

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

345I0737

HOUSE BILL NO. 1278

Introduced by: Representatives Teupel, LaRue, Lintz, Madsen, McLaughlin, Pederson
(Gordon), and Rhoden and Senators Apa, Kleven, and Vitter

1 FOR AN ACT ENTITLED, An Act to authorize the state to join an interstate compact for the
2 prevention and control of forest fires.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The Governor of South Dakota may execute a compact on behalf of the state with
5 any one or more of the states of Wyoming, Colorado, Nebraska, Kansas, and North Dakota, who
6 may by their legislative bodies, authorize a compact, in form substantially as follows:

7 ARTICLE I

8 The purpose of this compact is to promote effective prevention and control of forest fires in
9 the great plains region of the United States by the maintenance of adequate forest fire fighting
10 services by the member states, and by providing for mutual aid in fighting forest fires among the
11 compacting states of the region.

12 ARTICLE II

13 This compact is operative immediately as to those states ratifying it if any two or more of the
14 member states have ratified it.

15 ARTICLE III



1 In each state, the state forester or officer holding the equivalent position who is responsible
2 for forest fire control shall act as compact administrator for that state and shall consult with like
3 officials of the other member states and shall implement cooperation between such states in
4 forest fire prevention and control. The compact administrators of the member states shall
5 organize to coordinate the services of the member states and provide administrative integration
6 in carrying out the purposes of this compact. Each member state shall formulate and put in effect
7 a forest fire plan for that state.

8 ARTICLE IV

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

13 ARTICLE V

14 If the forces of any member state are rendering outside aid pursuant to the request of another
15 member state under this compact, the employees of such state shall, under the direction of the
16 officers of the state to which they are rendering aid, have the same powers (except the power of
17 arrest), duties, rights, privileges, and immunities as comparable employees of the state to which
18 they are rendering aid.

19 No member state or its officers or employees rendering outside aid pursuant to this compact
20 is liable on account of any act or omission on the part of such forces while so engaged, or on
21 account of the maintenance or use of any equipment or supplies in connection with rendering
22 such outside aid.

23 All liability, except as otherwise provided in this compact, that may arise either under the
24 laws of the requesting state or under the laws of the aiding state or under the laws of a third state

1 on account of or in connection with a request for aid, shall be assumed and borne by the
2 requesting state.

3 Any member state rendering outside aid pursuant to this compact shall be reimbursed by the
4 member state receiving such aid for any loss or damage to, or expense incurred in the operation
5 of any equipment answering a request for aid, and for the cost of all materials, transportation,
6 wages, salaries, and maintenance of employees and equipment incurred in connection with such
7 request. However, nothing in this compact prevents any assisting member state from assuming
8 such loss, damage, expense, or other cost or from loaning such equipment or from donating such
9 services to the receiving member state without charge or cost.

10 Each member state shall provide for the payment of compensation and death benefits to
11 injured employees and the representatives of deceased employees if employees sustain injuries
12 or are killed while rendering outside aid pursuant to this compact, in the same manner and on the
13 same terms as if the injury or death were sustained within such state.

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

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

19 ARTICLE VI

20 Ratification of this compact does not affect any existing statute so as to authorize or permit
21 curtailment or diminution of the forest fighting forces, equipment, services, or facilities of any
22 member state.

23 Nothing in the compact authorizes or permits any member state to curtail or diminish its
24 forest fire fighting forces, equipment, services, or facilities. Each member state shall maintain

1 adequate forest fire fighting forces and equipment to meet demands for forest fire protection
2 within its borders in the same manner and to the same extent as if this compact were not
3 operative.

4 Nothing in this compact limits or restricts the powers of any state ratifying the compact to
5 provide for the prevention, control, and extinguishment of forest fires, or to prohibit the
6 enactment or enforcement of state laws, rules, or regulations intended to aid in such prevention,
7 control, and extinguishment in the state.

8 Nothing in this compact affects any existing or future cooperative relationship or
9 arrangement between the United States Forest Service and a member state or states.

10 ARTICLE VII

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

13 ARTICLE VIII

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

19 ARTICLE IX

20 This compact shall continue in force and remain binding on each state ratifying it until the
21 Legislature or the Governor of such state takes action to withdraw from the compact. Such
22 action is not effective until six months after notice of the withdrawal has been sent by the chief
23 executive of the state desiring to withdraw to the chief executives of all states then parties to the
24 compact.