

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967



ENROLLED

HOUSE BILL No. 855

(By Mr. Edgar and Mr. Burman)



PASSED March 11, 1967

In Effect Jan Passage



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

# 855

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# House Bill No. 855

(By MR. EDGAR and MR. BOWMAN)

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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 Compact, 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

6 states, and by providing for mutual aid in fighting forest  
7 fires among the compacting states of the region and with  
8 states which are party to other regional forest fire pro-  
9 tection compacts or agreements.

#### **Article II.**

1 This compact shall become operative immediately as  
2 to those states ratifying it whenever any two or more  
3 of the states of Delaware, Maryland, New Jersey, Penn-  
4 sylvania, Virginia and West Virginia which are contigu-  
5 ous have ratified it and Congress has given consent  
6 thereto.

#### **Article III.**

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

7 The compact administrators of the member states shall  
8 organize to coordinate the services of the member states

9 and provide administrative integration in carrying out  
10 the purposes of this compact.

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

14 It shall be the duty of each member state to formulate  
15 and put in effect a forest fire plan for that state and take  
16 such measures as may be necessary to integrate such  
17 forest fire plan with the regional forest fire plan for-  
18 mulated by the compact administrators.

#### **Article IV.**

1 Whenever the state forest fire control agency of a mem-  
2 ber state requests aid from the state forest fire control  
3 agency of any other member state in combating, con-  
4 trolling or preventing forest fires, it shall be the duty  
5 of the state forest fire control agency of that state to  
6 render all possible aid to the requesting agency which  
7 is consonant with the maintenance of protection at home.

#### **Article V.**

1 Whenever the forces of any member state are render-  
2 ing outside aid pursuant to the request of another mem-

3 ber state under this compact, the employees of such  
4 state shall, under the direction of the officers of the state  
5 to which they are rendering aid, have the same powers  
6 (except the power of arrest), duties, rights, privileges  
7 and immunities as comparable employees of the state  
8 to which they are rendering aid.

9 No member state or its officers or employees rendering  
10 outside aid pursuant to this compact shall be liable on  
11 account of any act or omission on the part of such forces  
12 while so engaged, or on account of the maintenance or  
13 use of any equipment or supplies in connection there-  
14 with.

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

21 Any member state rendering outside aid pursuant to  
22 this compact shall be reimbursed by the member state  
23 receiving such aid for any loss or damage to, or expense

24 incurred in the operation of any equipment answering  
25 a request for aid, and for the cost of all materials, trans-  
26 portation, wages, salaries, and maintenance of employees  
27 and equipment incurred in connection with such request:  
28 *Provided*, That nothing herein contained shall prevent  
29 any assisting member state from assuming such loss, dam-  
30 age, expense or other costs or from loaning such equip-  
31 ment or from donating such services to the receiving  
32 member state without charge or cost.

33 Each member state shall provide for the payment of  
34 compensation and death benefits to injured employees  
35 and the representatives of deceased employees in case  
36 employees sustain injuries or are killed while rendering  
37 outside aid pursuant to this compact, in the same manner  
38 and on the same terms as if the injury or death were  
39 sustained within such state: *Provided*, That nothing  
40 herein shall be construed as relieving any person from  
41 liability for his own negligent act or omission, or as im-  
42 posing liability for such negligent act or omission upon  
43 any state.

44 For the purposes of this compact the term "employee"

45 shall include any volunteer or auxiliary legally included  
46 within the forest fire fighting forces of the aiding state  
47 under the laws thereof.

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

#### **Article VI.**

1 Nothing in this compact shall be construed to authorize  
2 or permit any member state to curtail or diminish its  
3 forest fire fighting forces, equipment, services or facili-  
4 ties, and it shall be the duty and responsibility of each  
5 member state to maintain adequate forest fire fighting  
6 forces and equipment to meet demands for forest fire  
7 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 shall be construed to limit or  
10 restrict the powers of any state ratifying the same to  
11 provide for the prevention, control and extinguishment of  
12 forest fires, or to prohibit the enactment or enforcement  
13 of state laws, rules or regulations intended to aid in  
14 such prevention, control and extinguishment in such  
15 state.



16 Nothing in this compact shall be construed to affect  
17 any existing or future cooperative relationship or ar-  
18 rangement between the United States forest service and  
19 a member state or states.

#### **Article VII.**

1 The compact administrators may request the United  
2 States forest service to act as the primary research and  
3 coordinating agency of the middle Atlantic interstate  
4 forest fire protection compact in cooperation with the  
5 appropriate agencies in each state, and the United States  
6 forest service may accept the initial responsibility in  
7 preparing and presenting to the compact administrators  
8 its recommendations with respect to the regional fire  
9 plan. Representatives of the United States forest serv-  
10 ice may attend meetings of the compact administrators.

#### **Article VIII.**

1 The provisions of articles four and five of this com-  
2 pact which relate to mutual aid in combating, control-  
3 ing or preventing forest fires shall be operative as be-  
4 tween any state party to this compact and any other  
5 state which is party to a regional forest fire protection

6 compact in another region: *Provided*, That the legisla-  
7 ture of such other state shall have given its assent to  
8 such mutual aid provisions of this compact.

#### Article IX.

1 This compact shall continue in force and remain bind-  
2 ing on each state ratifying it until the legislature or  
3 the governor of such state takes action to withdraw  
4 therefrom. Such action shall not be effective until six  
5 months after notice thereof has been sent by the chief  
6 executive of the state desiring to withdraw to the chief  
7 executives of all states then parties to the compact.

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

1 When the governor shall have executed said compact  
2 on behalf of this state and shall have caused a veri-  
3 fied copy thereof to be filed with the secretary of state  
4 and when said compact shall have been ratified by one  
5 or more of the states named in section twenty-five of  
6 this article, then said compact shall become operative  
7 and effective as between this state and such other state  
8 or states. The governor is hereby authorized and di-  
9 rected to take such action as may be necessary to com-

10 plete the exchange of official documents as between this  
11 state or any other state ratifying said compact.

**§20-3-27. Compact administration.**

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

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

1 There is hereby granted to the members of the compact  
2 committee appointed by the director and under the  
3 general supervision of the director, all the powers pro-  
4 vided for in the said compact. All officers of the state  
5 of West Virginia are hereby authorized and directed  
6 to do all things falling within their respective pro-  
7 vinces and jurisdiction necessary to the carrying out  
8 of said compact. All officers, bureaus, departments and  
9 persons of and in the state government or administra-  
10 tion of the state of West Virginia are hereby authorized

11 and directed at convenient times and upon request  
12 of the duly appointed members of the compact com-  
13 mittee, to furnish information and data relating to the  
14 purpose of said compact possessed by them or any  
15 of them to said members of the compact committee.  
16 They are further authorized to aid said compact com-  
17 mittee members by loan of personnel, equipment, or  
18 other means in carrying out the purposes of said com-  
19 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 Tompa*  
Chairman Senate Committee

*Clayton C. Davidson*  
Chairman House Committee

Originated in the House.

Takes effect from passage.

*Howard Meyer*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Howard W. Carson*  
President of the Senate

*W. Laban White*  
Speaker House of Delegates

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

*Hullett C. Smith*  
Governor



**PRESENTED TO THE  
GOVERNOR**

Date 3/17/67

Time 4:00 P.M.