

ENROLLED SENATE
BILL NO. 522

By: Easley of the Senate

and

Matlock of the House

An Act relating to agriculture; amending 2 O.S. 1991, Sections 743 and 748, which relate to prairie and forest fires; amending statutory reference; clarifying language; making language gender-neutral; adding hay, grass, and crops to list of certain possessions; amending 2 O.S. 1991, Sections 1301-101, as amended by Section 1, Chapter 238, O.S.L. 1995, 1301-102, as amended by Section 2, Chapter 238, O.S.L. 1995, 1301-103, as amended by Section 351, Chapter 145, O.S.L. 1993, 1301-104, 1301-105, Section 1, Chapter 300, O.S.L. 1998, 1301-106, 1301-107, as last amended by Section 1, Chapter 272, O.S.L. 1994, 1301-108, Section 1, Chapter 19, O.S.L. 1996, Section 2, Chapter 19, O.S.L. 1996, Section 3, Chapter 19, O.S.L. 1996, Section 4, Chapter 19, O.S.L. 1996, 1301-201, 1301-202, 1301-203, 1301-204, 1301-205, as last amended by Section 34, Chapter 5, 1st Extraordinary Session, O.S.L. 1999, 1301-206, 1301-207, 1301-208, as last amended by Section 35, Chapter 5, 1st Extraordinary Session, O.S.L. 1999, 1301-209, 1301-210, 1301-212, 1301-213, 1301-214, as last amended by Section 36, Chapter 5, 1st Extraordinary Session, O.S.L. 1999, 1301-215, 1301-216, 1301-217, 1301-218, 1301-301, 1301-302, 1301-303, 1301-304, 1301-305, 1301-306, 1301-307, 1301-308, 1301-309, as last amended by Section 37, Chapter 5, 1st Extraordinary Session, O.S.L. 1999, 1301-310, as last amended by Section 38, Chapter 5, 1st Extraordinary Session, O.S.L. 1999, Section 4, Chapter 238, O.S.L. 1995, Section 5, Chapter 238, O.S.L. 1995, Section 6, Chapter 238, O.S.L. 1995, as last amended by Section 39, Chapter 5, 1st Extraordinary Session, O.S.L. 1999, Section 7, Chapter 238, O.S.L. 1995, as amended by Section 1, Chapter 26, O.S.L. 1996, Section 8, Chapter 238, O.S.L. 1995, as amended by Section 2, Chapter 26, O.S.L. 1996, Section 9, Chapter 238, O.S.L. 1995, as last amended by Section 40, Chapter 5, 1st Extraordinary Session, O.S.L. 1999, 1301-311, 1301-314, 1301-315, as amended by Section 1, Chapter 141, O.S.L. 2000, 1301-316, Section 1, Chapter 393, O.S.L. 1998 (2 O.S. Supp. 2000, Sections 1301-101, 1301-102, 1301-103, 1301-105.1, 1301-107, 1301-109, 1301-110, 1301-111, 1301-112, 1301-205, 1301-208, 1301-214, 1301-309, 1301-310, 1301-310.1, 1301-310.2, 1301-310.3, 1301-310.4, 1301-310.5, 1301-310.6, 1301-

315 and 1301-501), which relate to the Oklahoma Forestry Code; amending statutory reference; clarifying language; modifying definitions; adding and deleting definitions; expanding entities which Board is directed to cooperate; expanding type of acts which constitute a felony; modifying penalty for interference with firefighters engaged in official duties; deleting certain persons from agreements to assist in firefighting operations; deleting requirement for special officers to furnish bond; creating civil liability for certain burning; stating damages for certain burning; stating parameters for controlled burning; deleting certain references to civil liability; requiring certain costs for suppressing fires to be paid within certain time; providing for notice; deleting certain penalty for destroying fire control signs; modifying members of the Advisory Committee of the South Central Interstate Forest Fire Protection Compact; modifying certain guidelines for state land management; deleting certain references to certain penalties; making the Oklahoma Department of Agriculture the designated agency for research and control of certain plant species; making the Department the designated agency for receipt and distribution of excess property for certain purposes; repealing 2 O.S. 1991, Sections 741, 742, 744, 745, 746, 747, 1301-211 and 1301-403, which relate to various provisions of the Oklahoma Agriculture Code; providing for recodification; and declaring an emergency.

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

SECTION 1. AMENDATORY 2 O.S. 1991, Section 743, is amended to read as follows:

Section 743. If any fire, set as provided in ~~the preceding section~~ Section 16-28 of this title, should by accident and without any fault or neglect of the person setting the ~~same fire~~, get beyond ~~his~~ the person's control, ~~such~~ the person shall be liable as provided in ~~the second preceding section~~ Section 16-25 of this title for all damages done by ~~said~~ the fire, but not otherwise. ~~But if such~~ If the fire should by negligence, carelessness, or ~~be~~ intentionally by intention be permitted to spread beyond the bounds of ~~such the strip of land mentioned in the preceding section~~ Section 16-28 of this title, then the person setting ~~such~~ the fire shall be liable both civilly and criminally as provided in ~~the second preceding section~~ Section 16-25 of this title.

SECTION 2. AMENDATORY 2 O.S. 1991, Section 748, is amended to read as follows:

Section 748. In any action instituted in any court to recover damages under the provisions of ~~this article~~ the Oklahoma Forestry

Code, it shall not be necessary for any person, injured by any ~~such~~ fire to allege in ~~his~~ pleadings, or prove on trial ~~of such action~~, title to the real property over which ~~such~~ the fire has spread, but it shall be sufficient in any ~~such~~ action to allege and prove that the person, ~~so~~ injured was in the occupancy or possession of any ~~such~~ ranch, buildings, improvements, hay, grass, crops, fencing, timber, marsh, or other property, claiming the right to and occupying with cattle any ~~such~~ cattle range; it being the purpose and intention of this ~~article~~ code to protect the possession ~~as~~ ~~aforesaid~~ of any person whether ~~he~~ the person ~~have~~ has title to the land ~~so~~ claimed or occupied or not. Any railroad company operating any line in this state shall be liable for all damages sustained by fire originating from operating its road.

SECTION 3. AMENDATORY 2 O.S. 1991, Section 1301-101, as amended by Section 1, Chapter 238, O.S.L. 1995 (2 O.S. Supp. 2000, Section 1301-101), is amended to read as follows:

Section 1301-101. A. ~~Chapter 28~~ Article 16 of Title 2 of the Oklahoma Statutes shall be known and ~~may be~~ cited as the Oklahoma Forestry Code.

B. All statutes ~~hereinafter~~ enacted and codified in ~~Chapter 28~~ Article 16 of Title 2 of the Oklahoma Statutes shall be considered ~~and deemed~~ part of the Oklahoma Forestry Code.

SECTION 4. AMENDATORY 2 O.S. 1991, Section 1301-102, as amended by Section 2, Chapter 238, O.S.L. 1995 (2 O.S. Supp. 2000, Section 1301-102), is amended to read as follows:

Section 1301-102. As used in the Oklahoma Forestry Code:

1. ~~"Board" means the State Board of Agriculture of the State of Oklahoma~~ "Director" means the Director of Forestry of the State Department of Agriculture;

2. ~~"Division" means the Forestry Division of the State Board~~ Department of Agriculture;

3. ~~"Director" means the Director of Forestry of the State Board of Agriculture~~ "Established property line" means any boundary line which has been:

- a. recognized by adjoining land owners as a boundary and uncontested for at least fifteen (15) years including, but not limited to, fence lines, roads, and natural features,
- b. established by a registered land surveyor, or
- c. uncontested for at least fifteen (15) years;

4. ~~"Person" means any individual, firm, partnership, corporation, organization or any combination thereof, whether or not incorporated~~ "Forest rangers" means all employees of the Forestry Division who have responsibilities in forest protection, including

laborers, mechanics, and other employees who assist in forest protection;

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

6. ~~"Forest rangers"~~ means ~~all employees of the Forestry Division who have responsibilities in forest protection, including laborers, mechanics, radio technicians and other employees who assist in forest protection~~ "Logging or timber harvesting operation" means the cutting or harvesting of and removal of timber from a site, leaving the root mass intact;

7. ~~"Wildfires"~~ includes ~~any fire which is not controlled on forests, grasslands or fields~~ "Timber" means live and dead trees and the profit in any live and dead trees including, but not limited to, bark, foliage, wood, vines, firewood, crossties, and shrubbery;

8. ~~"Wild lands"~~ refers to ~~any unimproved lands regardless of kind of vegetative plant cover including forests, prairies, marshes and swamps~~ "Timber owner" means any person who owns the right to cut or harvest timber at the time the timber is to be cut or harvested, or who legally owns the severed timber;

9. ~~"Timber"~~ means ~~and includes live and dead trees and the profit in any live and dead trees including but not limited to bark, foliage, wood, vines, firewood, crossties and shrubbery~~ "Wildfires" means any fire which is not controlled on forests, grasslands, unimproved fields, or croplands; and

10. ~~"Logging or timber harvesting operations"~~ means ~~the cutting or harvesting of and removal of timber from a site, leaving the root mass intact;~~ "Wild lands" means any unimproved lands regardless of kind of vegetative plant cover including forests, prairies, marshes, and swamps

11. ~~"Established property line"~~ means ~~any boundary line which has been:~~

- ~~a. recognized by adjoining land owners as a boundary and uncontested for at least fifteen (15) years including but not limited to fence lines, roads and natural features,~~
- ~~b. established by a registered land surveyor, or~~
- ~~c. uncontested for at least fifteen (15) years; and~~

~~12. "Timber owner" means any person who owns the right to cut or harvest timber at the time the timber is to be cut or harvested, or who legally owns the severed timber.~~

SECTION 5. AMENDATORY 2 O.S. 1991, Section 1301-103, as amended by Section 351, Chapter 145, O.S.L. 1993 (2 O.S. Supp. 2000, Section 1301-103), is amended to read as follows:

Section 1301-103. The State Board of Agriculture shall institute a broad program of education and action in the protection, reforestation, harvesting, and wise use of forests and their products throughout Oklahoma under ~~such~~ the provisions as they the Board shall adopt. These provisions shall include the need for trees and forests to meet the increasing demands for forest products for human consumption, the necessity of environmental improvement to filter out noise and dirt, clean and replenish the atmosphere, to conserve soil, water and wildlife, and to provide outdoor recreation for healthful living. The Board shall administer silviculture best management practices in cooperation with forestry land users under the provisions of state and federal water pollution laws, ~~which that~~ include the process to identify silviculturally-related nonpoint sources of pollution as defined by the Oklahoma Environmental Quality Code and ~~setting forth~~, to the extent feasible, establish procedures and methods to control to the extent feasible such these sources.

SECTION 6. AMENDATORY 2 O.S. 1991, Section 1301-104, is amended to read as follows:

Section 1301-104. It shall be the duty of the State Board of Agriculture under ~~such~~ terms as ~~in the judgment of~~ the Board ~~will determines shall~~ best serve the public interest to assist and cooperate with federal and state departments, ~~Oklahoma State University~~ educational institutions, counties, towns, corporations, or individuals; to gather and disseminate information ~~in regard to~~ about forests, their care and management; to prevent and extinguish forest fires; and to enforce all laws pertaining to forests and woodlands.

SECTION 7. AMENDATORY 2 O.S. 1991, Section 1301-105, is amended to read as follows:

Section 1301-105. The laws of this state relating to forestry activities shall be implemented, enforced, and ~~otherwise~~ carried out by the State Board of Agriculture through a division of the State Department of Agriculture to be known as the Forestry Division. Other law enforcement agencies of the state shall assist in the prevention, suppression, and investigation of fires, and the enforcement of the ~~forest fire laws~~ Oklahoma Forestry Code.

SECTION 8. AMENDATORY Section 1, Chapter 300, O.S.L. 1998 (2 O.S. Supp. 2000, Section 1301-105.1), is amended to read as follows:

Section 1301-105.1 Any person or persons acting in concert ~~with each other~~ who knowingly and willfully interfere with, molest, or assault forest rangers or firefighters in the performance of their duties, or who knowingly and willfully obstruct, interfere with, or impede the progress of forest rangers or firefighters to reach the destination of a fire, or who damage or destroy any vehicles or

equipment used to reach or extinguish a fire shall, upon conviction thereof, be guilty of a ~~Schedule E~~ felony.

SECTION 9. AMENDATORY 2 O.S. 1991, Section 1301-106, is amended to read as follows:

Section 1301-106. The administrative head of the Forestry Division shall be the Director of Forestry, who shall be a professional forester and be ~~otherwise~~ qualified as required by the State Board of Agriculture. ~~Such other~~ Other professional, technical, and practical personnel ~~as may be~~ necessary to discharge the responsibilities of the Forestry Division shall be employed by the Director of Forestry, subject to the approval of the ~~State Board of Agriculture.~~

SECTION 10. AMENDATORY 2 O.S. 1991, Section 1301-107, as last amended by Section 1, Chapter 272, O.S.L. 1994 (2 O.S. Supp. 2000, Section 1301-107), is amended to read as follows:

Section 1301-107. A. The Forestry Division, in connection with the enforcement of ~~this act and other forest and forest fire laws~~ 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, and investigate forest fires in this state ~~and to do all things necessary in the exercise of such powers, authority and duties;~~
3. To provide forest fire fighting crews, who shall be under the control and direction of forest rangers and other designated agents of the Division in specified protection areas;
4. To appoint district foresters, assistant district foresters, investigators, rangers, and other employees;
5. To use the resources of the Division on state-owned parks and other state-administered lands to prevent and suppress fires and to establish fire fighting crews who shall be authorized to suppress fires on state lands;
6. To be reimbursed on an actual cost basis for all services provided to state parks and other lands 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 Department of Central Services and an evaluation is made of each vehicle and a price set by the Department of Central Services. The Forestry Division may only receive the amount authorized by the Department of Central Services for the sale of the vehicle; and

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

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

C. Forest rangers, employees of the Division, and all persons, ~~federal and state agencies who are~~ under contract or agreement with the Division to assist in fire fighting operations, as well as ~~persons, federal or state agencies, firms, companies or corporations~~ 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 forest fires without incurring liability to any person.

D. 1. The Director may appoint, subject to the approval of the Board, special officers who shall have the power and authority to arrest. ~~Such special officers shall furnish bond in the sum of Two Thousand Five Hundred Dollars (\$2,500.00), payable to the Treasurer of the state and credited to the General Revenue Fund, conditioned upon the faithful discharge of their duties as such special officers, such bonds to be approved by the Division. Such~~ 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 ~~this act~~ the Oklahoma Forestry Code and in other laws relating to forests and forest fires.

2. ~~Such~~ The special officers shall have power and authority to make arrests with or without warrants for violations of the criminal provisions of ~~this act~~ the Oklahoma Forestry Code and of other laws relating to forests and forest fires to the same extent and under the same limitations and duties as ~~de~~ peace officers under the provisions of Title 22, Chapter 3 of the Oklahoma Statutes.

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

SECTION 11. AMENDATORY 2 O.S. 1991, Section 1301-108, is amended to read as follows:

Section 1301-108. The State Board of Agriculture is hereby authorized to make payroll deductions for maintenance from Forestry Division employees living in residences located on land owned or leased by the Board. Within the next month following payroll deductions, the Board shall deposit these funds in the State Department of Agriculture Revolving Fund created by Section 2-10 of Title 2 of the Oklahoma Statutes. The expenditure of these funds for maintenance shall be limited to repairs, upkeep, and other expenses associated with the residences owned or leased by the Board.

SECTION 12. AMENDATORY Section 1, Chapter 19, O.S.L. 1996 (2 O.S. Supp. 2000, Section 1301-109), is amended to read as follows:

Section 1301-109. The State Board of Agriculture is hereby authorized to establish and administer a forestry cost-share program. The forestry cost-share program shall provide monies to private landowners for the purpose of implementing forest conservation or management practices on the land as described in forest management plans approved by the Commissioner of the State Department of Agriculture or meeting certain standards established by the Commissioner. The ~~State Board of Agriculture~~ shall promulgate rules governing the cost-share program.

SECTION 13. AMENDATORY Section 2, Chapter 19, O.S.L. 1996 (2 O.S. Supp. 2000, Section 1301-110), is amended to read as follows:

Section 1301-110. A. There is hereby created within the State Treasury a cost-share fund for the State Board of Agriculture to be designated the "Forestry Cost-Share Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Board to implement and maintain the forestry cost-share program.

B. The Forestry Cost-Share Fund shall consist of:

1. Money received by the State Department of Agriculture in the form of gifts, grants, reimbursements, donations, forest industry contributions, funds allocated by federal agencies for landowner forestry cost-share programs, and ~~such~~ other monies specifically designated for the forestry cost-share program. All monies accruing to the credit of ~~said~~ the fund are hereby appropriated and may be budgeted and expended by the Board for the forestry cost-share program; and

2. Interest attributable to investment of money in the Forestry Cost-Share Fund.

C. All donations or other proceeds received by the Department pursuant to the provisions of this section shall be deposited with the State Treasurer to be credited to the Forestry Cost-Share Fund. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

D. The monies deposited in the Forestry Cost-Share Fund shall at no time become part of the general budget of the Department or any other state agency. Except for any administration costs incurred in development and implementation of the forestry cost-share program, no monies from the Fund shall be transferred for any purpose to any other state agency or any account of the Board or Department or be used for the purpose of contracting with any other state agency or reimbursing any other state agency for any expense.

SECTION 14. AMENDATORY Section 3, Chapter 19, O.S.L. 1996 (2 O.S. Supp. 2000, Section 1301-111), is amended to read as follows:

Section 1301-111. A. The State Department of Agriculture may require eligible applicants to submit information, forms, and reports ~~as are~~ necessary to properly and efficiently administer the forestry cost-share program.

B. Persons may apply to the Commissioner of the State Department of Agriculture for cost-share funds to improve forest lands in the State of Oklahoma, in accordance with rules promulgated by the State Board of Agriculture. To be eligible, landowners shall follow a written forest management plan that has been prepared by a professional forester and approved by the Commissioner ~~of the State Department of Agriculture~~ or ~~which~~ that meets standards established by the Commissioner ~~of the State Department of Agriculture~~. Applications for funds shall be approved or denied by the Department in accordance with criteria promulgated by the Board.

C. The Commissioner shall allocate monies from the Fund to eligible landowners on a matching basis.

SECTION 15. AMENDATORY Section 4, Chapter 19, O.S.L. 1996 (2 O.S. Supp. 2000, Section 1301-112), is amended to read as follows:

Section 1301-112. A. The Commissioner of the State ~~Board~~ Department of Agriculture shall appoint a forestry cost-share advisory committee, which shall meet at least twice each year to review the implementation of the forestry cost-share program. The committee may seek public input and make recommendations on how best to achieve the purposes of the program. In lieu of appointing a new advisory committee, the Commissioner ~~of the State Board of Agriculture~~ may use the Forest Stewardship Program Committee.

B. The committee shall be chaired by the Commissioner ~~of the State Board of Agriculture~~, and shall include persons the Commissioner ~~of the State Board of Agriculture~~ determines ~~will~~ shall assist the committee in performing its advisory functions.

C. A majority of the members of the committee shall constitute a quorum for the transaction of business. Committee members shall serve without compensation, but may be reimbursed expenses incurred in the performance of their duties as provided in the State Travel Reimbursement Act.

SECTION 16. AMENDATORY 2 O.S. 1991, Section 1301-201, is amended to read as follows:

Section 1301-201. The Division shall organize forest protection areas ~~so as to most effectively~~ prevent, detect, and suppress wildfires most effectively, and, ~~to that end,~~ may employ ~~wardens or~~ forest rangers to have charge of its activities in each ~~such~~ area; may subdivide each area into patrol areas; may construct lookout towers, roads, bridges, firelines, ~~ranger stations~~ office facilities, and ~~telephone and radio~~ communication facilities; may purchase tools for firefighting as well as other necessary supplies and equipment; and may carry on all ~~other~~ activities ~~deemed~~ necessary to ~~effectively~~ protect the area effectively from ~~such~~ fires.

SECTION 17. AMENDATORY 2 O.S. 1991, Section 1301-202, is amended to read as follows:

Section 1301-202. Every member of a road construction or maintenance crew, whether employed by the State Highway Department or county commissioners of any county, and every road contractor or subcontractor of ~~said~~ the Highway Department or county commissioners and their employees shall keep all fires under control and confined to the right-of-way of any state, county or public road, or highway on ~~which~~ and adjacent to which the ~~said~~ crew, contractor, subcontractor, and employees are employed.

SECTION 18. AMENDATORY 2 O.S. 1991, Section 1301-203, is amended to read as follows:

Section 1301-203. The State Department of Highways and the county commissioners of the several counties of this state shall require their construction and maintenance crews, contractors, subcontractors, and employees to comply with the provisions of ~~this act~~ the Oklahoma Forestry Code, and the ~~said~~ highway department or county commissioners may adopt and promulgate rules ~~and regulations~~ for the observance of ~~said~~ the crews, contractors, subcontractors, and employees in carrying out the purposes and provisions of ~~this act~~ the Oklahoma Forestry Code.

SECTION 19. AMENDATORY 2 O.S. 1991, Section 1301-204, is amended to read as follows:

Section 1301-204. Any road foreman or member of a road construction or maintenance crew, or any foreman, superintendent, or employee of any road contractor or subcontractor, who shall, without sufficient cause, willfully refuse or neglect to prevent and suppress fires as provided in ~~this act~~ the Oklahoma Forestry Code shall be ~~deemed~~ guilty of a misdemeanor and upon conviction ~~thereof~~ shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) ~~or~~, by imprisonment for not more than one (1) year, or by both.

SECTION 20. AMENDATORY 2 O.S. 1991, Section 1301-205, as last amended by Section 34, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (2 O.S. Supp. 2000, Section 1301-205), is amended to read as follows:

Section 1301-205. A. It is unlawful for any person to carelessly or willfully burn or cause to be burned or to set fire to or cause any fire to be set to any forest, grass, crops, or woodlands not owned by, duly authorized by the owner or manager, or in the lawful possession of, the person setting ~~such~~ the fire or burning ~~such~~ the lands or causing ~~such~~ the fire to be burned.

B. Any person who carelessly violates this section is guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) ~~or~~, by imprisonment for not more than one (1) year, or ~~by~~ both. Any person who willfully violates this section is guilty of a felony punishable by a fine of not more than One Thousand Dollars (\$1,000.00) ~~or~~, by imprisonment for not more than three (3) years, or by both.

C. Any person who carelessly or willfully burns, causes to be burned, sets fire, or causes fire to be set, any forest, grass, croplands, or woodlands not owned by, duly authorized by the owner or manager, or in lawful possession of, shall be liable in a civil action to any person injured or damaged by a fire to the amount of the injury or damages.

SECTION 21. AMENDATORY 2 O.S. 1991, Section 1301-206, is amended to read as follows:

Section 1301-206. A. It is unlawful for any person to set fire to any forest, grass, woods, wild lands or marshes, or to build a campfire or bonfire, or to burn trash or other material that may cause a forest, grass or woods fire in any county, counties or area within a county where, because of emergency drought conditions, there is gubernatorially proclaimed extraordinary danger from fire, unless the setting of any backfire during the drought emergency is necessary to afford protection as determined by a representative of the Division of Forestry, or unless it can be established that the setting of such backfire was necessary for the purpose of saving life or property. The burden of proving such shall rest on such person claiming same as a defense.

B. The Division of Forestry shall advise the Governor when the lands described in subsection A of this section in any county, counties or area within a county of this state because of emergency drought conditions are in extraordinary danger from fire. The Governor may by proclamation declare a drought emergency to exist and describe the general boundaries of the area affected.

C. Any proclamation promulgated by the Governor under authority of this section shall be effective immediately upon publication in a newspaper of general circulation in the area affected; or the posting of the proclamation at the front door of the courthouse or courthouses and in at least ten public places throughout the area. Evidence of publication or posting as herein provided must be filed with the Forestry Division.

D. When conditions warrant, due notice of the termination of the emergency shall be promptly made by proclamation, which shall be published or posted in like manner as when officially declared.

E. Any person who violates this section is guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) ~~or~~, by imprisonment for not more than one (1) year, or ~~by~~ both.

SECTION 22. AMENDATORY 2 O.S. 1991, Section 1301-207, is amended to read as follows:

Section 1301-207. It is unlawful for any ~~individual or group of individuals~~ person to willfully, negligently, or carelessly build a warming or camp fire and leave ~~same~~ the fire unextinguished or allow the fire to spread. Any person who violates this section is guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00), ~~or~~ by imprisonment for not more than one (1) year, or ~~by~~ both.

SECTION 23. AMENDATORY 2 O.S. 1991, Section 1301-208, as last amended by Section 35, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (2 O.S. Supp. 2000, Section 1301-208), is amended to read as follows:

Section 1301-208. A. It is unlawful for any person either willfully or carelessly to burn ~~or~~, cause to be burned ~~or~~, to set fire to, or cause fire to be set to any forest, grass, croplands, woods, wild lands, or marshes owned or controlled by such that person, except under the following circumstances:

~~(1)~~ 1. In protection areas, notification to burn ~~must~~ shall be made to the local office or local representative of the Forestry Division at least four (4) hours in advance and verbal or written approval obtained; or

~~(2) outside~~ 2. Outside protection areas, in order for such prescribed or controlled burning to be lawful, such person owning or controlling the land shall take reasonable precaution against the spreading of fire to other lands by providing adequate firelines, manpower, and fire fighting equipment for the control of such the fire, shall watch over ~~said~~ the fire until it is extinguished and shall not permit fire to escape to adjoining land. Nothing in this section shall relieve the person from the obligation to confine the fire to the owner's, agent's, or tenant's land. ~~This act~~ The Oklahoma Forestry Code shall not apply to trimming or cutting of trees by public or private utilities for the purpose of eliminating interference with utility lines, poles, or other utility equipment.

B. If any ranch, buildings, improvements, hay, grass, crops, fencings, timber, marsh, or other property of any person shall be injured or destroyed by any fire described in this section, the person who shall cause or allow the damage or injury from that fire shall be responsible.

C. Any person who carelessly violates this section is guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) ~~or~~, by imprisonment for not more than one (1) year, or ~~by~~ both. Any person who willfully violates this section is guilty of a felony punishable by a fine of not more than One

Thousand Dollars (\$1,000.00) ~~or~~, by imprisonment for not more than three (3) years, or by both.

D. Fire set under the provisions of this section shall not be allowed to spread beyond the control of the person setting the fire and shall be subdued and extinguished.

SECTION 24. AMENDATORY 2 O.S. 1991, Section 1301-209, is amended to read as follows:

Section 1301-209. Any person violating any of the provisions of ~~this act~~ the Oklahoma Forestry Code shall be liable for all damages caused by ~~such~~ any violation, ~~which~~ damages shall be recoverable in any court of competent jurisdiction. ~~The civil liability shall obtain whether or not there be criminal prosecution and conviction.~~

SECTION 25. AMENDATORY 2 O.S. 1991, Section 1301-210, is amended to read as follows:

Section 1301-210. The Forestry Division, ~~in its discretion, of the State Department of Agriculture~~ may offer and pay rewards for information leading to the arrest and conviction of any person violating any of the provisions of ~~this act~~ the Oklahoma Forestry Code.

SECTION 26. AMENDATORY 2 O.S. 1991, Section 1301-212, is amended to read as follows:

Section 1301-212. Whoever willfully or carelessly shall cause an unlawful forest, grass, crops, or woods fire shall, in addition to all other penalties provided by law, be liable for payment of all reasonable costs and expenses incurred in suppressing ~~same~~ the fire. ~~Said~~ The costs and expenses shall be payable to the Forestry Division or other governmental units, who shall, in the case of cooperating persons, disburse ~~such~~ the funds in proportionate share based on standard suppression costs. When ~~such~~ the costs and expenses are not paid ~~in a reasonable time~~ within ninety (90) days after written notice of demand, it shall be the duty of the district attorney having jurisdiction to take proper legal proceedings for ~~the collection thereof~~. The liability for costs of suppression shall ~~obtain~~ exist whether there ~~be~~ is criminal prosecution or not and the liability shall extend to the person or persons, ~~firm or corporation~~ causing, directing, or permitting ~~such~~ the activity as well as to the actual violator.

SECTION 27. AMENDATORY 2 O.S. 1991, Section 1301-213, is amended to read as follows:

Section 1301-213. Whoever intentionally breaks down, mutilates, removes, or destroys any fire control or forestry sign or poster of the Division of Forestry erected in the administration of its lawful duties and authorities shall be guilty of a misdemeanor and shall be subject to imprisonment not exceeding three (3) months ~~or~~, by fine not exceeding Two Hundred Dollars (\$200.00), or by both ~~such fine and imprisonment~~.

SECTION 28. AMENDATORY 2 O.S. 1991, Section 1301-214, as last amended by Section 36, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (2 O.S. Supp. 2000, Section 1301-214), is amended to read as follows:

Section 1301-214. A. ~~Whoever has in his possession~~ Any person possessing any incendiary device as defined by subsection B of this section with the intent to use ~~such the~~ device for the purpose of burning or setting fire to any forest, grass, crops, or woodlands, ~~which forest, grass or woodlands such that the person possessing such that~~ device is not the owner of nor in possession of lawfully, as under a lease, shall, ~~upon conviction thereof,~~ be deemed guilty of a felony punishable by a fine of not more than One Thousand Dollars (\$1,000.00) ~~or,~~ by imprisonment for not more than three (3) years, or by both.

B. The term "incendiary device" as used in this section includes, but is not limited to, any "slow match" which is any device contrived to accomplish the delayed ignition of a match or matches or other ~~inflammable~~ flammable material by the use of a cigarette, rope, or candle to which ~~such the~~ match or matches are attached, or a magnifying glass ~~so~~ focused ~~as~~ to intensify heat on ~~inflammable~~ flammable material and ~~thus~~ cause a fire to start at a subsequent time, or any chemicals, chemically treated paper or material, or other combustible material ~~so~~ arranged or designed ~~as~~ to make possible its use as a delayed firing device.

SECTION 29. AMENDATORY 2 O.S. 1991, Section 1301-215, is amended to read as follows:

Section 1301-215. The Governor, on behalf of this state, is ~~hereby~~ authorized to execute a compact, in substantially the following form, with any one or more of the states of Arkansas, Louisiana, Mississippi, and Texas, and the Legislature ~~hereby~~ signifies in advance its approval and ratification of ~~such the~~ compact:

SOUTH CENTRAL INTERSTATE FOREST

FIRE PROTECTION COMPACT

ARTICLE I.

The purpose of this compact is to promote effective prevention and control of forest fires in the South Central region of the United States by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member states, by providing for mutual aid in fighting forest fires among the compacting states of the region and with states which are party to other Regional Forest Fire Protection compacts or agreements, and for more adequate forest development.

ARTICLE II.

This compact shall become operative immediately as to those states ratifying it whenever any two or more of the states of Arkansas, Louisiana, Mississippi, Oklahoma and Texas which are

contiguous have ratified it and Congress has given consent thereto. Any state not mentioned in this article which is contiguous with any member state may become a party to this compact, subject to approval by the Legislature of each of the member states.

ARTICLE III.

In each state, the state forester or officer holding the equivalent position who is responsible for forest fire control shall act as compact administrator for that state and shall consult with like officials of the other member states and shall implement cooperation between such states in forest fire prevention and control.

The compact administrators of the member states shall organize to coordinate the services of the member states and provide administrative integration in carrying out the purposes of this compact.

There shall be established an advisory committee of legislators, forestry commission representatives, and forestry or forest products industries representatives which shall meet, from time to time, with the compact administrators. Each member state shall name one member of the Senate and one member of the House of Representatives, and the Governor of each member state shall appoint one representative who shall be the chairman of the state forestry commission or comparable official and one representative who shall be associated with forestry or forest products industries to comprise the membership of the advisory committee. Action shall be taken by a majority of the compacting states, and each state shall be entitled to one vote.

The compact administrators shall formulate and, in accordance with need, from time to time, revise a regional forest fire plan for the member states.

It shall be the duty of each member state to formulate and put in effect a forest fire plan for that state and take such measures as may be necessary to integrate such forest fire plan with the regional forest fire plan formulated by the compact administrators.

ARTICLE IV.

Whenever the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combating, controlling or preventing forest fires, it shall be the duty of the state forest fire control agency of that state to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

ARTICLE V.

Whenever the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of such state shall, under the direction of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges

and immunities as comparable employees of the state to which they are rendering aid.

No member state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith: Provided, that nothing herein shall be construed as relieving any person from liability for his own negligent act or omission, or as imposing liability for such negligent act or omission upon any state.

All liability, except as otherwise provided herein, that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

Any member state rendering outside aid pursuant to this compact shall be reimbursed by the member state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries, and maintenance of employees and equipment incurred in connection with such request; provided, that nothing herein contained shall prevent any assisting member state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such service to the receiving member state without charge or cost.

Each member state shall provide for the payment of compensation and death benefits to injured employees and the representatives of deceased employees in case employees sustain injuries or are killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

For the purposes of this compact the term "employee" shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state under the laws thereof.

The compact administrators shall formulate procedures for claims and reimbursement under the provisions of this article, in accordance with the laws of the member states.

ARTICLE VI.

Ratification of this compact shall not be construed to affect any existing statute so as to authorize or permit curtailment or diminution of the forest fire fighting forces, equipment, services or facilities of any member state.

Nothing in this compact shall be construed to limit or restrict the powers of any state ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules or

regulations intended to aid in such prevention, control and extinguishment in such state.

Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between the United States Forest Service and a member state or states.

ARTICLE VII.

The compact administrators may request the United States Forest Service to act as the primary research and coordinating agency of the South Central Interstate Forest Fire Protection Compact in cooperation with the appropriate agencies in each state, and the United States Forest Service may accept the initial responsibility in preparing and presenting to the compact administrators its recommendations with respect to the regional fire plan. Representatives of the United States Forest Service may attend meetings of the compact administrators.

ARTICLE VIII.

The provisions of Articles IV and V of this compact which relate to mutual aid in combating, controlling or preventing forest fires shall be operative as between any state party to this compact and any other state which is party to a regional forest fire protection compact in another region; provided, that the legislature of such other state shall have given its assent to such mutual aid provisions of this compact.

ARTICLE IX.

This compact shall continue in force and remain binding on each state ratifying it until the legislature or the Governor of such state takes action to withdraw therefrom. Such action shall not be effective until six (6) months after notice thereof has been sent by the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact.

SECTION 30. AMENDATORY 2 O.S. 1991, Section 1301-216, is amended to read as follows:

Section 1301-216. When the Governor ~~shall have executed said~~ executes the compact on behalf of this state and ~~shall have caused~~ causes a verified copy ~~thereof~~ of the compact to be filed with the Secretary of State, and when ~~said the~~ compact ~~shall have~~ has been ratified by one or more of the states named in Section ~~4~~ 16-35 of this ~~act~~ title, then ~~said the~~ compact shall become operative and effective as between this state and ~~such~~ any other state or states. The Governor is ~~hereby~~ authorized and directed to take ~~such~~ action ~~as may be~~ necessary to complete the exchange of official documents ~~as~~ between this state and any other state ratifying ~~said the~~ the compact.

SECTION 31. AMENDATORY 2 O.S. 1991, Section 1301-217, is amended to read as follows:

Section 1301-217 The Governor is ~~hereby~~ designated as the official Compact Administrator of the State of Oklahoma under the South Central Interstate Forest Fire Protection Compact ~~herein authorized to be executed,~~ and shall exercise and perform for the State of Oklahoma all the powers and duties imposed by the ~~aforsaid compact upon the compact administrator provided, that the,~~ Compact Administrator. The Governor shall have authority to delegate the exercise of ~~such~~ the powers and duties to the Director of Forestry, Division of Forestry, ~~Oklahoma Planning and Resources State Board and the said,~~ of Agriculture. The Director of Forestry shall be ~~assistant~~ Assistant Compact Administrator and shall act as the official representative of the State of Oklahoma and ~~compact administrator~~ the Compact Administrator pursuant to the delegation to ~~him by the Governor~~ Assistant Compact Administrator of ~~said~~ the powers and duties. In addition, ~~said~~ the Assistant Compact Administrator shall perform ~~such~~ other duties as the Governor may designate ~~which that~~ are necessary to enable the State of Oklahoma ~~fully~~ to cooperate in accomplishing the ~~objects~~ objectives of ~~said~~ the compact.

SECTION 32. AMENDATORY 2 O.S. 1991, Section 1301-218, is amended to read as follows:

Section 1301-218. The Oklahoma members of the Advisory Committee referred to in Article III of the South Central Interstate Forest Fire Protection Compact shall be selected as follows: One member shall be named from the membership of the Senate of the State of Oklahoma by the President Pro Tempore; One member shall be named from the membership of the House of Representatives of the State of Oklahoma by the Speaker of ~~said~~ the House; Two members shall be appointed by the Governor, provided, that one of the two members appointed by the Governor shall be the ~~Chairman~~ President of the ~~Oklahoma Planning and Resources State Board of~~ Agriculture, and the other member appointed by the Governor shall be a person associated with forestry or forest products industries.

SECTION 33. AMENDATORY 2 O.S. 1991, Section 1301-301, is amended to read as follows:

Section 1301-301. The State Board of Agriculture for its Forestry Division on behalf of the state may acquire land suitable for nurseries, seed orchards, state forests, school forests, tower, recreation and other sites by gift, donation, or purchase ~~or otherwise~~ and may enter into agreements with the federal government or other agency for acquiring by gift, or purchase ~~or otherwise~~ such ~~the~~ lands ~~as~~ that are, in the judgment of the Board, suitable and desirable for the above purposes.

SECTION 34. AMENDATORY 2 O.S. 1991, Section 1301-302, is amended to read as follows:

Section 1301-302. A. The State Board of Agriculture shall enter into no agreement for the acquisition, lease, or purchase of any land or for any other purpose whatsoever which shall pledge the credit of, or obligate in any manner whatsoever, the state to pay any sum of money or other thing of value for ~~such~~ any purpose, and the ~~said~~ Board shall not in any manner or for any purpose pledge the

credit of or obligate the state to pay any sum of money. The ~~said~~ Board may receive, hold the custody of, and exercise control of any lands, and set aside into a separate, distinct, and inviolable fund the proceeds which may be derived from the sales of the products of ~~such any~~ lands, ~~the~~ to use ~~thereof~~ in any manner, or the sale of ~~such the~~ lands save the twenty-five percent (25%) of the proceeds ~~thereof of the sale~~ to be paid into the state school fund. The Board may use and apply ~~such the~~ funds for the acquisition, use, custody, management, development, or improvement of any lands vested in or subject to the control of ~~such the~~ Board. After full payment has been made for the purchase of a state forest, to the federal government or other grantor, then fifteen percent (15%) of the gross receipts from a state forest shall be paid to the county or counties in which it is located in proportion to the acreage located in each county for use by the county or counties for school purposes; except that payment of gross receipts shall only apply to the state forest lands and not other lands listed in Section ~~301~~ 16-51 of this title.

B. The Commissioners of the Land Office are ~~hereby~~ authorized and directed to make and enter into a lease for a period of ten (10) years, with privilege of renewing at the end of each ten-year period ~~until otherwise provided by law~~, with the State Department of Agriculture, Forestry Division, the following described land and premises:

Lots One (1) and Two (2) and the East Half (E 1/2) of the Northwest Quarter (NW 1/4) and the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of Section Seven (7), Township Six (6) South, Range Twenty-five (25) East of the Indian Meridian, containing two hundred forty (240) acres, more or less, situated in McCurtain County, State of Oklahoma.

~~Such~~ The lease shall contain the following provisions in addition to any which may be agreed upon by the Commissioners of the Land Office and the State Department of Agriculture, Forestry Division:

1. The lessee shall maintain on ~~such the~~ property the administrative headquarters for ~~Fire Protection Unit No. One of the Forestry Service~~ the Southeast Area of the Forestry Division;

2. The lessee shall maintain, repair, and preserve all improvements located on ~~said the~~ described lands;

3. The lessee shall maintain and carry out a forestry plan for the entire two hundred forty-acre tract, and do the necessary planting and other forestry work ~~to bring the stand of timber up to normal and~~ to restore ~~such the~~ timber growth to its maximum productive value;

4. The lessee shall take all necessary and proper measures to protect the area from fire and theft;

5. The lessee shall formulate and carry out a plan for harvesting of the timber so that maximum financial return may be realized for the state, and that the maximum value ~~of the culture~~ shall be realized for demonstration purposes;

6. Unless ~~otherwise~~ changed by law, the annual rental payable annually of five percent (5%) per year of the appraised value of ~~said~~ the lands without improvement shall be paid out of funds appropriated to the lessee into the common school fund of this state.

SECTION 35. AMENDATORY 2 O.S. 1991, Section 1301-303, is amended to read as follows:

Section 1301-303. All lands acquired by the State Board of Agriculture on behalf of the state shall be in the custody of and subject to the jurisdiction, management, and control of the ~~said~~ Board and, for ~~such~~ the purposes and the utilization and development of ~~such~~ the land, the ~~said~~ Board may use the proceeds of the sale of any products ~~therefrom~~; the proceeds of the sale of any ~~such~~ lands, save the twenty-five percent (25%) of ~~such~~ the proceeds which shall be paid into the state school fund; and ~~such~~ other funds ~~as may be~~ appropriated for use by the Board and, in the opinion of ~~such~~ the Board, available for ~~such~~ any uses and purposes.

SECTION 36. AMENDATORY 2 O.S. 1991, Section 1301-304, is amended to read as follows:

Section 1301-304. The State Board of Agriculture may sell, exchange ~~or~~, lease, or ~~otherwise~~ dispose of any lands under its jurisdiction by the provisions of ~~this act~~ the Oklahoma Forestry Code when in its judgment it is advantageous to the state ~~to do so~~. All ~~such~~ sales, exchanges, ~~or~~ leases, or dispositions of ~~such~~ lands shall be at least upon a thirty-day public notice, to be given ~~in~~ the manner deemed reasonable by the ~~said~~ Board, and shall be by sealed competitive bids, and awarded to the highest bidder.

SECTION 37. AMENDATORY 2 O.S. 1991, Section 1301-305, is amended to read as follows:

Section 1301-305. The State Board of Agriculture is empowered to cooperate with the United States Secretary of Agriculture and with communities, towns, cities, and individuals in the planning, care, and management of trees and forests for shade, ornamental, and recreational purposes, and to improve air quality, reduce noise, and conserve soil, water, and ecological balance. Forest management to meet human needs for forest products is also authorized.

SECTION 38. AMENDATORY 2 O.S. 1991, Section 1301-306, is amended to read as follows:

Section 1301-306. The purpose of the provisions of ~~this act~~ the Oklahoma Forestry Code relating to forest management is to encourage the practice of scientific forest management on all lands owned by the State of Oklahoma ~~the practice of scientific forest management~~ according to standards that ~~will~~ shall manage, protect, utilize, and perpetuate ~~pine and other~~ suitable trees for their many benefits. The provisions of ~~this act~~ the Oklahoma Forestry Code shall not be construed to apply to state-owned land in wilderness areas.

SECTION 39. AMENDATORY 2 O.S. 1991, Section 1301-307, is amended to read as follows:

Section 1301-307. The Director shall have authority to advise the several agencies, departments, institutions, bureaus, offices, and all other administrative units of the State of Oklahoma, having state-owned lands under their control, concerning forestry management practices and programs ~~which will~~ that shall most effectively carry out the purposes of ~~this act~~ the Oklahoma Forestry Code. ~~Said~~ The Director shall issue, or cause to be issued, the most scientific forestry management practice and shall distribute ~~same~~ this information, assisted financially by ~~such~~ the administrative unit of state government having control over ~~said~~ the lands.

SECTION 40. AMENDATORY 2 O.S. 1991, Section 1301-308, is amended to read as follows:

Section 1301-308. To effectuate the purposes of ~~this act~~ the Oklahoma Forestry Code, the Director of Forestry, or persons designated by ~~him~~ the Director, shall have authority, and it shall be ~~his~~ the Director's duty, to prescribe ~~such~~ rules and regulations ~~as may be~~ necessary to insure the conservation and protection of ~~pine timber and other~~ suitable trees on lands owned by the State of Oklahoma. ~~Such~~ The rules and regulations shall include, but shall not be limited to, the following:

1. Require that a good growing stock of ~~pine~~ suitable trees shall be ~~left~~ established and maintained on the land at all times ~~except as provided in subparagraph 5 of this section to bring the land to full productivity;~~

2. Provide that ~~pine timber and other~~ suitable trees ~~may~~ be managed for the most profitable products or other benefits; and

3. ~~Restrict the cutting of pine for pulpwood to the purpose of improving, promoting and protecting pine timber and pine timber lands; unless, in the opinion of the Director of Forestry, conditions are such that pulpwood would be the most profitable product produced on a long-term basis;~~

4. ~~Require, when feasible, the removal of undesirable hardwoods in order to favor the growth of pine;~~

5. ~~Require that pine seedlings be planted where it is deemed advisable to bring the land to full productivity;~~

~~6.~~ Require adequate fire protection at all times.

SECTION 41. AMENDATORY 2 O.S. 1991, Section 1301-309, as last amended by Section 37, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (2 O.S. Supp. 2000, Section 1301-309), is amended to read as follows:

Section 1301-309. No ~~pine~~ timber or other timber products shall be removed from any lands owned by the State of Oklahoma, except for public utilities and improvements, and no officer, employee, or any other person employed by the State of Oklahoma shall authorize ~~such~~ the removal, except upon written approval of the Director of

Forestry. In carrying out the duties of this section ~~said,~~ the Director is ~~hereby~~ authorized to delegate authority to ~~such~~ persons ~~as he may deem~~ qualified to act in ~~his~~ the Director's behalf.

Any person violating this section shall be guilty of a felony and upon conviction be punished, for the first offense by a fine not exceeding One Thousand Dollars (\$1,000.00) ~~or,~~ by imprisonment in the State Penitentiary for not exceeding one (1) year, or by both ~~such fine and imprisonment.~~ For any subsequent offense, ~~such the~~ person shall be punished by a fine not exceeding Five Thousand Dollars (\$5,000.00) ~~or,~~ by imprisonment in the State Penitentiary for not exceeding three (3) years, or ~~by both such fine and imprisonment.~~

SECTION 42. AMENDATORY 2 O.S. 1991, Section 1301-310, as last amended by Section 38, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (2 O.S. Supp. 2000, Section 1301-310), is amended to read as follows:

Section 1301-310. A. 1. Any person who intentionally, willfully ~~and,~~ maliciously ~~and with intent to do harm shall unlawfully enter,~~ or unlawfully enters upon the lands of another ~~to~~ cut down, injure, remove, or destroy any timber valued at more than Two Hundred Dollars (\$200.00), without the permission of the owner or ~~his~~ the owner's representative shall be guilty, upon conviction, of a felony, punishable by the imposition of a fine of not more than Ten Thousand Dollars (\$10,000.00) ~~or,~~ by imprisonment in the State Penitentiary for not more than five (5) years, or ~~by~~ both.

2. Any person who intentionally, willfully ~~and,~~ maliciously ~~and with intent to do harm shall unlawfully enter,~~ or unlawfully enters upon the lands of another ~~to~~ cut down, injure, remove, or destroy any timber valued at Two Hundred Dollars (\$200.00) or less, without the permission of the owner or ~~his~~ the owner's representative shall be guilty, upon conviction, of a misdemeanor, punishable by the imposition of a fine of not more than One Thousand Dollars (\$1,000.00) or ~~by~~ imprisonment in the county jail for not more than thirty (30) days.

3. The necessary trimming and removal of timber to permit the construction, repair, maintenance, cleanup, and operations of pipelines and utility lines and appurtenances of public utilities, public service corporations, and to aid registered land surveyors and professional engineers in the performance of their professional services, and municipalities, and pipeline companies, or lawful operators and product purchasers of oil and gas shall not be deemed a willful and intentional cutting down, injuring, removing, or destroying of timber.

4. The necessary trimming and removal of timber for boundary line maintenance, for the construction, maintenance, and repair of streets, roads, and highways or for the control and regulation of traffic ~~thereon~~ by the state and its political subdivisions or registered land surveyors and professional engineers shall not be deemed a willful and intentional cutting down, injuring, removing, or destroying of timber.

B. In addition to the punishment prescribed in subsection A of this section, ~~said~~ the person is liable in damages pursuant to Section 72 of Title 23 of the Oklahoma Statutes for the damage or injury done to ~~such~~ the timber, ~~said~~ the damages to be recovered in a civil action by the owner of the property or the public officer having charge of the property.

SECTION 43. AMENDATORY Section 4, Chapter 238, O.S.L. 1995 (2 O.S. Supp. 2000, Section 1301-310.1), is amended to read as follows:

Section 1301-310.1 A. 1. Any timber owner ~~or person~~ involved in a logging or timber harvesting operation shall clearly mark any established property lines which are within one hundred (100) feet of the area to be cut.

2. If there is no established property line, the timber owner authorizing the logging or timber harvesting operation shall send by certified mail, return receipt requested, written notice of the logging or timber harvesting operation to the owner of record in the office of the county assessor or records of the county treasurer of any real property adjoining the cutting area at least ten (10) days prior to the commencement of ~~such~~ the operation.

3. If the timber owner is unable to ascertain the address of the legal residence of the owner of record as recorded in the office of the county assessor or records of the county treasurer of any real property adjoining the cutting area, notice of the logging or timber harvesting operation shall be given by publication. The notice shall be published once in a newspaper of general circulation in the county in which the operation is to occur specifying the owner of the property and the legal description. The notice shall be published at least ten (10) days prior to commencement of the operation.

B. If the timber owner fails to clearly mark any established property lines or fails to mail or publish any notice to the abutting real property owners as required by this section and, as a result of ~~such~~ that failure, timber is harvested or other damage occurs on any abutting real property without the consent of the owner ~~thereof~~, the timber owner shall be liable in damages pursuant to Section 72 of Title 23 of the Oklahoma Statutes to the owner of the abutting real property.

C. The provisions of this section shall not relieve the owner of the real property on which the timber is located from liability pursuant to Section 72 of Title 23 of the Oklahoma Statutes for failing to clearly mark or mismarking any property lines required by this section.

SECTION 44. AMENDATORY Section 5, Chapter 238, O.S.L. 1995 (2 O.S. Supp. 2000, Section 1301-310.2), is amended to read as follows:

Section 1301-310.2 A. Except as ~~otherwise~~ provided by this section, a timber owner who fails to ensure that the requirements of

subsection A of Section 4 16-61 of this ~~act~~ title have been fulfilled and who negligently authorizes or directs a logging or timber harvesting operation upon the lands of another, and cuts down, injures, removes, or destroys any timber without the permission of the owner is guilty, upon conviction, of a misdemeanor, punishable by the imposition of a fine of not more than One Thousand Dollars (\$1,000.00) ~~or~~, by imprisonment in the county jail for not more than thirty (30) days, or by both ~~such fine and imprisonment.~~

B. Except as ~~otherwise~~ provided by this section any person who negligently enters upon the lands of another and cuts down, injures, removes, or destroys any timber without the permission of the owner is guilty, upon conviction, of a misdemeanor, punishable by the imposition of a fine of not more than One Thousand Dollars (\$1,000.00) ~~or~~, by imprisonment in the county jail for not more than thirty (30) days, or by both ~~such fine and imprisonment.~~

SECTION 45. AMENDATORY Section 6, Chapter 238, O.S.L. 1995, as last amended by Section 39, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (2 O.S. Supp. 2000, Section 1301-310.3), is amended to read as follows:

Section 1301-310.3 A. It shall be unlawful for any person willingly, knowingly, or fraudulently to represent, make, issue, deliver, use or submit, or to participate in representing, making, issuing, delivering, using, or submitting any fictitious, false or fraudulent offer, agreement, contract, or other instrument concerning:

1. The sale of timber or the right to cut or harvest or remove timber from a site or from real property not owned or leased by ~~such~~ that person; or

2. The sale of timber or the right to cut or harvest or remove timber ~~which~~ that is not owned by ~~such~~ that person.

B. Any person convicted of violating the provisions of this section shall be guilty of:

1. A felony if the timber to be sold or right to cut or harvest the timber pursuant to subsection A of this section is valued at more than Two Hundred Dollars (\$200.00). Upon conviction ~~thereof,~~ ~~such~~ the person shall be subject to the imposition of a fine of not more than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the State Penitentiary for not more than five (5) years, or to both ~~such fine and imprisonment;~~ or

2. A misdemeanor if the timber to be sold or right to cut or harvest the timber pursuant to subsection A of this section is valued at Two Hundred Dollars (\$200.00) or less. Upon conviction ~~thereof~~ ~~such~~ the person shall be subject to the imposition of a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail not to exceed one (1) year, or by to both ~~such fine and imprisonment.~~

SECTION 46. AMENDATORY Section 7, Chapter 238, O.S.L. 1995, as amended by Section 1, Chapter 26, O.S.L. 1996 (2 O.S. Supp. 2000, Section 1301-310.4), is amended to read as follows:

Section 1301-310.4 A. Except as ~~otherwise~~ provided by subsection B of this section, any owner or operator of a logging or timber harvesting operation shall maintain at all times during ~~such~~ the operation, for inspection purposes by law enforcement personnel, a written bill of sale, timber deed or timber contract, recording memorandum, or written consent of the timber owner for the timber being harvested.

B. The provisions of subsection A of this section shall not apply to any owner or operator of a logging or timber harvesting operation if a timber deed, written bill of sale or timber contract or written consent, recording or memorandum is recorded in the records of the county clerk of the county in which the timber is harvested or to be harvested.

C. Any deed, written bill of sale, contract, or written consent for logging or timber harvesting operation pursuant to this section shall include:

1. A description of the timber to be removed;
2. The date of execution and expiration of the contract or consent, bill of sale, or deed;
3. The name and address of the timber owner and the timber purchaser; and
4. The legal description of the real property ~~upon which~~ where the timber is harvested.

D. Any written bill of sale, timber deed or timber contract, recording memorandum, or written consent of the timber owner required by subsection A of this section shall be preserved by the owner or operator of a logging or timber harvesting operation for at least a period of three (3) years.

SECTION 47. AMENDATORY Section 8, Chapter 238, O.S.L. 1995, as amended by Section 2, Chapter 26, O.S.L. 1996 (2 O.S. Supp. 2000, Section 1301-310.5), is amended to read as follows:

Section 1301-310.5 A. 1. Except as ~~otherwise~~ provided by this section, it shall be the duty of any sawmill owner or operator or other person purchasing timber for resale, from a timber owner or owner or operator of a logging or timber harvesting operation to obtain from the timber owner or owner or operator of a logging or timber harvesting operation a bill of sale for the same or other evidence of ownership which shall be preserved by the purchaser for a period of three (3) years and shall be available for inspection by law enforcement personnel.

2. The bill of sale shall include:

- a. the name and address of the seller and purchaser,

- b. a legal description of the land from which the timber was harvested,
- c. a description of timber delivered,
- d. the date delivered,
- e. the printed name of the person delivering the timber, and
- f. the date and signature of the person delivering the timber with language declaring ownership of the timber or naming the person to whom the person delivering the timber is an agent.

B. In lieu of the bill of sale required by subsection A of this section, the purchaser may provide for proof of timber ownership through a written purchase contract which provides language declaring ownership of timber delivered for purchase to the purchaser by the timber owner. ~~Such~~ The declaration shall be signed by the timber owner or by a designee pursuant to a written authorization signed by the timber owner. ~~Such~~ The written authorization shall be retained by the designee.

~~C. A violation of this section is a misdemeanor.~~

SECTION 48. AMENDATORY Section 9, Chapter 238, O.S.L. 1995, as last amended by Section 40, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (2 O.S. Supp. 2000, Section 1301-310.6), is amended to read as follows:

Section 1301-310.6 Any person selling timber who uses false or altered identification or a false declaration of ownership, pursuant to the provisions of Section ~~1301-310.5~~ 16-65 of this title, upon conviction ~~thereof~~, shall be guilty of:

1. A felony if the timber to be sold by use of a false or altered identification or false declaration of ownership is valued at more than Two Hundred Dollars (\$200.00). Upon conviction ~~thereon~~, ~~such~~ a person shall be subject to the imposition of a fine of not more than Ten Thousand Dollars (\$10,000.00) ~~or by~~ or by imprisonment in the State Penitentiary for not more than five (5) years, or or both ~~such fine and imprisonment~~; or

2. A misdemeanor if the timber to be sold by use of a false or altered identification or false declaration of ownership is valued at Two Hundred Dollars (\$200.00) or less. Upon conviction, ~~thereof such~~ a person shall be subject to the imposition of a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail not to exceed one (1) year, or ~~by both such imprisonment and fine~~.

SECTION 49. AMENDATORY 2 O.S. 1991, Section 1301-311, is amended to read as follows:

Section 1301-311. A. It shall be the duty of all ~~district, county and~~ forest rangers to distribute in all of the public schools

and high schools of the county in which they are serving all ~~such tracts,~~ the books, periodicals, and other literature that may, from time to time, be sent out to ~~such~~ the rangers by the state and federal forestry agencies ~~touching or~~ dealing with forest ~~preservation~~ conservation, development, protection, and ~~forest~~ management.

B. It shall be the duty of the various rangers ~~herein mentioned~~ under the direction of the Director, and the duty of the teachers of the various schools, both public schools and high schools, to post at some conspicuous place in the various classrooms of the school buildings ~~such~~ the appropriate bulletins and posters as may be sent out from the forestry agencies ~~herein named~~ for that purpose ~~and keep the same before their pupils;~~ and ~~said~~ the teachers and rangers may prepare lectures or talks to be made to the pupils of the various schools on the subject of forest fires, their origin and their destructive effect on the plant life and tree life of the forests of the state, the development and scientific management of the forests of the state, and may be prepared to give practical instruction to their pupils ~~from time to time and~~ as often as they may find it possible to do so.

SECTION 50. AMENDATORY 2 O.S. 1991, Section 1301-314, is amended to read as follows:

Section 1301-314. All state forests, all programs in management, nursery production, reforestation, urban forestry, educational activities, and other forestry endeavors of the Forestry Division shall be managed and administered by the State Board of Agriculture in the interest of the public. If the public interests are not already safeguarded and clearly defined by law or by ~~regulations~~ rules adopted by the state agencies authorized by law to administer ~~such~~ the lands, or in the papers formally transferring ~~said~~ the projects to the Board for administration, then, and in that event, the Board may promulgate rules ~~and regulations~~ defining the purpose of ~~said~~ the project.

SECTION 51. AMENDATORY 2 O.S. 1991, Section 1301-315, as amended by Section 1, Chapter 141, O.S.L. 2000 (2 O.S. Supp. 2000, Section 1301-315), is amended to read as follows:

Section 1301-315. A. The purpose of this section is to encourage landowners and lessees to make available land, water areas, park areas and lake reservations for outdoor recreational purposes by limiting their liability to persons going ~~thereon~~ upon and to third persons who may be damaged by the acts or omissions of persons going ~~thereon~~ upon these lands. As used in this section, the term "area" includes any water area and any park area. As used in this section, the term "land" includes but is not limited to lake reservations.

B. 1. An owner or lessee who provides the public with land, a water or park area, or lake reservation for outdoor recreational purposes owes no duty of care to keep the land or area safe for entry or use by others, or to give warning to persons entering or going on the land or area of any hazardous conditions, structures,

or activities ~~thereon~~. An owner or lessee who provides the public with land or area for outdoor recreational purposes shall not:

- a. be presumed to extend any assurance that the land or area is safe for any purpose,
- b. incur any duty of care toward a person who goes on the land or area, or
- c. become liable or responsible for any injury to persons or property caused by the act or omission of a person who goes on the land or area.

2. This subsection applies whether the person going on the land or area is an invitee, licensee, trespasser, or otherwise, notwithstanding any other section of law.

C. This section shall not apply if there is any charge made or usually made for entering or using any part of the land or area, ~~or any part thereof~~, or if any commercial or other activity for profit directly related to the use is conducted on any part of the land or area. As used in this subsection, the term "charge" shall mean the admission price or fee asked in return for invitation or permission to enter or go upon the land or area. As used in this subsection, the term "charge" shall not include a license or permit fee imposed by a governmental entity for the purpose of regulating the use of land, a water or park area, or lake reservation and shall not include hunting, fishing, boating, and other license and permit fees.

D. 1. An owner of land, a water or park area, or lake reservation leased to the state or other public entity for outdoor recreational purposes owes no duty of care to keep the land or area safe for entry or use by others, or to give warning to persons entering or going on the land or area of any hazardous conditions, structures, or activities ~~thereon~~. Any owner or lessee who leases or subleases land, a water or park area, or lake reservation to the state or other public entity for outdoor recreational purposes shall not:

- a. be presumed to extend any assurance that the land or area is safe for any purpose,
- b. incur any duty of care toward a person who goes on the leased land or area, or
- c. become liable or responsible for any injury to persons or property caused by the act or omission of a person who goes on the leased land or area.

2. This subsection applies whether the person going on the leased land or area is an invitee, licensee, trespasser, or otherwise, notwithstanding any other section of law.

E. 1. Except as ~~otherwise~~ provided in this section, no person is relieved of liability which would ~~otherwise~~ exist for want of ordinary care or for deliberate, willful, or malicious injury to

persons or property. The provisions ~~hereof~~ shall not be deemed to create or increase the liability of any person.

2. This section shall not relieve any owner or lessee of any liability for the operation and maintenance of structures affixed to real property by the owner or lessee for use by the general public.

F. The term "outdoor recreational purposes" as used in this section includes, but is not limited to, hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, jogging, cycling, other sporting events and activities, nature study, water skiing, jet skiing, and visiting historical, archaeological, scenic, or scientific sites.

G. By entering or using land, a water or park area, or lake reservation no person shall be deemed to be acting as an employee or agent of the owner or lessee whether the entry or use is with or without the knowledge or consent of the owner or lessee.

SECTION 52. AMENDATORY 2 O.S. 1991, Section 1301-316, is amended to read as follows:

Section 1301-316. The Department of Agriculture is ~~hereby~~ directed to expand the present statewide fire protection program and is ~~hereby~~ authorized to acquire federal excess property for the support and operation of fire departments and fire districts.

SECTION 53. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 16-73 of Title 2, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Department of Agriculture is the designated agency for the research and control of the plant species *Tamarix* spp.

SECTION 54. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 16-74 of Title 2, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Department of Agriculture is the designated agency for the receipt and distribution of federal excess property for volunteer, paid, or combined departments that provide fire services.

SECTION 55. AMENDATORY Section 1, Chapter 393, O.S.L. 1998 (2 O.S. Supp. 2000, Section 1301-501), is amended to read as follows:

Section 1301-501. There is ~~hereby~~ created in the State Treasury a revolving fund for the Oklahoma Department of Agriculture to be designated the "Volunteer Firefighter Employer Contribution Payment Revolving Fund". The revolving fund shall be subject to legislative appropriation and shall consist of all monies transferred to ~~such~~ the fund pursuant to Section 2 of this act and any other monies designated for deposit to this revolving fund pursuant to law.

SECTION 56. RECODIFICATION 2 O.S. 1991, Sections 743 and 748, as amended by Sections 1 and 2 of this act, shall be recodified as Sections 16-29 and 16-40 of Title 2 of the Oklahoma Statutes,

unless there is created a duplication in numbering; 2 O.S. 1991, Sections 1301-101, 1301-102 and 1301-103, as last amended by Sections 3, 4 and 5 of this act, shall be recodified as Sections 16-1, 16-2 and 16-3 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Sections 1301-104, 1301-105, Section 1, Chapter 300, O.S.L. 1998 (2 O.S. Supp. 2000, Section 1301-105.1) and 1301-106, as amended by Sections 6, 7, 8 and 9 of this act, shall be recodified as Sections 16-4, 16-5, 16-6 and 16-7 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Section 1301-107, as last amended by Section 10 of this act, shall be recodified as Section 16-8 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Section 1301-108, as amended by Section 11 of this act, shall be recodified as Section 16-9 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; Sections 1, 2, 3 and 4, Chapter 19, O.S.L. 1996 (2 O.S. Supp. 2000, Sections 1301-109, 1301-110, 1301-111 and 1301-112), as amended by Sections 12, 13, 14 and 15 of this act, shall be recodified as Sections 16-10, 16-11, 16-12 and 16-13 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Sections 1301-201, 1301-202, 1301-203 and 1301-204, as amended by Sections 16, 17, 18 and 19 of this act, shall be recodified as Sections 16-21, 16-22, 16-23 and 16-24 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Section 1301-205, as last amended by Section 20 of this act, shall be recodified as Section 16-25 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Sections 1301-206 and 1301-207, as amended by Sections 21 and 22 of this act, shall be recodified as Sections 16-26 and 16-27 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Section 1301-208, as last amended by Section 23 of this act, shall be recodified as Section 16-28 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Sections 1301-209, 1301-210, 1301-212 and 1301-213, as amended by Sections 24, 25, 26 and 27 of this act, shall be recodified as Sections 16-30, 16-31, 16-32 and 16-33 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Section 1301-214, as last amended by Section 28 of this act, shall be recodified as Section 16-34 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Sections 1301-215, 1301-216, 1301-217, 1301-218, as amended by Sections 29, 30, 31 and 32 of this act, shall be recodified as 16-35, 16-36, 16-37 and 16-38 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Section 1301-219 shall be recodified as Section 16-39 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Sections 1301-301, 1301-302, 1301-303, 1301-304, 1301-305, 1301-306, 1301-307 and 1301-308, as amended by Sections 33, 34, 35, 36, 37, 38, 39 and 40 of this act, shall be recodified as Sections 16-51, 16-52, 16-53, 16-54, 16-55, 16-56, 16-57 and 16-58 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Sections 1301-309 and 1301-310, as last amended by Sections 41 and 42 of this act, shall be recodified as Sections 16-59 and 16-60 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; Sections 4 and 5, Chapter 238, O.S.L. 1995 (2 O.S. Supp.

2000, Sections 1301-310.1 and 1301-310.2), as amended by Sections 43 and 44 of this act, shall be recodified as Sections 16-61 and 16-62 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; Sections 6, 7, 8 and 9, Chapter 238, O.S.L. 1995 (2 O.S. Supp. 2000, Sections 1301-310.3, 1301-310.4, 1301-310.5 and 1301-310.6), as last amended by Sections 45, 46, 47 and 48 of this act, shall be recodified as Sections 16-63, 16-64, 16-65 and 16-66 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Sections 1301-311 and 1301-314, as amended by Sections 49 and 50 of this act, shall be recodified as Sections 16-67 and 16-70 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Sections 1301-312 and 1301-313 of Title 2 shall be recodified as Sections 16-68 and 16-69 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Section 1301-315, as last amended by Section 51 of this act, shall be recodified as Section 16-71 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Section 1301-316, as amended by Section 52 of this act, shall be recodified as Section 16-72 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; Section 1, Chapter 393, O.S.L. 1998 (2 O.S. Supp. 2000, Section 1301-501), as amended by Section 55 of this act, shall be recodified as Section 16-81 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; Section 3, Chapter 393, O.S.L. 1998, as amended by Section 4, Chapter 231, O.S.L. 1999 (2 O.S. Supp. 2000, Section 1301-502), shall be recodified as Section 16-82 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 57. REPEALER 2 O.S. 1991, Sections 741, 742, 744, 745, 746, 747, 1301-211 and 1301-403, are hereby repealed.

SECTION 58. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 14th day of March, 2001.

Presiding Officer of the Senate

Passed the House of Representatives the 11th day of April, 2001.

Presiding Officer of the House
of Representatives

