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SENATE BILL 128

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Benny Shendo, Jr.

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. [NEW MATERIAL] 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

Claims and Reimbursement

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

(b) Each member state shall assure that workers compensation benefits in conformity with the minimum legal requirements of the state are available to all employees and contract firefighters sent to a requesting state pursuant to

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1 this compact.

2 (c) For the purposes of this compact, the term
3 "employee" includes any volunteer or auxiliary legally included
4 within the forest firefighting forces of the aiding state under
5 the laws of the aiding state.

6 (d) The compact administrators may formulate
7 procedures for claims and reimbursement under the provisions of
8 this article in accordance with the laws of the member state.

9 ARTICLE VI

10 Effect of Compact on Existing Statutes; Duties

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

15 (b) Nothing in this compact authorizes or permits
16 any member state to curtail or diminish its firefighting
17 forces, equipment, services or facilities. Each member state
18 shall maintain adequate forest firefighting forces and
19 equipment to meet the demands for forest fire protection within
20 its borders in the same manner and to the same extent as if the
21 compact were not operative.

22 (c) Nothing in this compact limits or restricts the
23 powers of any state ratifying the compact to provide for the
24 prevention, control and extinguishment of forest fires, or to
25 prohibit the enactment or enforcement of state laws, rules or

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1 regulations intended to aid in the prevention, control and
2 extinguishment of forest fires in the state.

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

6 ARTICLE VII

7 Representatives of the United States Forest Service
8 Representatives of the United States forest service may attend
9 meetings of the compact administrators.

10 ARTICLE VIII

11 Operation of Articles IV and V

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

18 ARTICLE IX

19 Withdrawal from Compact

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

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1 party to the compact.

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

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