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February 18, 2019

By: Murdock

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

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

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

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

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

1        2. To prevent, detect, extinguish<sup>7</sup> 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<sup>7</sup> and other employees;

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

12       6. To be reimbursed on an actual cost basis for all services  
13 provided to state parks and other ~~lands~~ land administered by the  
14 State of 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 Office of Management and Enterprise Services and an evaluation is  
21 made of each vehicle and a price set by the Office of Management and  
22 Enterprise Services. The Forestry Division may only receive the  
23 amount authorized by the Office of Management and Enterprise  
24 Services for the sale of the vehicle;

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~~ land for the  
6 purpose of controlling Eastern Red Cedar and other invasive species,  
7 for hazardous fuel reduction, wildlife habitat manipulation,  
8 ecosystem restoration, or achieving silvicultural objectives.

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

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

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

1 dig trenches, cut firelines, and carry on all customary activities  
2 in the fighting of wildfires without incurring liability to any  
3 person.

4 D. Under the direction of forest rangers and upon receipt of  
5 permission of the landowner, county officers and employees may, in  
6 the performance of their duties, set backfires, dig trenches, cut  
7 firelines, and carry on all customary activities in the fighting of  
8 wildfires on private land without incurring liability to any person.

9 1. The Director of the Forestry Division may appoint, subject  
10 to the approval of the State Board of Agriculture, special officers  
11 who shall have the power and authority to arrest. The special  
12 officers shall have power and authority throughout the state, under  
13 the direction and control of the Division, to enforce the criminal  
14 provisions contained in the Oklahoma Forestry Code, other laws  
15 relating to forests and wildfires, and the Oklahoma Agricultural  
16 Code.

17 2. The special officers shall have power and authority to make  
18 arrests with or without warrants for violations of the criminal  
19 provisions of the Oklahoma Forestry Code, other laws relating to  
20 forests and wildfires, and the Oklahoma Agricultural Code to the  
21 same extent and under the same limitations and duties as peace  
22 officers under the provisions of Title 22, Chapter 3 of the Oklahoma  
23 Statutes.

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

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

12 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE  
13 February 18, 2019 - DO PASS  
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