

110TH CONGRESS
1ST SESSION

S. 975

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2007

Referred to the Committee on the Judiciary

AN ACT

Granting 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,*

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

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

5 (b) COMPACT.—The compact reads substantially as
6 follows:

7 **“THE GREAT PLAINS WILDLAND FIRE**
8 **PROTECTION AGREEMENT**

9 “THIS AGREEMENT is entered into by and be-
10 tween the State, Provincial and Territorial wildland fire
11 protection agencies signatory hereto, hereinafter referred
12 to as ‘Members’.

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

15 **“ARTICLE I**

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

1 “ARTICLE II

2 “This compact is operative immediately as to those
3 states ratifying it if any two or more of the member states
4 have ratified it.

5 “ARTICLE III

6 “In each state, the state forester or officer holding
7 the equivalent position who is responsible for forest fire
8 control may act as compact administrator for that state
9 and may consult with like officials of the other member
10 states and may implement cooperation between the states
11 in forest fire prevention and control. The compact admin-
12 istrators of the member states may organize to coordinate
13 the services of the member states and provide administra-
14 tive integration in carrying out the purposes of this com-
15 pact. Each member state may formulate and put in effect
16 a forest fire plan for that state.

17 “ARTICLE IV

18 “If the state forest fire control agency of a member
19 state requests aid from the state forest fire control agency
20 of any other member state in combating, controlling, or
21 preventing forest fires, the state forest fire control agency
22 of that state may render all possible aid to the requesting
23 agency, consonant with the maintenance of protection at
24 home.

1 “ARTICLE V

2 “If the forces of any member state are rendering out-
3 side aid pursuant to the request of another member state
4 under this compact, the employees of the state shall, under
5 the direction of the officers of the state to which they are
6 rendering aid, have the same powers (except the power
7 of arrest), duties, rights, privileges, and immunities as
8 comparable employees of the state to which they are ren-
9 dering aid.

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

16 “All liability, except as otherwise provided in this
17 compact, that may arise either under the laws of the re-
18 questing state or under the laws of the aiding state or
19 under the laws of a third state on account of or in connec-
20 tion with a request for aid, shall be assumed and borne
21 by the requesting state.

22 “Any member state rendering outside and pursuant
23 to this compact shall be reimbursed by the member state
24 receiving the aid for any loss or damage to, or expense
25 incurred in the operation of any equipment answering a

1 request for aid, and for the cost of all materials, transpor-
2 tation, wages, salaries, and maintenance of employees and
3 equipment incurred in connection with such request. How-
4 ever, nothing in this compact prevents any assisting mem-
5 ber state from assuming such loss, damage, expense, or
6 other cost or from loaning such equipment or from donat-
7 ing such services to the receiving member state without
8 charge or cost.

9 “Each member state shall assure that workers com-
10 pensation benefits in conformity with the minimum legal
11 requirements of the state are available to all employees
12 and contract firefighters sent to a requesting state pursu-
13 ant to this compact.

14 “For the purposes of this compact the term, em-
15 ployee, includes any volunteer or auxiliary legally included
16 within the forest fire fighting forces of the aiding state
17 under the laws of the aiding state.

18 “The compact administrators may formulate proce-
19 dures for claims and reimbursement under the provisions
20 of this article, in accordance with the laws of the member
21 states.

22 “ARTICLE VI

23 “Ratification of this compact does not affect any ex-
24 isting statute so as to authorize or permit curtailment or

1 diminution of the forest fighting forces, equipment, serv-
 2 ices, or facilities of any member state.

3 “Nothing in this compact authorizes or permits any
 4 member state to curtail or diminish its forest fire fighting
 5 forces, equipment, services, or facilities. Each member
 6 state shall maintain adequate forest fighting forces and
 7 equipment to meet demands for forest fire protection with-
 8 in its borders in the same manner and to the same extent
 9 as if this compact were not operative.

10 “Nothing in this compact limits or restricts the pow-
 11 ers of any state ratifying the compact to provide for the
 12 prevention, control, and extinguishment of forest fires, or
 13 to prohibit the enactment or enforcement of state laws,
 14 rules, or regulations intended to aid in the prevention, con-
 15 trol, and extinguishment in the state.

16 “Nothing in this compact affects any existing or fu-
 17 ture cooperative relationship or arrangement between the
 18 United States Forest Service and a member state or
 19 states.

20 “ARTICLE VII

21 “Representatives of the United States Forest Service
 22 may attend meetings of the compact administrators.

23 “ARTICLE VIII

24 “The provisions of Articles IV and V of this compact
 25 that relate to reciprocal aid in combating, controlling, or

1 preventing forest fires are operative as between any state
 2 party to this compact and any other state which is party
 3 to this compact and any other state that is party to a
 4 regional forest fire protection compact in another region
 5 if the Legislature of the other state has given its assent
 6 to the mutual aid provisions of this compact.

7 “ARTICLE IX

8 “This compact shall continue in force and remain
 9 binding on each state ratifying it until the Legislature or
 10 the Governor of the state takes action to withdraw from
 11 the compact. Such action in not effective until six months
 12 after notice of the withdrawal has been sent by the chief
 13 executive of the state desiring to withdraw to the chief
 14 executives of all states then parties to the compact.”.

Passed the Senate July 13, 2007.

Attest:

NANCY ERICKSON,

Secretary.