

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1715

By: Leist

AS INTRODUCED

An Act relating to agriculture; amending 2 O.S. 1991, Section 1301-107, as last amended by Section 1, Chapter 272, O.S.L. 1994 (2 O.S. Supp. 1996, Section 1301-107), which relates to powers and duties of the State Board of Agriculture; clarifying language relating to forestry; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 2 O.S. 1991, Section 1301-107, as last amended by Section 1, Chapter 272, O.S.L. 1994 (2 O.S. Supp. 1996, Section 1301-107), is amended to read as follows:

Section 1301-107. A. The Forestry Division, in connection with the enforcement of this act and other forest and forest fire laws, shall have the ~~following powers, authority and duties~~ power, authority and duty to:

1. ~~To enforce~~ Enforce the provisions of this code and other forest and forest protection laws of this state;
2. ~~To prevent~~ Prevent, detect, extinguish and investigate forest fires in this state and to do all things necessary in the exercise of such powers, authority and duties;

3. ~~To provide~~ Provide forest fire fighting crews, who shall be under the control and direction of forest rangers and other designated agents of the Division in specified protection areas;

4. ~~To appoint~~ Appoint district foresters, assistant district foresters, investigators, rangers and other employees;

5. ~~To use~~ Use the resources of the Division on state-owned parks and other state-administered lands to prevent and suppress fires and to establish fire fighting crews who shall be authorized to suppress fires on state lands;

6. ~~To be~~ Be reimbursed on an actual cost basis for all services provided to state parks and other lands administered by the State of Oklahoma;

7. ~~To investigate~~ Investigate cases of forest timber theft;

8. ~~To make~~ Make available for sale surplus state vehicles directly to rural fire departments or municipal fire departments, in cities or towns under ten thousand (10,000) population. State vehicles may be offered for sale only after approval is given in writing by the Department of Central Services and evaluation is made of each vehicle and a price set by the Department of Central Services. The Forestry Division may only receive the amount authorized by the Department of Central Services for the sale of the vehicle; and

9. ~~To purchase~~ Purchase equipment from the Rural Fire Defense Equipment Revolving Fund's inventory, when advantageous to the state, and shall reimburse the Revolving Fund.

B. Forest rangers, and the fire fighting crews under their control and direction, may enter upon any lands for the purpose of preventing and suppressing forest fires and to enforce the provisions of this act and other forest fire and forest protection laws of this state.

C. Forest rangers, employees of the Division and all persons, federal and state agencies who are under contract or agreement with

the Division to assist in fire fighting operations as well as persons, federal or state agencies, firms, companies or corporations called upon by forest rangers or other authorized employees of the Division to assist in fire fighting under the direction or supervision of employees of the Division may, in the performance of their duties, set backfires, dig trenches, cut firelines and carry on all customary activities in the fighting of forest fires without incurring liability to any person.

D. 1. The Director may appoint, subject to the approval of the Board, special officers who shall have the power and authority to arrest. Such special officers shall furnish bond in the sum of Two Thousand Five Hundred Dollars (\$2,500.00), payable to the Treasurer of the state and credited to the General Revenue Fund, conditioned upon the faithful discharge of their duties as such special officers, such bonds to be approved by the Division. Such special officers shall have power and authority throughout the state, under the direction and control of the Division, to enforce the criminal provisions contained in this act and in other laws relating to forests and forest fires.

2. Such special officers shall have power and authority to make arrests with or without warrants for violations of the criminal provisions of this act and of other laws relating to forests and forest fires to the same extent and under the same limitations and duties as do peace officers under the provisions of ~~Title 22,~~ Chapter 3 of Title 22 of the Oklahoma Statutes.

3. In connection with the enforcement of the said criminal provisions, such special officers and other state investigators or law enforcement officers may go upon all premises, posted or otherwise, when necessary for the enforcement of such laws. All such special officers shall be ex officio forest rangers and shall be under the control and direction of the Division; except, the Director may at any time, for cause, remove any powers and authority

of arrest conferred by him. Such special officers shall have the same right and authority to carry arms as do the sheriffs of this state. The compensation of such special officers shall be fixed and paid by the Division from its funds.

SECTION 2. This act shall become effective November 1, 1997.

46-1-5307

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