

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 1526 By: Green of the Senate  
3 and  
4 Newton of the House  
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6

7 An Act relating to forestry administration and  
8 enforcement; amending 2 O.S. 2021, Sections 16-2, 16-  
9 4, and 16-8, which relate to the Oklahoma Forestry  
10 Code; defining terms; modifying definitions;  
11 modifying duties of Forestry Division of Oklahoma  
12 Department of Agriculture, Food, and Forestry;  
13 modifying terms; prohibiting liability for certain  
14 activities; amending 2 O.S. 2021, Sections 16-21 and  
15 16-28.2, which relate to forest fire prevention;  
16 modifying term; modifying prescribed notification  
17 area plan form; updating statutory references;  
18 updating statutory language; and providing an  
19 effective date.

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AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill  
and insert:

"An Act relating to county retirement systems;  
amending 19 O.S. 2021, Section 954, as amended by  
Section 1, Chapter 25, O.S.L. 2022 (19 O.S. Supp.  
2023, Section 954), which relates to contribution  
rates; modifying maximum contribution rates;  
providing an effective date; and declaring an  
emergency.

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

2 SECTION 1. AMENDATORY 19 O.S. 2021, Section 954, as  
3 amended by Section 1, Chapter 25, O.S.L. 2022 (19 O.S. Supp. 2023,  
4 Section 954), is amended to read as follows:

5 Section 954. It shall be the mandatory duty of the board of  
6 county commissioners of any county establishing a retirement fund  
7 and system to appropriate annually, for the sole use of the  
8 retirement fund within its general fund and subject to the approval  
9 of the county excise board, a sum which shall be equal to or exceed  
10 the contributions made to the retirement fund by the employees.

11 Such appropriation shall not exceed the sum of the current annual  
12 salaries of all employees to be covered in the following  
13 percentages:

14	July 1, 2007 - June 30, 2008	13 1/2%
15	July 1, 2008 - June 30, 2009	14 1/2%
16	July 1, 2009 - June 30, 2010	15 1/2%
17	July 1, 2010 - June 30, 2019	16 1/2%
18	July 1, 2019 - June 30, <del>2020</del>	
19	<del>and each year thereafter</del> <u>2024</u>	18 1/2%
20	<u>July 1, 2024 - June 30, 2025</u>	
21	<u>and each year thereafter</u>	<u>22%</u>

22 Beginning July 1, ~~2019~~ 2024, the total employer and employee  
23 contributions shall not exceed ~~eighteen and one-half percent (18.5%)~~  
24 twenty-two percent (22%) of the monthly compensation of each member.

1 The governing body of the participating employers listed in this  
2 section may vary the percentage contribution of the employer and  
3 employee, provided the total percentage contributed by the employer  
4 and employee equals the total percentage contribution required by  
5 this section. Payment of such shall be paid to the fund upon  
6 verified claims by the treasurer of the fund approved by the board  
7 of trustees and attested by its clerk. ~~For any contribution made on~~  
8 ~~or after July 1, 2021, to June 30, 2022, of less than eighteen and~~  
9 ~~one-half percent (18.5%), an employer may retroactively make a one-~~  
10 ~~time lump sum contribution of an amount equal to the difference~~  
11 ~~between the actual total contribution that was made and the total~~  
12 ~~contribution amount equal to eighteen and one-half percent (18.5%).~~

13 SECTION 2. This act shall become effective July 1, 2024.

14 SECTION 3. It being immediately necessary for the preservation  
15 of the public peace, health or safety, an emergency is hereby  
16 declared to exist, by reason whereof this act shall take effect and  
17 be in full force from and after its passage and approval."

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1 Passed the House of Representatives the 18th day of April, 2024.

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4 Presiding Officer of the House of  
Representatives  
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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2024.

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9 Presiding Officer of the Senate  
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1 ENGROSSED SENATE  
2 BILL NO. 1526

By: Green of the Senate

and

Newton of the House

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6 An Act relating to forestry administration and  
7 enforcement; amending 2 O.S. 2021, Sections 16-2, 16-  
8 4, and 16-8, which relate to the Oklahoma Forestry  
9 Code; defining terms; modifying definitions;  
10 modifying duties of Forestry Division of Oklahoma  
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13 activities; amending 2 O.S. 2021, Sections 16-21 and  
14 16-28.2, which relate to forest fire prevention;  
15 modifying term; modifying prescribed notification  
16 area plan form; updating statutory references;  
17 updating statutory language; and providing an  
18 effective date.

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

20 SECTION 4. AMENDATORY 2 O.S. 2021, Section 16-2, is  
21 amended to read as follows:

22 Section 16-2. As used in the Oklahoma Forestry Code:

23 1. "Control line" means a constructed or natural barrier and  
24 treated fire edge used to control a fire;

2. "Director" means the Director of Forestry of the Oklahoma  
Department of Agriculture, Food, and Forestry;

~~2.~~ 3. "Division" means the Forestry Division of the Oklahoma  
Department of Agriculture, Food, and Forestry;

1       ~~3.~~ 4. "Established property line" means any boundary line which  
2 has been:

3           a. recognized by adjoining land owners as a boundary and  
4           uncontested for at least fifteen (15) years including,  
5           but not limited to, fence lines, roads, and natural  
6           features,

7           b. established by a registered land surveyor, or

8           c. uncontested for at least fifteen (15) years;

9       5. "Fire line" means the actively burning or burned perimeter  
10 of an uncontrolled wildfire of any size that necessitates the use of  
11 direct or indirect tactical suppression actions to control the  
12 wildfire;

13       ~~4.~~ 6. "Forest rangers" means all employees of the Forestry  
14 Division who have responsibilities in forest and natural resource  
15 protection, including laborers, mechanics, and other employees who  
16 assist in forest and natural resource protection;

17       ~~5.~~ 7. "Forest" means a tract of land that is at least ten  
18 percent (10%) stocked by trees of any size, whether of commercial or  
19 noncommercial species, or formerly having tree cover and not  
20 currently developed for ~~nonforest~~ non-forest use, including  
21 woodlands, woodlots, windbreaks, and shelterbelts;

22       8. "Hazardous duty" means actions performed on or near the fire  
23 line required to fight and control wildfires in order to protect  
24 lives, property, forests, and natural resources as well as functions

1 associated with wildland hazardous fuels reduction work to mitigate  
2 and reduce wildfire threat to lives, property, forests, and natural  
3 resources;

4 ~~6.~~ 9. "Logging or timber harvesting operations" means the  
5 cutting or harvesting of and removal of timber from a site, leaving  
6 the root mass intact;

7 ~~7.~~ 10. "Owner" means the possessor of a fee interest, a tenant,  
8 lessee, occupant, or other person in lawful control of land;

9 ~~8.~~ 11. "Prescribed burning" means the controlled application of  
10 fire by the owner or designated agent of croplands, rangelands, or  
11 forestlands ~~of fire to naturally occurring~~ vegetative fuel under  
12 specified environmental conditions and following appropriate  
13 precautionary measures, ~~which causes~~ intended to keep the fire ~~to be~~  
14 confined to a predetermined area and accomplish land management  
15 objectives;

16 ~~9.~~ 12. "Timber" means live and dead trees and the profit in any  
17 live and dead trees including, but not limited to, bark, foliage,  
18 wood, vines, firewood, crossties, and shrubbery;

19 ~~10.~~ 13. "Timber owner" means any person who owns the right to  
20 cut or harvest timber at the time the timber is to be cut or  
21 harvested, or who legally owns the severed timber;

22 ~~11.~~ 14. "Wildfires" means any fire which is not controlled on  
23 forests, grasslands, fields, or croplands; ~~and~~

24 ~~12.~~ "Wild lands"

1        15. "Wildland" means any undeveloped ~~lands~~ land regardless of  
2 ~~kind of~~ vegetative plant cover including ~~forests~~ forest, ~~prairies~~  
3 prairie, ~~marshes~~ marsh, and ~~swamps~~ swamp; and

4        16. "Wildland firefighter" means any forest ranger employed by  
5 the Forestry Division whose duty to fight wildfires includes  
6 incident management, fire suppression, and hazardous wildland fuel  
7 mitigation.

8        SECTION 5.        AMENDATORY        2 O.S. 2021, Section 16-4, is  
9 amended to read as follows:

10        Section 16-4. It shall be the duty of the State Board of  
11 Agriculture under terms the Board determines shall best serve the  
12 public interest to assist and cooperate with federal and state  
13 departments, educational institutions, counties, towns,  
14 corporations, or individuals; to gather and disseminate information  
15 about forests, their care and management; to prevent and extinguish  
16 wildfires; to enforce all laws pertaining to forests and ~~woodlands~~  
17 wildlands; and to monitor the health, inventory, and condition of  
18 the state's forest resources.

19        SECTION 6.        AMENDATORY        2 O.S. 2021, Section 16-8, is  
20 amended to read as follows:

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



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

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

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

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

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

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

22 C. Forest rangers, employees of the Division, and all persons  
23 under contract or agreement with the Division to assist in ~~fire~~  
24 ~~fighting~~ firefighting operations, as well as persons called upon by

1 forest rangers or other authorized employees of the Division to  
2 assist in ~~fire fighting~~ firefighting under the direction or  
3 supervision of employees of the Division, may, in the performance of  
4 their duties, set backfires, dig trenches, ~~cut firelines~~ control  
5 lines, and carry on all customary activities in the fighting of  
6 wildfires without incurring liability to any person.

7 D. Under the direction of forest rangers and upon written  
8 ~~receipt of permission~~ consent of the landowner, county officers and  
9 employees may, in the performance of their duties and without  
10 incurring liability to any person, ~~cut firelines~~ construct control  
11 lines and carry out all customary activities for conducting  
12 prescribed burns to mitigate hazardous wildland fuels ~~for the~~  
13 ~~prevention of~~ to prevent wildfires on private lands.

14 E. Upon written consent from a landowner or designated agent,  
15 forest rangers in the performance of their duties and without  
16 incurring liability to any person, may construct control lines,  
17 carry out all customary activities for conducting prescribed burns,  
18 and utilize mechanized equipment to reduce hazardous wildland fuels  
19 in order to mitigate or reduce the effects of wildfires on lives,  
20 property, forests, and natural resources on private and public lands  
21 in this state.

22 1. The Director of the Forestry Division may appoint, subject  
23 to the approval of the State Board of Agriculture, special officers  
24 who shall have the power and authority to arrest. The special

1 officers shall have power and authority throughout the state, under  
2 the direction and control of the Division, to enforce the criminal  
3 provisions contained in the Oklahoma Forestry Code, other laws  
4 relating to forests and wildfires, and the Oklahoma Agricultural  
5 Code.

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

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

23 SECTION 7. AMENDATORY 2 O.S. 2021, Section 16-21, is  
24 amended to read as follows:

1 Section 16-21. The Division shall organize forest protection  
2 areas to prevent, detect, and suppress wildfires most effectively,  
3 and may employ forest rangers to have charge of its activities in  
4 each area; may subdivide each area into patrol areas; may construct  
5 lookout towers, roads, bridges, ~~firelines~~ control lines, office  
6 facilities, and communication facilities; may purchase tools for  
7 firefighting as well as other necessary supplies and equipment; and  
8 may carry on all activities necessary to protect the area  
9 effectively from fires.

10 SECTION 8. AMENDATORY 2 O.S. 2021, Section 16-28.2, is  
11 amended to read as follows:

12 Section 16-28.2. A. 1. The provisions of this section apply  
13 to a prescribed burn.

14 2. Any owner wishing to set fire to land in order to conduct a  
15 prescribed burn shall comply with the provisions of this section.

16 B. 1. Within sixty (60) days prior to conducting a prescribed  
17 burn, the owner of the land to be burned shall orally or in writing  
18 notify all landowners whose lands adjoin the owner's land to be  
19 burned.

20 2. If any landowner is burning on a large, consolidated tract  
21 of land in which there are multiple adjacent owners, only those  
22 owners with adjoining land within one (1) mile of the proposed burn  
23 area must be notified.

24

1 3. The owner shall include in the written notice or shall  
2 orally notify the adjoining landowners of the proposed date and  
3 location of the burn and a telephone number where the owner can be  
4 reached for information regarding the prescribed burn.

5 C. In addition to notification of adjoining property owners  
6 pursuant to subsection B of this section, the owner of the land to  
7 be burned shall complete the prescribed burn notification plan  
8 specified in subsection D of this section and shall submit such plan  
9 to the rural fire department nearest the land to be burned. If the  
10 land to be burned is in a protection area, the owner shall also  
11 submit a copy of the notification plan to the local office or local  
12 representative of the Forestry Division nearest to the land to be  
13 burned.

14 D. Any person wishing to conduct a prescribed burn shall  
15 complete ~~this a form, distributed~~ prescribed by the Oklahoma  
16 Department of Agriculture, Food, and Forestry, ~~which shall be in~~  
17 ~~substantially the following form:~~.

18 ~~PRESCRIBED BURN NOTIFICATION PLAN~~

19 Name \_\_\_\_\_ Phone \_\_\_\_\_

20 Address \_\_\_\_\_ County \_\_\_\_\_

21 City, State, Zip \_\_\_\_\_

22 Ranch name, if any \_\_\_\_\_

23 Area to be burned \_\_\_\_\_

24 Approximate acres to be burned \_\_\_\_\_

1 ~~Written distance description of location~~ \_\_\_\_\_

2 \_\_\_\_\_

3 ~~Projected time frame~~ \_\_\_\_\_

4 ~~Date of previous burn~~ \_\_\_\_\_

5 ~~Objectives to be accomplished through the prescribed burn:~~

6 \_\_\_\_\_

7 \_\_\_\_\_

8 \_\_\_\_\_

9 ~~Contact information:~~

10 \_\_\_\_\_

11 \_\_\_\_\_

12 \_\_\_\_\_

13 ~~Rural Fire Department:~~

14 ~~Name:~~ \_\_\_\_\_ ~~Location:~~ \_\_\_\_\_ ~~Phone No.:~~ \_\_\_\_\_

15 \_\_\_\_\_

16 \_\_\_\_\_

17 ~~Forestry District Office (for protection areas)~~ \_\_\_\_\_

18 \_\_\_\_\_

19 ~~Adjoining landowners:~~

20 \_\_\_\_\_

21 \_\_\_\_\_

22 \_\_\_\_\_

23 \_\_\_\_\_

24 Prescribed Burn Notification Plan

1 Full Name: \_\_\_\_\_  
2 Address: \_\_\_\_\_  
3 City, State, Zip: \_\_\_\_\_  
4 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_  
5 County: \_\_\_\_\_ Ranch Name: \_\_\_\_\_  
6 Description of Burn Area: \_\_\_\_\_  
7 \_\_\_\_\_  
8 \_\_\_\_\_  
9 Approximate Acres: \_\_\_\_\_  
10 Written Description of Location: \_\_\_\_\_  
11 \_\_\_\_\_  
12 Projected Time Frame: \_\_\_\_\_  
13 \_\_\_\_\_  
14 Previous Burn Date: \_\_\_\_\_  
15 Objectives to be accomplished: \_\_\_\_\_  
16 \_\_\_\_\_  
17 Burn Boss and Contact Info: \_\_\_\_\_  
18 Fire Department Name, Location, and Phone Number: \_\_\_\_\_  
19 \_\_\_\_\_  
20 OFS Area Office (if applicable): \_\_\_\_\_  
21 Adjoining Landowners: \_\_\_\_\_  
22 \_\_\_\_\_

23 The original copy of the form ~~must~~ shall be filed with the rural  
24 fire department nearest to the land to be burned. If conducting a



1 prescribed burn within a protection area, a copy of the prescribed  
2 burn notification plan ~~must~~ shall be filed with the local office or  
3 local representative of the Forestry Division nearest to the land to  
4 be burned. A copy of the plan shall be retained by the owner of the  
5 land to be burned.

6 E. 1. Whether the land is located within or outside a  
7 protection area, the owner of the land to be burned shall, within  
8 forty-eight (48) hours of conducting a prescribed burn, notify the  
9 rural fire department receiving a copy of the prescribed burn  
10 notification plan that the prescribed burn will be conducted.

11 2. Within a protection area, the owner of the land to be burned  
12 shall also, within the time period required by Section 7 16-28.1 of  
13 this ~~act~~ title, notify the local office or local representative of  
14 the Forestry Division receiving a copy of the prescribed burn  
15 notification plan.

16 F. A prescribed burn conducted pursuant to provisions of this  
17 section shall:

18 1. Be considered in the public interest and shall not  
19 constitute a public or private nuisance; and

20 2. Be considered a property right of the property owner if  
21 vegetative fuels are used.

22 G. 1. Any owner conducting a prescribed burn who is found by a  
23 court of law to have caused damages or injury as a result of  
24

1 accident or by ordinary negligence shall only be civilly liable for  
2 actual damages resulting from the prescribed burn.

3 2. Any owner conducting a prescribed burn who is found by a  
4 court of law to have committed gross negligence in conducting the  
5 prescribed burn may be found to be both civilly liable for the  
6 amount of damage done by the fire, and criminally liable pursuant to  
7 paragraph 3 of this subsection.

8 3. Any owner setting or causing to be set on fire land as  
9 authorized by this section, and as a result of gross negligence  
10 permitting the fire to spread beyond the control of the owner or  
11 beyond the bounds of the owner's land, shall be deemed guilty of a  
12 misdemeanor, and upon conviction thereof, be fined a sum not more  
13 than Five Hundred Dollars (\$500.00), or imprisonment in the county  
14 jail for a period not more than six (6) months.

15 SECTION 9. This act shall become effective November 1, 2024.

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24

1 Passed the Senate the 19th day of February, 2024.

2

3

\_\_\_\_\_  
Presiding Officer of the Senate

4

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

6 2024.

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\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

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