

32:24-1

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NJSA: 32:24-1

(Middle Atlantic  
Forest Fire  
Protection  
Compact)

LAWS OF: 1990

CHAPTER: 133

Bill No: A3073

Sponsor(s): Scerni and others

Date Introduced: March 1, 1990

Committee: Assembly: Conservation and Natural Resources

Senate: Environmental Quality

Amended during passage: Yes Amendments during passage  
denoted by asterisks.

Date of Passage: Assembly: April 2, 1990

Senate: November 19, 1990

Date of Approval: December 19, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

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BY

[FIRST REPRINT]  
ASSEMBLY, No. 3073  
STATE OF NEW JERSEY

INTRODUCED MARCH 1, 1990

By Assemblyman SCERNI, Assemblywoman FORD and  
Assemblyman Jacobson

1 AN ACT to authorize the State of Ohio to become a member of  
2 the Middle Atlantic Interstate Forest Fire Protection Compact  
3 and amending P.L.1955, c.224.  
4

5 BE IT ENACTED *by the Senate and General Assembly of the*  
6 *State of New Jersey:*

7 1. Section 1 of P.L.1955, <sup>1</sup>[c.244] c.224<sup>1</sup> (C.32:24-1) is  
8 amended to read as follows:

9 1. The Governor is hereby authorized and directed to execute  
10 a compact on behalf of this State with any 1 or more of the  
11 States of Delaware, Maryland, Ohio, Pennsylvania, Virginia and  
12 West Virginia, who may, by their legislative bodies, so authorize  
13 a compact, in form substantially as follows:  
14

15 MIDDLE ATLANTIC INTERSTATE  
16 FOREST FIRE PROTECTION COMPACT  
17 ARTICLE I

18 The purpose of this compact is to promote effective prevention  
19 and control of forest fires in the Middle Atlantic region of the  
20 United States by the development of integrated forest fire plans,  
21 by the maintenance of adequate forest fire fighting services by  
22 the member States, and by providing for mutual aid in fighting  
23 forest fires among the compacting States of the region and with  
24 States which are party to other regional forest fire protection  
25 compacts or agreements.  
26

27 ARTICLE II

28 This compact shall become operative immediately as to those  
29 States ratifying it whenever any 2 or more of the States of  
30 Delaware, Maryland, New Jersey, Ohio, Pennsylvania, Virginia  
31 and West Virginia which are contiguous have ratified it and  
32 Congress has given consent thereto.  
33

34 ARTICLE III

35 In each State the officer who is responsible for forest fire  
36 control shall act as compact administrator for that State and  
37 shall consult with like officials of the other member States and  
38 shall implement co-operation between such States in forest fire  
39 prevention and control.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:  
<sup>1</sup> Assembly ANR committee amendments adopted March 19, 1990.

1 The compact administrators of the member States shall  
2 organize to co-ordinate the services of the member States and  
3 provide administrative integration in carrying out the purposes of  
4 this compact.

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

8 It shall be the duty of each member State to formulate and put  
9 into effect a forest fire plan for that State and take such  
10 measures as may be necessary to integrate such forest fire plan  
11 with the regional forest fire plan formulated by the compact  
12 administrators.

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#### ARTICLE IV

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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.

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 maintenance of employees and 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

1 such services to the receiving member State without charge or  
2 cost.

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

9 For the purposes of this compact, the term employee shall  
10 include any volunteer or auxiliary legally included within the  
11 forest fire fighting forces of the aiding State under the laws  
12 thereof.

13 The compact administrators shall formulate procedure for  
14 claims and reimbursement under the provisions of this article in  
15 accordance with the laws of the member States.  
16

#### 17 ARTICLE VI

18 Nothing in this compact shall be construed to authorize or  
19 permit any member State to curtail or diminish its forest fire  
20 fighting forces, equipment, services or facilities, and it shall be  
21 the duty and responsibility of each member State to maintain  
22 adequate forest fire fighting forces and equipment to meet  
23 demands for forest fire protection within its borders in the same  
24 manner and to the same extent as if this compact were not  
25 operative.

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

32 Nothing in this compact shall be construed to affect any  
33 existing or future co-operative relationship or arrangement  
34 between the United States Forest Service and a member State or  
35 States.  
36

#### 37 ARTICLE VII

38 The compact administrators may request the United States  
39 Forest Service to act as the primary research and co-ordinating  
40 agency of the Middle Atlantic Interstate Forest Fire Protection  
41 Compact in co-operation with the appropriate agencies in each  
42 State, and the United States Forest Service may accept the  
43 initial responsibility in preparing and presenting to the compact  
44 administrators its recommendations with respect to the regional  
45 fire plan. Representatives of the United States Forest Service  
46 may attend meetings of the compact administrators.  
47

#### 48 ARTICLE VIII

49 The provisions of articles IV and V of this compact which

1 relate to mutual aid in combating, controlling or preventing  
2 forest fires shall be operative as between any State party to this  
3 compact and any other State which is party to a regional forest  
4 fire protection compact in another region; provided, that the  
5 Legislature of such other State shall have given its assent to such  
6 mutual aid provisions of this compact.

7

8

## ARTICLE IX

9 This compact shall continue in force and remain binding on  
10 each State ratifying it until the Legislature or the Governor of  
11 such State takes action to withdraw therefrom. Such action shall  
12 not be effective until 6 months after notice thereof has been sent  
13 by the chief executive of the State desiring to withdraw to the  
14 chief executives of all States then parties to the compact.

15 (cf: P.L.1955, c.224, s.1)

16 2. Section 3 of P.L.1955, c.224 (C.32:24-3) is amended to read  
17 as follows:

18 3. The <sup>1</sup>[Commission] Commissioner<sup>1</sup> of [Conservation and  
19 Economic Development] Environmental Protection, or someone  
20 designated by him, shall act as compact administrator for this  
21 State and represent this State in the Middle Atlantic Interstate  
22 Forest Fire Protection Compact.

23 (cf: P.L.1955, c.224, s.3)

24 3. This act shall take effect immediately.

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## NATURAL RESOURCES

28

29 Authorizes State of Ohio to become member of Middle Atlantic  
30 Interstate Forest Fire Protection Compact.

## ARTICLE VIII

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## STATEMENT

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31 This bill would amend the Middle Atlantic Interstate Forest  
32 Fire Protection Compact to authorize the State of Ohio to  
33 become a member of the compact. This bill also makes a  
34 technical correction to the statutory language to reflect the  
35 creation of the Department of Environmental Protection. The  
36 State of Ohio has already approved legislation to authorize its  
37 membership and federal legislation to amend the compact is  
38 pending.

## NATURAL RESOURCES

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43 Authorizes the State of Ohio to become a member in the Middle  
44 Atlantic Interstate Forest Fire Protection Compact.

ASSEMBLY CONSERVATION AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3073

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 19, 1990

The Assembly Conservation and Natural Resources Committee favorably reports Assembly Bill No. 3073 with Assembly committee amendments.

This bill would amend the Middle Atlantic Interstate Forest Fire Protection Compact to authorize the State of Ohio to become a member of the compact. This bill would also make a technical correction to the statutory language to reflect the creation of the New Jersey Department of Environmental Protection. The State of Ohio has already approved legislation to authorize its membership in the compact, and federal legislation to amend the compact is pending.

The committee made technical amendments to the bill to correct an incorrect statutory reference and a typographical error.

The State Forester testified at the committee meeting in support of the bill and indicated that four other member states of the compact have already enacted legislation similar to this bill. New Jersey and one other member state have yet to enact the appropriate corresponding legislation.

SENATE ENVIRONMENTAL QUALITY COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 3073

STATE OF NEW JERSEY

DATED: OCTOBER 15, 1990

The Senate Environmental Quality Committee favorably reports Assembly Bill No. 3073 (1R).

This bill would amend the Middle Atlantic Interstate Forest Fire Protection Compact to authorize the State of Ohio to become a member of the compact. The State of Ohio has already approved legislation to authorize its membership in the compact, and federal legislation to amend the compact was enacted in 1989. Four other compact member states have also already enacted amendments. Only the States of New Jersey and Pennsylvania have not yet passed similar legislation.

Assembly Bill No. 3073 (1R) is identical to Senate Bill No. 2409 with committee amendments.