WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED

HOUSE BILL No. 87

(By Mr. Edgar W. Barman)

PASSED March 11, 1967

In Effect Passed

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-20-67
ENROLLED

House Bill No. 855
(By Mr. Edgar and Mr. Bowman)

[Passed March 11, 1967; in effect from passage.]

AN ACT to amend article three, chapter twenty of the code of
West Virginia, one thousand nine hundred thirty-one, as
amended, by adding thereto five new sections, designated
sections twenty-five, twenty-six, twenty-seven, twenty-
eight and twenty-nine, relating to approving and ratifying
the Middle Atlantic Interstate Forest Fire Protection Com-
pact, authorizing the governor, on behalf of the state of
West Virginia, to enter into such compact, providing for
the administration of the compact and prescribing the
powers and duties of the state forester with respect thereto.

Be it enacted by the Legislature of West Virginia:

That article three, chapter twenty of the code of West Vir-
ginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto five new sections, designated sections twenty-five, twenty-six, twenty-seven, twenty-eight and twenty-nine, to read as follows:

**ARTICLE 3. FORESTS AND WILDLIFE AREAS.**

**PART III. MIDDLE ATLANTIC INTERSTATE FOREST FIRE PROTECTION COMPACT**

§20-3-25. Middle Atlantic Interstate Forest Fire Protection Compact; governor's authority to execute.

1. The governor of West Virginia, on behalf of this state, 
2. is hereby authorized to execute a compact in substantially 
3. the following form, with any one or more of the states 
4. of Delaware, Maryland, New Jersey, Pennsylvania and 
5. Virginia, and the legislature hereby signifies in advance 
6. its approval and ratification of such compact:

**MIDDLE ATLANTIC INTERSTATE FOREST FIRE PROTECTION COMPACT**

**Article I.**

1. The purpose of this compact is to promote effective 
2. prevention and control of forest fires in the middle 
3. Atlantic region of the United States by the development 
4. of integrated forest fire plans, by the maintenance of 
5. adequate forest fire fighting services by the member
states, and 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.

**Article II.**

1. This compact shall become operative immediately as to those states ratifying it whenever any two or more of the states of Delaware, Maryland, New Jersey, Pennsylvania, Virginia and West Virginia which are contiguous have ratified it and Congress has given consent thereto.

**Article III.**

1. 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.

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

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

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 member state requests aid from the state forest fire control agency of any other member state in combating, controlling 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 consonant with the maintenance of protection at home.

Article V.

Whenever the forces of any member state are rendering 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.

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 maintenance of employees
and equipment incurred in connection with such request:
Provided, That nothing herein contained shall prevent
any assisting member state from assuming such loss, dam-
age, expense or other costs or from loaning such equip-
ment or from donating such services 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: Provided, That nothing
herein shall be construed as relieving any person from
liability for his own negligent act or omission, or as im-
posing liability for such negligent act or omission upon
any 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.

Nothing in this compact shall be construed to authorize
or permit any member state to curtail or diminish its
forest fire fighting forces, equipment, services or facili-
ties, and it shall be the duty and responsibility of each
member state to maintain adequate forest fire fighting
forces and equipment to meet demands for forest fire
protection within its borders in the same manner and
to the same extent as if this compact were not operative.

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 the United States forest service and a member state or states.

Article VII.

The compact administrators may request the United States forest service to act as the primary research and coordinating agency of the middle Atlantic interstate forest fire protection compact in cooperation with the appropriate agencies in each state, and the United States forest service may accept the initial responsibility in preparing and presenting to the compact administrators its recommendations with respect to the regional fire plan. Representatives of the United States forest service 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 takes action to withdraw therefrom. Such action shall not be effective until six months after notice thereof has been sent by the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact.

§20-3-26. When and how compact becomes operative.

When the governor shall have executed said compact on behalf of this state and shall have caused a verified copy thereof to be filed with the secretary of state and when said compact shall have been ratified by one or more of the states named in section twenty-five of this article, then said compact shall become operative and effective as between this state and such other state or states. The governor is hereby authorized and directed to take such action as may be necessary to com-
plete the exchange of official documents as between this
state or any other state ratifying said compact.

§20-3-27. Compact administration.

In pursuance of article two of said compact, the
director of the department of natural resources of the
state of West Virginia may appoint the state forester
and the assistant state forester in charge of forest fire
control to represent the state of West Virginia on the
compact committee.

§20-3-28. Compact committee powers and duties; cooperation therewith.

There is hereby granted to the members of the compact
committee appointed by the director and under the
general supervision of the director, all the powers pro-
vided for in the said compact. All officers of the state
of West Virginia are hereby authorized and directed
to do all things falling within their respective pro-
vinces and jurisdiction necessary to the carrying out
of said compact. All officers, bureaus, departments and
persons of and in the state government or administra-
tion of the state of West Virginia are hereby authorized
and directed at convenient times and upon request
of the duly appointed members of the compact com-
mittee, to furnish information and data relating to the
purpose of said compact possessed by them or any
of them to said members of the compact committee.
They are further authorized to aid said compact com-
mittee members by loan of personnel, equipment, or
other means in carrying out the purposes of said com-
pact.
§20-3-29. Other powers supplementary.
1 Any powers herein granted to the state forester shall be
2 regarded as in aid of and supplemental to, and in no case
3 a limitation upon, any of the powers vested in said di-
4 rector by other laws of the state of West Virginia or
5 by the laws of the state of Delaware, Maryland, New
6 Jersey, Pennsylvania and Virginia, or by the Congress
7 or the terms of said compact.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Temps
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard Keper
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Caro
President of the Senate

W. Laban White
Speaker House of Delegates

The within approved this the 17th day of March, 1967.

Hallett C. Smith
Governor
PRESENTED TO THE
GOVERNOR

Date  3/17/62
Time  4:00 P.M.