CHAPTER 37

Southeastern Interstate Forest Fire Protection Compact

**SECTION 48‑37‑10.** Governor may execute compact; legislative approval given.

The Governor on behalf of this State may execute a compact, in substantially the form set out in Section 48‑37‑20, with any one or more of the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, Virginia and West Virginia, and the legislature hereby signifies in advance its approval and ratification of such compact.

HISTORY: 1962 Code Section 29‑71; 1954 (48) 1774.

**SECTION 48‑37‑20.** Terms of compact.

ARTICLE I.

The purpose of this compact is to promote effective prevention and control of forest fires in the southeastern region of the United States by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member states, by providing for mutual aid in fighting forest fires among the compacting states of the region and with states which are party to other regional forest fire protection compacts or agreements, and for more adequate forest protection.

ARTICLE II.

This compact shall become operative immediately as to those states ratifying it whenever any two or more of the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, which are contiguous have ratified it and Congress has given consent thereto. Any State not mentioned in this article which is contiguous with any member state may become a party to this compact, subject to approval by the legislature of each of the member states.

ARTICLE III.

In each state, the state forester or officer holding the equivalent position who is responsible for forest fire control shall act as compact administrator for that state and shall consult with like officials of the other member states and shall implement cooperation between such states in forest fire prevention and control.

The compact administrators of the member states shall coordinate the services of the member states and provide administrative integration in carrying out the purposes of this compact.

There shall be established an advisory committee of legislators, forestry commission representatives, and forestry or forest products industries representatives which shall meet from time to time with the compact administrators. Each member state shall name one member of the Senate and one member of the house of representatives who shall be designated by that state's commission on interstate cooperation, or if said commission cannot constitutionally designate the said members, they shall be designated in accordance with laws of that state; and the governor of each member state shall appoint two representatives, one of whom shall be associated with forestry or forest products industries to comprise the membership of the advisory committee. Action shall be taken by a majority of the compacting states, and each state shall be entitled to one vote.

The compact administrators shall formulate and, in accordance with need, from time to time, revise a regional forest fire plan for the member states.

It shall be the duty of each member state to formulate and put in effect a forest fire plan for that state and take such measures as may be necessary to integrate such forest fire plan with the regional forest fire plan formulated by the compact administrators.

ARTICLE IV.

Whenever the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combating, controlling or preventing forest fires, it shall be the duty of the state forest fire control agency of that state to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

ARTICLE V.

Whenever the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of such state shall, under the direction 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.

No member state or its officers or employees rendering outside aid pursuant to this compact shall be 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 therewith: Provided, that nothing herein shall be construed as relieving any person from liability for his own negligent act or omission, or as imposing liability for such negligent act or omission upon any state.

All liability, except as otherwise provided hereinafter, that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

Any member state rendering outside aid pursuant to this compact shall be reimbursed by the member state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries, and subsistence of employees and maintenance of equipment incurred in connection with such request: Provided, that nothing herein contained shall prevent any assisting member state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such service to the receiving member state without charge or cost.

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

For the purposes of this compact the term employee shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state under the laws thereof.

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

ARTICLE VI.

Ratification of this compact shall not be construed to affect any existing statute so as to authorize or permit curtailment or diminution of the forest fire fighting forces, equipment, services or facilities of any member state.

Nothing in this compact shall be construed to limit or restrict the powers of any state ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules or regulations intended to aid in such prevention, control and extinguishment in such state.

Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between any Federal agency and a member state or states.

Article VII.

The compact administrators may request the United States Forest Service to act as a research and coordinating agency of the Southeastern Interstate Forest Fire Protection Compact in cooperation with the appropriate agencies in each state, and the United States Forest Service may accept responsibility for preparing and presenting to the compact administrators its recommendations with respect to the regional fire plan. Representatives of any Federal agency engaged in forest fire prevention and control may attend meetings of the compact administrators.

Article VIII.

The provisions of Articles IV and V of this compact which relate to mutual aid in combating, controlling or preventing forest fires shall be operative as between any state party to this compact and any other state which is party to a regional forest fire protection compact in another region: Provided, that the legislature of such other state shall have given its assent to such mutual aid provisions of this compact.

Article IX.

This compact shall continue in force and remain binding on each state ratifying it until the legislature or the governor of such state, as the laws of such state shall provide, takes action to withdraw therefrom. Such action shall not be effective until six months after notice thereof has been sent by the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact.

HISTORY: 1962 Code Section 29‑72; 1954 (48) 1774.

**SECTION 48‑37‑30.** Effective date of compact; exchange of official documents.

When the Governor shall have executed such compact on behalf of this State and shall have caused a verified copy thereof to be filed with the Secretary of State, and when such compact shall have been ratified by one or more of the states named in Section 48‑37‑10, then such compact shall become operative and effective as between this State and such other state or states. The Governor shall take such action as may be necessary to complete the exchange of official documents as between this State and any other state ratifying such compact.

HISTORY: 1962 Code Section 29‑73; 1954 (48) 1774.

**SECTION 48‑37‑40.** State Forester to act as compact administrator; advisory committee of Southeastern Interstate Forest Fire Protection Compact.

In pursuance of ARTICLE III of the compact as set out in Section 48‑37‑20, the State Forester of the State Commission of Forestry shall act as compact administrator for the State of South Carolina during his term of office as State Forester, and his successor as compact administrator shall be his successor as State Forester. As compact administrator he shall be an ex officio member of the Southeastern Interstate Forest Fire Protection Compact advisory committee, and chairman ex officio of the South Carolina members of such advisory committee. There shall be four members of the advisory committee from this State. Two of the members from this State shall be members of the General Assembly, one from the Senate and one from the House of Representatives, designated by the South Carolina Commission on Interstate Cooperation, and the terms of any such members shall terminate at the time they cease to hold legislative office, and their successors as members shall be named in like manner.

The Governor shall appoint the other two members from this State, one of whom shall be associated with forestry or forest products industries. The terms of such members shall be three years and such members shall hold office until their respective successors shall be appointed and qualified. Vacancies occurring in the office of such members from any reason or cause shall be filled by appointment by the Governor for the unexpired term. The State Forester as compact administrator for this State may delegate, from time to time, to any deputy or other subordinate in his department or office, the power to be present and participate, including voting as his representative or substitute at any meeting of or hearing by or other proceeding of the compact administrators or of the advisory committee. The terms of each of the initial four memberships of the advisory committee, whether appointed at such time or not, shall begin upon the date upon which such compact shall become effective in accordance with Article II of the compact. Any member of the advisory committee may be removed from office by the Governor upon charges and after a hearing.

HISTORY: 1962 Code Section 29‑74; 1954 (48) 1774.

**SECTION 48‑37‑50.** Powers and duties of State Forester and advisory committee; state officers, bureaus, departments and employees shall cooperate.

There is hereby granted to the State Forester, as compact administrator and chairman ex officio of the South Carolina members of such advisory committee, and to the members from this State of the advisory committee all the powers provided for in the compact and all the powers necessary or incidental to the carrying out of such compact in every particular. All officers of the State shall do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of the compact in every particular; it being hereby declared to be the policy of this State to perform and carry out the compact and to accomplish the purposes thereof.

All officers, bureaus, departments and persons of and in the State government or administration of this State shall at convenient times and upon request of such compact administrator, or of such advisory committee, furnish information and data relating to the purposes of the compact possessed by them or any of them to the compact administrator or the advisory committee. They may further aid the compact administrator or the advisory committee by loan of personnel, equipment or other means in carrying out the purposes of the compact.

HISTORY: 1962 Code Section 29‑75; 1954 (48) 1774.

**SECTION 48‑37‑60.** Chapter to not limit powers of State Commission of Forestry.

Any powers granted in this chapter to the State Commission of Forestry shall be regarded as in aid of and supplemental to, and in no case a limitation upon, any of the powers vested in the Commission by other laws of the State of South Carolina or by the laws of the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, Virginia, and West Virginia or by the Congress or the terms of such compact.

HISTORY: 1962 Code Section 29‑76; 1954 (48) 1774.