

SOUTHEASTERN INTERSTATE FOREST FIRE PROTECTION COMPACT

§20-3-20. Governor's authority to execute.

The governor of West Virginia, 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, Mississippi, North Carolina, South Carolina, Tennessee, Virginia 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 compact 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 legislators, forestry commission representatives, and forestry or forest products industries representatives, 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.

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 into 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 combatting, 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 member 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 negligent 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 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, transportation, wages, salaries, subsistence of employees and maintenance of equipment incurred in connection with such request: Provided, that nothing herein contained 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 combatting, 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 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. [1955, c. 84; 1961, c. 133.]

Southeastern States Forest Fire Compact Commission Bylaws

Preamble

The Articles comprising the SOUTHEASTERN INTERSTATE FOREST FIRE PROTECTION COMPACT shall be the Constitution of the SOUTHEASTERN STATES FOREST FIRE COMPACT COMMISSION. In conformity to Article III of the Compact, entered into by and among the states named in the Compact and assented to by Act of Congress entitled "An Act Granting the Consent and Approval of Congress to the Southeastern Interstate Forest Fire Protection Compact," Public Law 536, 83rd Congress, approved July 27, 1954 (68 U.S. Stat. 563-66), the SOUTHEASTERN STATES FOREST FIRE COMPACT COMMISSION hereby adopts the following bylaws for the conduct of its business.

Article I. Name, Membership, and Powers

Section 1. The official name of the organization shall be "SOUTHEASTERN STATES FOREST FIRE COMPACT COMMISSION."

Section 2. Membership of the Commission shall be composed of five (5) members, hereafter referred to as Commissioners, from each state which has ratified the Compact authorized by Public Law 536, of the 83rd Congress of the United States, and a Compact Coordinator. The five members of the Commission from each state will be composed of the state forester, or officer holding the equivalent position, who shall also serve as Compact Administrator for the state, and four persons who shall serve on an Advisory Committee.

The Compact Coordinator shall be appointed by the Regional Forester, Region 8, U.S. Forest Service, from members of his staff in consultation with the Executive Committee of the Commission. A Deputy Compact Coordinator to serve in the absence of the Compact Coordinator shall be appointed in the same manner.

Section 3. The Commission shall be a fact finding, coordinating and deliberative body with power to coordinate the voluntary services of the member states and provide administrative integration in carrying out the purposes of the Compact; and to formulate and revise, from time to time, a regional fire plan for the member states.

Article II. Meetings

Section 1. An annual meeting of the Commission shall be held in October, November, or December of each year, with the date and place to be determined by the Chairman after consultation with the Executive Committee. Upon written request by the Commissioners of three or more states, the Chairman shall call a special meeting of the Commission.

Section 2. The Chairman shall cause the Secretary-Treasurer to notify the Commissioners of the compacting states of all meetings at least three weeks prior to the date of the meeting.

Article III. Quorum and Voting

Section 1. A quorum shall consist of six or more compacting states represented at any annual or special meeting.

Section 2. In accordance with Article III, paragraph 3 of the Compact, action shall be taken by a majority of the compacting states represented at any annual or special meeting. Each state is entitled to one vote on all Compact matters, including elections. After consultation with the other Commissioners from his state, the state's administrator or his designated representative for the Compact will cast the state's vote.

The Compact Coordinator and Deputy Compact Coordinator are authorized to participate in the deliberations and discussions but are not entitled to cast a vote.

Article IV. Officers and Committees

Section 1. The officers of the Commission shall be a Chairman, Vice-Chairman and a Secretary-Treasurer. The Chairman shall be elected from the Compact administrators. The Vice-Chairman and the Secretary-Treasurer may be chosen from the total membership of the Commission.

Section 2. The officers shall be elected by the Commissioners at the annual meeting. The Chairman and Vice-Chairman shall serve for a period of one year or until such time as their successors have been duly selected, qualified and elected. The Secretary-Treasurer shall serve for a period of two years or until such time as his successor has been duly selected, qualified and elected. All officers shall be eligible for re-election.

Section 3. The Chairman in consultation with the Executive Committee shall designate the time and place of regular or special meetings. The Chairman will serve as Administrator of the Commission so that its responsibilities as set forth in Public Law 536 are met; and will prepare an annual report on the operations of the Compact for the period he served as Chairman, which report shall be circulated at least one week prior to the regular annual meeting of the Commission. The Chairman's annual report shall include the annual report of the Compact Coordinator.

Section 4. The Vice-Chairman shall act for the Chairman if he is prevented for any reason from carrying out his duties.

Section 5. The Secretary-Treasurer shall prepare minutes of all meetings of the Commission, the Executive Committee, and the several administrators; circulate the Chairman's annual report to each Commission member; maintain permanent files of all Commission business; collect dues if levied and disburse funds on order of the Chairman at any regular or special meeting when the Chairman and Vice-Chairman are both absent.

Section 6. There shall be an Executive Committee composed of the Chairman, Vice-Chairman, Secretary-Treasurer and two other Commissioners who shall be elected by majority ballot at the annual meeting, except that at all times three members of the Executive Committee must be state foresters or equivalent officers of their respective states.

Section 7. The Executive Committee shall advise and consult with the Chairman as to the time and place of the annual meeting and on matters pertaining to policy or interpretation of the terms of the Compact and on such other matters as the Chairman may desire advice and assistance.

Section 8. The Chairman shall appoint such committees, other than the Executive Committee, as may be necessary for the functioning of the Commission.

Section 9. The Compact Coordinator shall maintain current lists of manpower and equipment as prescribed in the Regional Fire Plan; maintain records of fire situation and weather; handle "Procurement of Assistance" as set forth in the Regional Fire Plan; initiate and plan with approval of the Executive Committee training programs and with the assistance of the various states execute such programs; attend special and regular meetings of the Commission, prepare and submit an annual report to the Chairman; and may attend and participate in Boards of Review called by a state to review a particular fire.

Article V. Finance

Section 1. Dues of \$25.00 per calendar year for each compacting state and such other assessments as are necessary, may be levied by the Commission on the majority vote of the members in order to meet financial obligations pertinent to the conduct of Compact business which cannot otherwise be properly paid. In an emergency, dues may be levied as a result of an affirmative mail ballot of the compacting states.

Section 2. All dues and assessments shall be paid to the Secretary-Treasurer who shall disburse Compact funds on order of the Chairman.

Article VI. Order of Business

Section 1. The following shall be the order of business for all meetings:

1. Call to order.
2. Introduction of members present.
3. Reading of minutes of previous meeting and approval of same.
4. Reports of sub-committees.
5. Old Business
6. New Business
7. Election of Officers
8. Adjournment.

Article VII. Amendments

Sections 1. The bylaws may be amended by written ballot at any regular or special meeting of the Commission provided each member state shall have received a copy of the proposed revision at least three weeks in advance of the proposed date of the meeting and if at least two-thirds of the total compacting states cast affirmative ballots.

Correct as Amended to December 1, 1961

SOUTHEASTERN INTERSTATE FOREST FIRE PROTECTION COMPACT

ARTICLE 1

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, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, 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 compact, 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 legislators, forestry commission representatives, and forestry or forest products industries representatives 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 Representatives 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 shall be entitled to one vote.

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 legal 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 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 a federal agency and a member state or states.

ARTICLE VII

The compact administrators may request the United States Forest Service to act as 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 IV and V 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 there from. Such action shall not be effective until six months after notice thereof has been sent by the chief executive of the state desire to withdraw to the chief executives of all states then parties to the compact.

SECTION 2. Without further submission of the compact, the consent of Congress is given to any State to become a party to it in accordance with its terms.

SECTION 3. The right to alter, amend, or repeal this Act is expressly reserved.

Member States
Southeastern Interstate Forest Fire Protection Compact

An Act of Congress entitled "An Act Granting the Consent and Approval of Congress to the Southeastern Interstate Forest Fire Protection Compact," Public Law 536, 83rd Congress, approved July 27, 1954 (68 U.S. Stat. 563-66), is the federal legislation authorizing said contract. The compact is made up of the following states:

Alabama—Acts 1955, No. 384, p. 917, Sec. 1
Florida—1955, Ch. 29635, S. 4, Ch. 29635, 1955
Georgia—1953, Nov.-Dec. Session
Kentucky—1954 Acts, Ch. 100, Sec. 1
Mississippi—Laws 1954, Ch. 180, Sec. 1
North Carolina—1955, C. 803
South Carolina—1954, (48) 1774
Tennessee—1955, Ch. 108
Virginia—1956, C. 63, §27-5-2; 1988, C. 891
West Virginia—1955, C. 84