aid pursuant to
this compact shall be reimbursed by the member state
receiving such aid for any loss or damage to, or expense
incurred in the operation of any equipment answering
a request for aid, and for the cost of all materials, trans-
portation, wages, salaries, and subsistence of employees
and maintenance of equipment incurred in connection
with such request: Provided, That nothing herein con-
tained shall prevent any assisting member state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such service to the receiving member state without charge or cost.

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

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

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

Ratification of this compact shall not be construed to affect any existing statute so as to authorize or permit curtailment or diminution of the forest fire fighting forces, equipment, services or facilities of any member state.

Nothing in this compact shall be construed to limit or restrict the powers of any state ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules or regulations intended to aid in such prevention, control and extinguishment in such state.

Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between any federal agency and a member state or states.

Article VII.

The compact administrators may request the United States forest service to act as a research and coordinating agency of the southeastern interstate forest fire protection compact in cooperation with the appropriate agencies.
in each state, and the United States forest service may accept responsibility for preparing and presenting to the compact administrators its recommendations with respect to the regional fire plan. Representatives of any federal agency engaged in forest fire prevention and control may attend meetings of the compact administrators.

Article VIII.

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

Article IX.

This compact shall continue in force and remain binding on each state ratifying it until the legislature or the governor of such state, as the laws of such state shall provide, takes action to withdraw therefrom. Such action 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 Appointed; 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
forest fire protection compact during his term of office as
conservation director, and his successor as compact ad-
ministrator shall be his successor as director of conser-
vation. As compact administrator he shall be an ex
officio member of the advisory committee of the south-
eastern interstate forest fire protection compact, and
chairman ex officio of the West Virginia members of said
advisory committee. There shall be four members of the
southeastern interstate forest fire protection compact
advisory committee from the state of West Virginia. Two
of the members from the state of West Virginia shall be
members of the Legislature of West Virginia, one from
the senate and one from the house of delegates, designated
by the state's commission on interstate cooperation and
the terms of any such members shall terminate at the
time they cease to hold legislative office, and their suc-
cessors as members shall be named in like manner. The
governor shall appoint the other two members from the
state of West Virginia, one of whom shall be associated
with forestry or forest products industries. The terms of
such members shall be two years and such members shall
holding office until their respective successors shall be appointed and qualified. Vacancies occurring in the office of such members from any reason or cause shall be filled by appointment by the governor for the unexpired term. The director of conservation as compact administrator may delegate, from time to time, to any deputy or other subordinate in his department or office, the power to be present and participate, including voting as his representative or substitute at any meeting of or hearing by or other proceeding of the compact administrators or of the advisory committee. The terms of each of the initial four memberships of the advisory committee, whether appointed at said time or not, shall begin upon the date upon which said compact shall become effective in accordance with article two of said compact. Any member of said advisory committee may be removed from office by the governor upon charges and after a hearing.

Sec. 4. Powers of Committee.—There is hereby granted to the director of conservation, as compact administrator and chairman ex officio of the West Virginia members of said advisory committee, and to the members from West Virginia.
Virginia of said advisory committee all the powers provided for in the said compact and all the powers necessary or incidental to the carrying out of said compact in every particular. All officers of the state of West Virginia are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of said compact in every particular; it being hereby declared to be the policy of the state of West Virginia to perform and carry out the said compact and to accomplish the purposes thereof.

All officers, bureaus, departments and persons of and in the state government or administration of the state of West Virginia are hereby authorized and directed at convenient times and upon request of said compact administrator, or of said advisory committee, to furnish information and data relating to the purposes of said compact possessed by them or any of them to said compact administrator or said advisory committee. They are further authorized to aid said compact administrator or said advisory committee by loan of personnel, equipment, or other means in carrying out the purposes of said compact.
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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

D. Pitt O'Brien
SECRETARY OF STATE