

1 **SENATE FLOOR VERSION**

2 April 5, 2011

3 ENGROSSED HOUSE
4 BILL NO. 1327

By: Pruett and Walker of the
House

5 and

6 Lerblance of the Senate

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8
9 An Act relating to agriculture; amending 2 O.S. 2001,
10 Section 16-8, as amended by Section 3, Chapter 195,
11 O.S.L. 2007 (2 O.S. Supp. 2010, Section 16-8), which
12 relates to the Oklahoma Forestry Code; modifying
13 power, authority and duties of the Forestry Division;
14 authorizing recovery of costs for burning; granting
15 immunity from personal liability; and providing an
16 effective date.

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

18 SECTION 1. AMENDATORY 2 O.S. 2001, Section 16-8, as
19 amended by Section 3, Chapter 195, O.S.L. 2007 (2 O.S. Supp. 2010,
20 Section 16-8), is amended to read as follows:

21 Section 16-8. A. The Forestry Division, in connection with the
22 enforcement of the Oklahoma Forestry Code, shall have the following
23 powers, authority, and duties:

24 1. To enforce the provisions of this code and other forest and
forest protection laws of this state;

- 1 2. To prevent, detect, extinguish, and investigate wildfires in
2 this state;
- 3 3. To provide wildfire fighting crews, who shall be under the
4 control and direction of forest rangers and other designated agents
5 of the Division;
- 6 4. To appoint district foresters, assistant district foresters,
7 investigators, rangers, and other employees;
- 8 5. To use the resources of the Division on state-owned parks
9 and other state-administered lands to prevent and suppress fires and
10 to establish fire fighting crews who shall be authorized to suppress
11 fires on state lands;
- 12 6. To be reimbursed on an actual cost basis for all services
13 provided to state parks and other lands administered by the State of
14 Oklahoma;
- 15 7. To investigate cases of forest timber theft;
- 16 8. To make available for sale surplus state vehicles directly
17 to rural fire departments or municipal fire departments, in cities
18 or towns under ten thousand (10,000) population. State vehicles may
19 be offered for sale only after approval is given in writing by the
20 Department of Central Services and an evaluation is made of each
21 vehicle and a price set by the Department of Central Services. The
22 Forestry Division may only receive the amount authorized by the
23 Department of Central Services for the sale of the vehicle; and

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1 9. To purchase equipment from the Rural Fire Defense Equipment
2 Revolving Fund's inventory, when advantageous to the state, and to
3 reimburse the Revolving Fund; and

4 10. To plan and conduct prescribed burning at the request and
5 expense of landowners on public or private lands for the purpose of
6 controlling Eastern Red Cedar and other invasive species, for
7 hazardous fuel reduction, wildlife habitat manipulation, ecosystem
8 restoration, or achieving silvicultural objectives. Forestry
9 Division employees shall be protected under The Governmental Tort
10 Claims Act and shall not be personally liable beyond the limits
11 established therein for activities pursuant to this paragraph unless
12 gross negligence is established in a competent court of law.

13 B. Forest rangers, and the fire fighting crews under their
14 control and direction, may enter upon any lands for the purpose of
15 preventing and suppressing wildfires and to enforce the provisions
16 of the Oklahoma Forestry Code and other wildfire and forest
17 protection laws of this state.

18 C. Forest rangers, employees of the Division, and all persons
19 under contract or agreement with the Division to assist in fire
20 fighting operations, as well as persons called upon by forest
21 rangers or other authorized employees of the Division to assist in
22 fire fighting under the direction or supervision of employees of the
23 Division, may, in the performance of their duties, set backfires,
24 dig trenches, cut firelines, and carry on all customary activities

1 in the fighting of wildfires without incurring liability to any
2 person.

3 D. 1. The Director may appoint, subject to the approval of the
4 Board, special officers who shall have the power and authority to
5 arrest. The special officers shall have power and authority
6 throughout the state, under the direction and control of the
7 Division, to enforce the criminal provisions contained in the
8 Oklahoma Forestry Code, other laws relating to forests and
9 wildfires, and the Oklahoma Agricultural Code.

10 2. The special officers shall have power and authority to make
11 arrests with or without warrants for violations of the criminal
12 provisions of the Oklahoma Forestry Code, other laws relating to
13 forests and wildfires, and the Oklahoma Agricultural Code to the
14 same extent and under the same limitations and duties as peace
15 officers under the provisions of Title 22, Chapter 3 of the Oklahoma
16 Statutes.

17 3. In connection with the enforcement of the criminal
18 provisions, the special officers and other state investigators or
19 law enforcement officers may go upon all premises when necessary for
20 the enforcement of laws. All special officers shall be ex officio
21 forest rangers and shall be under the control and direction of the
22 Division; except, the Director may at any time, for cause, remove
23 any powers and authority of arrest conferred. Special officers
24 shall have the same right and authority to carry arms as the

1 | sheriffs of this state. The compensation of special officers shall
2 | be fixed and paid by the Division from its funds.

3 | SECTION 2. This act shall become effective November 1, 2011.

4 | COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT,
5 | dated 4-4-11 - DO PASS, As Coauthored.

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