

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 870 By: Murdock of the Senate
3 and
4 Newton of the House
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7 An Act relating to wildfire prevention; amending 2
8 O.S. 2011, Section 16-8, as amended by Section 11,
9 Chapter 304, O.S.L. 2012 (2 O.S. Supp. 2018, Section
10 16-8), which relates to powers and duties of the
11 Forestry Division of the Oklahoma Department of
12 Agriculture, Food, and Forestry; authorizing county
13 employees to participate in fire prevention
14 activities on private land with permission of the
15 landowner under certain circumstances; and providing
16 an effective date.

14 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill
15 and replace with:

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

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

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

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

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

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

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

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

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

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

24 7. To investigate cases of forest timber theft;

1 8. To make available for sale surplus state vehicles directly
2 to rural fire departments or municipal fire departments, in cities
3 or towns under ten thousand (10,000) population. State vehicles may
4 be offered for sale only after approval is given in writing by the
5 Office of Management and Enterprise Services and an evaluation is
6 made of each vehicle and a price set by the Office of Management and
7 Enterprise Services. The Forestry Division may only receive the
8 amount authorized by the Office of Management and Enterprise
9 Services for the sale of the vehicle;

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

13 10. To plan and conduct prescribed burning at the request and
14 expense of landowners on public or private ~~lands~~ land for the
15 purpose of controlling Eastern ~~Red Cedar~~ Redcedar and other invasive
16 species, for hazardous fuel reduction, wildlife habitat
17 manipulation, ecosystem restoration, or achieving silvicultural
18 objectives. Forestry Division employees shall be protected under
19 The Governmental Tort Claims Act and shall not be personally liable
20 beyond the limits established therein for activities pursuant to
21 this paragraph unless gross negligence is established in a competent
22 court of law.

23 B. Forest rangers, and the fire fighting crews under their
24 control and direction, may enter upon any ~~lands~~ land for the purpose

1 of preventing and suppressing wildfires and to enforce the
2 provisions of the Oklahoma Forestry Code and other wildfire and
3 forest protection laws of this state.

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

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

20 1. The Director of the Forestry Division may appoint, subject
21 to the approval of the State Board of Agriculture, special officers
22 who shall have the power and authority to arrest. The special
23 officers shall have power and authority throughout the state, under
24 the direction and control of the Division, to enforce the criminal

1 provisions contained in the Oklahoma Forestry Code, other laws
2 relating to forests and wildfires, and the Oklahoma Agricultural
3 Code.

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

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

21 SECTION 2. This act shall become effective November 1, 2019."
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1 ENGROSSED SENATE
2 BILL NO. 870

By: Murdock of the Senate

3 and

4 Newton of the House

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7 An Act relating to wildfire prevention; amending 2
8 O.S. 2011, Section 16-8, as amended by Section 11,
9 Chapter 304, O.S.L. 2012 (2 O.S. Supp. 2018, Section
10 16-8), which relates to powers and duties of the
11 Forestry Division of the Oklahoma Department of
12 Agriculture, Food, and Forestry; authorizing county
13 employees to participate in fire prevention
14 activities on private land with permission of the
15 landowner under certain circumstances; and providing
16 an effective date.

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

18 SECTION 3. AMENDATORY 2 O.S. 2011, Section 16-8, as
19 amended by Section 11, Chapter 304, O.S.L. 2012 (2 O.S. Supp. 2018,
20 Section 16-8), is amended to read as follows:

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

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

- 1 2. To prevent, detect, extinguish⁷ and investigate wildfires in
2 this state;
- 3 3. To provide wildfire fighting crews, who shall be under the
4 control and direction of forest rangers and other designated agents
5 of the Division;
- 6 4. To appoint district foresters, assistant district foresters,
7 investigators, rangers⁷ and other employees;
- 8 5. To use the resources of the Division on state-owned parks
9 and other state-administered ~~lands~~ land to prevent and suppress
10 fires and to establish fire fighting crews who shall be authorized
11 to suppress fires on state ~~lands~~ land;
- 12 6. To be reimbursed on an actual cost basis for all services
13 provided to state parks and other ~~lands~~ land administered by the
14 State of Oklahoma;
- 15 7. To investigate cases of forest timber theft;
- 16 8. To make available for sale surplus state vehicles directly
17 to rural fire departments or municipal fire departments, in cities
18 or towns under ten thousand (10,000) population. State vehicles may
19 be offered for sale only after approval is given in writing by the
20 Office of Management and Enterprise Services and an evaluation is
21 made of each vehicle and a price set by the Office of Management and
22 Enterprise Services. The Forestry Division may only receive the
23 amount authorized by the Office of Management and Enterprise
24 Services for the sale of the vehicle;

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

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

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

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

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

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

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

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

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

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

11 SECTION 4. This act shall become effective November 1, 2019.

12 Passed the Senate the 5th day of March, 2019.

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Presiding Officer of the Senate

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16 Passed the House of Representatives the ____ day of _____,
17 2019.

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Presiding Officer of the House
of Representatives

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