

110TH CONGRESS  
1ST SESSION

# H. R. 3050

To grant the consent and approval of Congress to an interstate forest fire protection compact.

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IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2007

Ms. HERSETH SANDLIN introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To grant the consent and approval of Congress to an interstate forest fire protection compact.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CONSENT OF CONGRESS.**

4       (a) IN GENERAL.—The consent and approval of Con-  
5 gress is given to an interstate forest fire protection com-  
6 pact, as set out in subsection (b).

7       (b) COMPACT.—The compact reads substantially as  
8 follows:

1       **“THE GREAT PLAINS WILDLAND FIRE**  
2                   **PROTECTION AGREEMENT**

3       “THIS AGREEMENT is entered into by and be-  
4 tween the State, Provincial and Territorial wildland fire  
5 protection agencies signatory hereto, hereinafter referred  
6 to as ‘Members’.

7       “FOR, AND IN CONSIDERATION OF the fol-  
8 lowing terms and conditions, the Members agree:

9                               “ARTICLE I

10       “The purpose of this compact is to promote effective  
11 prevention and control of forest fires in the Great Plains  
12 region of the United States by the maintenance of ade-  
13 quate forest fire fighting services by the member states,  
14 and by providing for reciprocal aid in fighting forest fires  
15 among the compacting states of the region, including  
16 South Dakota, North Dakota, Wyoming, Colorado, and  
17 any adjoining state of a current member state.

18                               “ARTICLE II

19       “This compact is operative immediately as to those  
20 states ratifying it if any two or more of the member states  
21 have ratified it.

22                               “ARTICLE III

23       “In each state, the state forester or officer holding  
24 the equivalent position who is responsible for forest fire  
25 control may act as compact administrator for that state

1 and may consult with like officials of the other member  
2 states and may implement cooperation between the states  
3 in forest fire prevention and control. The compact admin-  
4 istrators of the member states may organize to coordinate  
5 the services of the member states and provide administra-  
6 tive integration in carrying out the purposes of this com-  
7 pact. Each member state may formulate and put in effect  
8 a forest fire plan for that state.

9 “ARTICLE IV

10 “If the state forest fire control agency of a member  
11 state requests aid from the state forest fire control agency  
12 of any other member state in combating, controlling, or  
13 preventing forest fires, the state forest fire control agency  
14 of that state may render all possible aid to the requesting  
15 agency, consonant with the maintenance of protection at  
16 home.

17 “ARTICLE V

18 “If the forces of any member state are rendering out-  
19 side aid pursuant to the request of another member state  
20 under this compact, the employees of the state shall, under  
21 the direction of the officers of the state to which they are  
22 rendering aid, have the same powers (except the power  
23 of arrest), duties, rights, privileges, and immunities as  
24 comparable employees of the state to which they are ren-  
25 dering aid.

1        “No member state or its officers or employees ren-  
2        dering outside aid pursuant to this compact is liable on  
3        account of any act or omission on the part of such forces  
4        while so engaged, or on account of the maintenance or  
5        use of any equipment or supplies in connection with ren-  
6        dering the outside aid.

7        “All liability, except as otherwise provided in this  
8        compact, that may arise either under the laws of the re-  
9        questing state or under the laws of the aiding state or  
10       under the laws of a third state on account of or in connec-  
11       tion with a request for aid, shall be assumed and borne  
12       by the requesting state.

13       “Any member state rendering outside aid pursuant  
14       to this compact shall be reimbursed by the member state  
15       receiving the aid for any loss or damage to, or expense  
16       incurred in the operation of any equipment answering a  
17       request for aid, and for the cost of all materials, transpor-  
18       tation, wages, salaries, and maintenance of employees and  
19       equipment incurred in connection with such request. How-  
20       ever, nothing in this compact prevents any assisting mem-  
21       ber state from assuming such loss, damage, expense, or  
22       other cost or from loaning such equipment or from donat-  
23       ing such services to the receiving member state without  
24       charge or cost.

1       “Each member state shall assure that workers com-  
2       pensation benefits in conformity with the minimum legal  
3       requirements of the state are available to all employees  
4       and contract firefighters sent to a requesting state pursu-  
5       ant to this compact.

6       “For the purposes of this compact the term, em-  
7       ployee, includes any volunteer or auxiliary legally included  
8       within the forest fire fighting forces of the aiding state  
9       under the laws of the aiding state.

10       “The compact administrators may formulate proce-  
11       dures for claims and reimbursement under the provisions  
12       of this article, in accordance with the laws of the member  
13       states.

#### 14                                   “ARTICLE VI

15       “Ratification of this compact does not affect any ex-  
16       isting statute so as to authorize or permit curtailment or  
17       diminution of the forest fighting forces, equipment, serv-  
18       ices, or facilities of any member state.

19       “Nothing in this compact authorizes or permits any  
20       member state to curtail or diminish its forest fire fighting  
21       forces, equipment, services, or facilities. Each member  
22       state shall maintain adequate forest fighting forces and  
23       equipment to meet demands for forest fire protection with-  
24       in its borders in the same manner and to the same extent  
25       as if this compact were not operative.

1 “Nothing in this compact limits or restricts the pow-  
2 ers of any state ratifying the compact to provide for the  
3 prevention, control, and extinguishment of forest fires, or  
4 to prohibit the enactment or enforcement of state laws,  
5 rules, or regulations intended to aid in the prevention, con-  
6 trol, and extinguishment in the state.

7 “Nothing in this compact affects any existing or fu-  
8 ture cooperative relationship or arrangement between the  
9 United States Forest Service and a member state or  
10 states.

11 “ARTICLE VII

12 “Representatives of the United States Forest Service  
13 may attend meetings of the compact administrators.

14 “ARTICLE VIII

15 “The provisions of Articles IV and V of this compact  
16 that relate to reciprocal aid in combating, controlling, or  
17 preventing forest fires are operative as between any state  
18 party to this compact and any other state which is party  
19 to this compact and any other state that is party to a  
20 regional forest fire protection compact in another region  
21 if the Legislature of the other state has given its assent  
22 to the mutual aid provisions of this compact.

23 “ARTICLE IX

24 “This compact shall continue in force and remain  
25 binding on each state ratifying it until the Legislature or

1 the Governor of the state takes action to withdraw from  
2 the compact. Such action in not effective until six months  
3 after notice of the withdrawal has been sent by the chief  
4 executive of the state desiring to withdraw to the chief  
5 executives of all states then parties to the compact.”.

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