

# An Act

ENROLLED HOUSE  
BILL NO. 1327

By: Pruett and Walker of the  
House

and

Lerblance of the Senate

An Act relating to agriculture; amending 2 O.S. 2001, Section 16-8, as amended by Section 3, Chapter 195, O.S.L. 2007 (2 O.S. Supp. 2010, Section 16-8), which relates to the Oklahoma Forestry Code; modifying power, authority and duties of the Forestry Division; authorizing recovery of costs for burning; granting immunity from personal liability; and providing an effective date \_\_\_\_\_

SUBJECT: Oklahoma Forestry Code

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

SECTION 1. AMENDATORY 2 O.S. 2001, Section 16-8, as amended by Section 3, Chapter 195, O.S.L. 2007 (2 O.S. Supp. 2010, Section 16-8), is amended to read as follows:

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

1. To enforce the provisions of this code and other forest and forest protection laws of this state;
2. To prevent, detect, extinguish, and investigate wildfires in this state;

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

4. To appoint district foresters, assistant district foresters, investigators, rangers, 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 to reimburse the Revolving Fund; and

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

B. Forest rangers, and the fire fighting crews under their control and direction, may enter upon any lands for the purpose of preventing and suppressing wildfires and to enforce the provisions

of the Oklahoma Forestry Code and other wildfire and forest protection laws of this state.

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

D. 1. The Director may appoint, subject to the approval of the Board, special officers who shall have the power and authority to arrest. The special officers shall have power and authority throughout the state, under the direction and control of the Division, to enforce the criminal provisions contained in the Oklahoma Forestry Code, other laws relating to forests and wildfires, and the Oklahoma Agricultural Code.

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

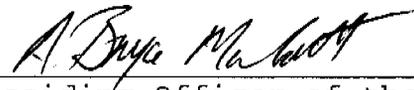
3. In connection with the enforcement of the criminal provisions, the special officers and other state investigators or law enforcement officers may go upon all premises when necessary for the enforcement of laws. All special officers shall be ex officio forest rangers and shall be under the control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

SECTION 2. This act shall become effective November 1, 2011.

Passed the House of Representatives the 17th day of March, 2011.

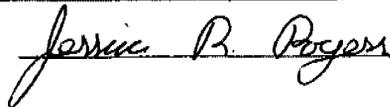
  
Presiding Officer of the House of  
Representatives

Passed the Senate the 13th day of April, 2011.

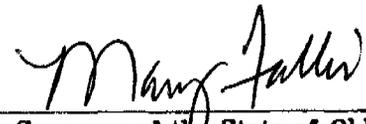
  
Presiding Officer of the Senate

**OFFICE OF THE GOVERNOR**

Received by the Governor this 14<sup>th</sup>  
day of April, 20 11,  
at 10:53 o'clock A.M.

By: 

Approved by the Governor of the State of Oklahoma the 20<sup>th</sup> day of  
April, 20 11, at 12:32 o'clock P.M.

  
Governor of the State of Oklahoma

**OFFICE OF THE SECRETARY OF STATE**

Received by the Secretary of State this  
20<sup>th</sup> day of April, 20 11,  
at 3:43 o'clock P M.

By: 