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SENATE BILL 93

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO TIMBER; ENACTING THE INTERSTATE COMPACT FOR THE
PREVENTION AND CONTROL OF FOREST FIRES; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. INTERSTATE COMPACT FOR THE PREVENTION AND
CONTROL OF FOREST FIRES.--The Interstate Compact for the
Prevention and Control of Forest Fires is enacted into law, and
New Mexico hereby enters into the compact as a member state
with all other jurisdictions legally joining therein in the
form substantially as follows:

INTERSTATE COMPACT FOR THE PREVENTION AND CONTROL
OF FOREST FIRES

ARTICLE I

Purpose

The purpose of this compact is to promote effective prevention

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1 and control of forest fires in the great plains region of the
2 United States by the maintenance of adequate forest
3 firefighting services by the member states, and providing for
4 reciprocal aid in fighting forest fires among the compacting
5 states of the region, including South Dakota, North Dakota,
6 Wyoming, Colorado and any adjoining state of a current member
7 state.

8 ARTICLE II

9 Operative Date

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

13 ARTICLE III

14 State Compact Administrator; Forest Fire Plan

15 (a) In each state, the state forester or officer
16 holding the equivalent position who is responsible for forest
17 fire control may act as compact administrator for that state,
18 consult with like officials of the other member states and
19 implement cooperation between the states in forest fire
20 prevention and control. The compact administrators of the
21 member states may organize to coordinate the services of the
22 member states and provide administrative integration in
23 carrying out the purposes of this compact.

24 (b) Each member state may formulate and put in
25 effect a forest fire plan for that state.

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ARTICLE IV

Aid to Other Member States

If the state forest fire control agency of a member state requests aid from the state forest fire control agency of another state in combating, controlling or preventing forest fires, the state forest fire control agency of that state may render all possible aid to the requesting agency, consonant with the maintenance of protection at home.

ARTICLE V

Privileges; Liability; Claims and Reimbursement

(a) If the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of the state shall, under the directions 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.

(b) No member state or its officers or employees rendering outside aid pursuant to this compact is 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 with rendering outside aid.

(c) All liability, except as otherwise provided in this compact, that may arise either under the laws of the

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

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

16 (e) Each member state shall assure that workers
17 compensation benefits in conformity with the minimum legal
18 requirements of the state are available to all employees and
19 contract firefighters sent to a requesting state pursuant to
20 this compact.

21 (f) For the purposes of this compact, the term
22 "employee" includes any volunteer or auxiliary legally included
23 within the forest firefighting forces of the aiding state under
24 the laws of the aiding state.

25 (g) The compact administrators may formulate

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1 procedures for claims and reimbursement under the provisions of
2 this article in accordance with the laws of the member state.

3 ARTICLE VI

4 Effect of Compact on Existing Statutes; Duties

5 (a) Ratification of this compact does not affect
6 any existing statute so as to authorize or permit curtailment
7 or diminution of the forest firefighting forces, equipment,
8 services or facilities of any member state.

9 (b) Nothing in this compact authorizes or permits
10 any member state to curtail or diminish its firefighting
11 forces, equipment, services or facilities. Each member state
12 shall maintain adequate forest firefighting forces and
13 equipment to meet the demands for forest fire protection within
14 its borders in the same manner and to the same extent as if the
15 compact were not operative.

16 (c) Nothing in this compact limits or restricts the
17 powers of any state ratifying the compact to provide for the
18 prevention, control and extinguishment of forest fires, or to
19 prohibit the enactment or enforcement of state laws, rules or
20 regulations intended to aid in the prevention, control and
21 extinguishment of forest fires in the state.

22 (d) Nothing in this compact affects any existing or
23 future cooperative relationship or arrangement between the
24 United States forest service and a member state or states.

25 ARTICLE VII

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1 Representatives of the United States Forest Service
2 Representatives of the United States forest service may attend
3 meetings of the compact administrators.

4 ARTICLE VIII

5 Operation of Articles IV and V

6 The provisions of Articles IV and V of this compact that relate
7 to reciprocal aid in combating, controlling or preventing
8 forest fires are operative as between any state party to this
9 compact and any other state which is party to this compact in
10 another region if the legislature of the other state has given
11 its assent to the mutual aid provisions of this compact.

12 ARTICLE IX

13 Withdrawal from Compact

14 This compact shall continue in force and remain binding on each
15 state ratifying it until the legislature or the governor of the
16 state takes action to withdraw from the compact. Such action
17 is not effective until six months after notice of the
18 withdrawal has been sent by the chief executive of the state
19 desiring to withdraw to the chief executive of all states then
20 party to the compact.

21 SECTION 2. EMERGENCY.--It is necessary for the public
22 peace, health and safety that this act take effect immediately.