

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 57th Legislature (2019)

4   COMMITTEE SUBSTITUTE  
5   FOR ENGROSSED  
6   SENATE BILL NO. 870

By: Murdock of the Senate

and

Newton of the House

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10                               COMMITTEE SUBSTITUTE

11           An Act relating to wildfire prevention; amending 2  
12           O.S. 2011, Section 16-8, as amended by Section 11,  
13           Chapter 304, O.S.L. 2012 (2 O.S. Supp. 2018, Section  
14           16-8), which relates to powers and duties of the  
15           Forestry Division of the Oklahoma Department of  
16           Agriculture, Food, and Forestry; authorizing county  
17           employees to participate in fire prevention  
18           activities on private land with permission of the  
19           landowner under certain circumstances; and providing  
20           an effective date.

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

23           SECTION 1.       AMENDATORY       2 O.S. 2011, Section 16-8, as  
24           amended by Section 11, Chapter 304, O.S.L. 2012 (2 O.S. Supp. 2018,  
25           Section 16-8), is amended to read as follows:

26           Section 16-8.   A.   The Forestry Division of the Oklahoma  
27           Department of Agriculture, Food, and Forestry, in connection with

1 the enforcement of the Oklahoma Forestry Code, shall have the  
2 following powers, authority, and duties:

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

5 2. To prevent, detect, extinguish<sup>7</sup> and investigate wildfires in  
6 this state;

7 3. To provide wildfire fighting crews, who shall be under the  
8 control and direction of forest rangers and other designated agents  
9 of the Division;

10 4. To appoint district foresters, assistant district foresters,  
11 investigators, rangers<sup>7</sup> and other employees;

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

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

19 7. To investigate cases of forest timber theft;

20 8. To make available for sale surplus state vehicles directly  
21 to rural fire departments or municipal fire departments, in cities  
22 or towns under ten thousand (10,000) population. State vehicles may  
23 be offered for sale only after approval is given in writing by the  
24 Office of Management and Enterprise Services and an evaluation is

1 made of each vehicle and a price set by the Office of Management and  
2 Enterprise Services. The Forestry Division may only receive the  
3 amount authorized by the Office of Management and Enterprise  
4 Services for the sale of the vehicle;

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

8 10. To plan and conduct prescribed burning at the request and  
9 expense of landowners on public or private ~~lands~~ land for the  
10 purpose of controlling Eastern Red Cedar and other invasive species,  
11 for hazardous fuel reduction, wildlife habitat manipulation,  
12 ecosystem restoration, or achieving silvicultural objectives.

13 Forestry Division employees shall be protected under The  
14 Governmental Tort Claims Act and shall not be personally liable  
15 beyond the limits established therein for activities pursuant to  
16 this paragraph unless gross negligence is established in a competent  
17 court of law.

18 B. Forest rangers, and the fire fighting crews under their  
19 control and direction, may enter upon any ~~lands~~ land for the purpose  
20 of preventing and suppressing wildfires and to enforce the  
21 provisions of the Oklahoma Forestry Code and other wildfire and  
22 forest protection laws of this state.

23 C. Forest rangers, employees of the Division, and all persons  
24 under contract or agreement with the Division to assist in fire

1 fighting operations, as well as persons called upon by forest  
2 rangers or other authorized employees of the Division to assist in  
3 fire fighting under the direction or supervision of employees of the  
4 Division, may, in the performance of their duties, set backfires,  
5 dig trenches, cut firelines, and carry on all customary activities  
6 in the fighting of wildfires without incurring liability to any  
7 person.

8 D. Under the direction of forest rangers and upon written  
9 receipt of permission of the landowner, county officers and  
10 employees may, in the performance of their duties, set backfires,  
11 dig trenches, cut firelines, carry on all customary activities in  
12 the fighting of wildfires and perform conservation efforts to  
13 prevent wildfires on private land without incurring liability to any  
14 person.

15 1. The Director of the Forestry Division may appoint, subject  
16 to the approval of the State Board of Agriculture, special officers  
17 who shall have the power and authority to arrest. The special  
18 officers shall have power and authority throughout the state, under  
19 the direction and control of the Division, to enforce the criminal  
20 provisions contained in the Oklahoma Forestry Code, other laws  
21 relating to forests and wildfires, and the Oklahoma Agricultural  
22 Code.

23 2. The special officers shall have power and authority to make  
24 arrests with or without warrants for violations of the criminal

1 provisions of the Oklahoma Forestry Code, other laws relating to  
2 forests and wildfires, and the Oklahoma Agricultural Code to the  
3 same extent and under the same limitations and duties as peace  
4 officers under the provisions of Title 22, Chapter 3 of the Oklahoma  
5 Statutes.

6 3. In connection with the enforcement of the criminal  
7 provisions, the special officers and other state investigators or  
8 law enforcement officers may go upon all premises when necessary for  
9 the enforcement of laws. All special officers shall be ex officio  
10 forest rangers and shall be under the control and direction of the  
11 Division; except, the Director may at any time, for cause, remove  
12 any powers and authority of arrest conferred. Special officers  
13 shall have the same right and authority to carry arms as the  
14 sheriffs of this state. The compensation of special officers shall  
15 be fixed and paid by the Division from its funds.

16 SECTION 2. This act shall become effective November 1, 2019.

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18 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/02/2019 - DO PASS,  
19 As Amended.  
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