

An Act

ENROLLED SENATE
BILL NO. 870

By: Murdock of the Senate

and

Newton of the House

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.

SUBJECT: Wildfire prevention

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;

2. To prevent, detect, extinguish~~7~~ and investigate wildfires in this state;

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

4. To appoint district foresters, assistant district foresters, investigators, rangers~~7~~ and other employees;

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

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

7. To investigate cases of forest timber theft;

8. To 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 Office of Management and Enterprise Services and an evaluation is made of each vehicle and a price set by the Office of Management and Enterprise Services. The Forestry Division may only receive the amount authorized by the Office of Management and Enterprise Services for the sale of the vehicle;

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

10. To plan and conduct prescribed burning at the request and expense of landowners on public or private ~~lands~~ land for the purpose of controlling Eastern ~~Red Cedar~~ Redcedar and other invasive species, for hazardous fuel reduction, wildlife habitat manipulation, ecosystem restoration, or achieving silvicultural objectives. Forestry Division employees shall be protected under

The Governmental Tort Claims Act and shall not be personally liable beyond the limits established therein for activities pursuant to this paragraph unless gross negligence is established in a competent court of law.

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

C. Forest rangers, employees of the Division, and all persons under contract or agreement with the Division to assist in fire fighting operations, as well as persons 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 wildfires without incurring liability to any person.

D. Under the direction of forest rangers and upon written receipt of permission of the landowner, county officers and employees may, in the performance of their duties and without incurring liability to any person, cut firelines and carry out all customary activities for conducting prescribed burns to mitigate hazardous wildland fuels for the prevention of wildfires on private lands.

1. The Director of the Forestry Division may appoint, subject to the approval of the State Board of Agriculture, special officers who shall have the power and authority to arrest. The 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 the Oklahoma Forestry Code, other laws relating to forests and wildfires, and the Oklahoma Agricultural Code.

2. The special officers shall have power and authority to make arrests with or without warrants for violations of the criminal provisions of the Oklahoma Forestry Code, other laws relating to forests and wildfires, and the Oklahoma Agricultural Code to the

same extent and under the same limitations and duties as peace officers under the provisions of Title 22, Chapter 3 of the Oklahoma Statutes.

3. In connection with the enforcement of the criminal provisions, the special officers and other state investigators or law enforcement officers may go upon all premises when necessary for the enforcement of laws. All 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. Special officers shall have the same right and authority to carry arms as the sheriffs of this state. The compensation of special officers shall be fixed and paid by the Division from its funds.

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

Passed the Senate the 6th day of May, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of April, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____