

# **The Oklahoma Forestry Code**

## **Title 2, Article 16 of the Oklahoma Statutes**

Statutes describing the responsibilities and authority of the State Board of Agriculture, State Forester and Director of Forestry, and the Forestry Services Division concerning forestry related activities in the State of Oklahoma

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**THE OKLAHOMA FORESTRY CODE**  
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**DISCLAIMER**

This publication is intended to be a full and accurate representation of the Forestry Code but is published for informational purposes only. Clarification or follow-up legal action should be based solely upon the official Statutes and Supplements published by the State of Oklahoma. Access to the statutes is available through the Legislative Services Bureau at the following site:

<http://www.lsb.state.ok.us/>

# THE OKLAHOMA FORESTRY CODE

## O. S. Title 2 Article 16

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

### ARTICLE A

#### FORESTRY ADMINISTRATION AND ENFORCEMENT

##### **SECTION 16-1.** (Short Title)

- A. Chapter 28 of Title 2 of the Oklahoma Statutes shall be known and cited as the Oklahoma Forestry Code.
- B. All statutes enacted and codified in Article 16 of Title 2 of the Oklahoma Statutes shall be considered part of the Oklahoma Forestry Code.

##### **SECTION 16-2.** (Definitions) As used in the Oklahoma Forestry Code:

- 1. "Director" means the Director of Forestry of the Oklahoma Department of Agriculture, Food, and Forestry;
- 2. "Division" means the Forestry Division of the Oklahoma Department of Agriculture, Food, and Forestry;
- 3. "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. "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. "Forest" means a tract of land that is at least ten percent (10%) stocked by forest trees of any size, whether of commercial or noncommercial species, or formerly having tree cover and not currently developed for nonforest use, including woodlands, woodlots, windbreaks, and shelterbelts;
- 6. "Logging or timber harvesting operations" means the cutting or harvesting of and removal of timber from a site, leaving the root mass intact;
- 7. "Owner" means the possessor of a fee interest, a tenant, lessee, occupant, or other person in lawful control of land;
- 8. "Prescribed burning" means the controlled application by the owner of croplands, rangelands, or forestlands of fire to naturally occurring vegetative fuel under specified environmental conditions and following appropriate precautionary measures, which causes the fire to be confined to a predetermined area and accomplish land management objectives;
- 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;
- 10. "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;
- 11. "Wildfires" includes any fire which is not controlled on forests, grasslands, unimproved fields, or croplands; and
- 12. "Wild lands" means any undeveloped lands regardless of kind of vegetative plant cover including forests, prairies, marshes, and swamps.

**SECTION 16-3.** (Forestry Program--Responsibilities) 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 the provisions 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 that include the process to identify silviculturally-related nonpoint sources of pollution as defined by the Oklahoma Environmental Quality Code (O.S. Title 27A, 2-1-101) and, to the extent feasible, establish procedures and methods to control these sources.

**SECTION 16-4. (Duties of Board)** It shall be the duty of the State Board of Agriculture under terms the Board determines shall best serve the public interest to assist and cooperate with federal and state departments, educational institutions, counties, towns, corporations, or individuals; to gather and disseminate information about forests, their care and management; to prevent and extinguish wildfires; and to enforce all laws pertaining to forests and woodlands.

**SECTION 16-5. (Forestry Division--Other Enforcement Agencies)** The laws of this state relating to forestry activities shall be implemented, enforced, and 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 Oklahoma Forestry Code.

**SECTION 16-6. (Interfering With, Molesting, or Assaulting Firefighters - Penalties)** Any person or persons acting in concert 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 be guilty of a felony.

**SECTION 16-7. (Director of Forestry--Qualifications--Employment of Personnel)** The administrative head of the Forestry Division shall be the Director of Forestry, who shall be a professional forester and be qualified as required by the State Board of Agriculture. Other professional, technical, and practical personnel necessary to discharge the responsibilities of the Forestry Division shall be employed by the Director of Forestry, subject to the approval of the Board.

**SECTION 16-8. (Powers of Division--Appointment of Forestry Employees--Powers and Duties--Entry Upon Lands--Arrests, Etc.)**

- 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 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.
- 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. Such 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 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. 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 16-9. (Payroll Deductions for Residence Maintenance Expenses)** The State Board of Agriculture is 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 16-10. (Authorization of Forestry Cost-Share Program)** The State Board of Agriculture is 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 Board shall promulgate rules governing the cost-share program.

**SECTION 16-11. (Forestry Cost-Share Fund -- effective Nov. 1, 1996)**

- 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 other monies specifically designated for the forestry cost-share program. All monies accruing to the credit of the fund are 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 administrative costs incurred in development and implementation of the forestry cost-share program, no monies from the Fund shall be transferred for any purpose to another 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 state agency for any expense.

**SECTION 16-12. (Application for and Allocation of Cost-Share Funds)**

- A. The State Department of Agriculture may require eligible applicants to submit information, forms, and reports necessary to properly and efficiently administer the forestry cost-share program.
- B. Persons may apply to the Commissioner of the 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 or that meets standards established by the Commissioner. 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 16-13. (Forestry Cost-Share Advisory Committee)**

- A. The Commissioner of the State 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 may use the Forest Stewardship Program Committee.
- B. The committee shall be chaired by the Commissioner, and shall include persons the Commissioner determines 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.

**ARTICLE B  
FOREST FIRE PREVENTION**

**SECTION 16-21. (Organization of Protection Areas)** The Division shall organize forest protection areas to prevent, detect, and suppress wildfires most effectively, and may employ forest rangers to have charge of its activities in each area; may subdivide each area into patrol areas; may construct lookout towers, roads, bridges, firelines, office facilities, and communication facilities; may purchase tools for firefighting as well as other necessary supplies and equipment; and may carry on all activities necessary to protect the area effectively from fires.

**SECTION 16-22. (Road Crews to Extinguish Fires)** 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 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 and adjacent to which the crew, contractor, subcontractor, and employees are employed.

**SECTION 16-23. (Adoption of Rules for Road Crews)** 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 the Oklahoma Forestry Code, and the highway department or county commissioners may adopt and promulgate rules for the observance of the crews, contractors, subcontractors, and employees in carrying out the purposes and provisions of the Oklahoma Forestry Code.

**SECTION 16-24. (Refusal of Road Crews)** 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 the Oklahoma Forestry Code shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), by imprisonment for not more than one (1) year, or by both.

**SECTION 16-24.1 (Lawful Burning)**

- A. It is lawful for an owner of croplands, rangelands, grasslands, forestlands, or other wild lands to set the croplands, rangelands, grasslands, forestlands or other wild lands on fire for the purposes of:
  - 1. Managing and manipulating plant species present whether grass, weeds, brush, or trees;
  - 2. Destroying detrimental or unwanted plants, plant parts, shrubs or trees on the croplands, rangelands, grasslands, forestlands, or other wild lands; and
  - 3. Cedar tree eradication.
- B. The provisions of this section shall not be construed to exempt or release a person from civil liability for damages or injury incurred as a result of the burn or for criminal liability as imposed pursuant to the Oklahoma Forestry Code.

**SECTION 16-25. (Unlawful Burning)**

- 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, rangeland, or other wild lands not owned by, duly authorized by the owner or manager, or in the lawful possession of, the person setting the fire or burning the lands or causing 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), by imprisonment for not more than one (1) year, or both. Any person who willfully violates this section is guilty of a felony punishable by a fine of not more than Five Thousand Dollars (\$5,000.00), 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 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 16-26. (Emergency Drought Conditions--Burning Prohibited)**

- A. It is unlawful for any person to set fire to any forest, grass, range, crop, or other wild lands, or to build a campfire or bonfire, or to burn trash or other material that may cause a forest, grass, range, crop, or other wild lands 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 the backfire was necessary for the purpose of saving life or property. The burden of proving the necessity shall rest on the person claiming 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 the Governor's signed approval of the emergency proclamation. Notice of the proclamation shall occur through posting on the Oklahoma Department of Agriculture, Food, and Forestry's website and informing local news media. Evidence of publication or posting as herein provided shall be maintained by 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), by imprisonment for not more than one (1) year, or both.

**SECTION 16-27. (Camp Fires)** It is unlawful for any person to willfully, negligently, or carelessly build a warming or camp fire and leave 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), by imprisonment for not more than one (1) year, or both.

**SECTION 16-28.1. (Procedure to Lawfully Burn Land)**

- A. It is unlawful for any person either willfully or carelessly to burn, cause to be burned, to set fire to, or cause fire to be set to any forest, grass, croplands, rangeland, or other wild lands, by an owner of such property, except under the following circumstances:
1. In protection areas, notification to burn shall be made by the owner to the local office or local representative of the Forestry Division at least four (4) hours in advance and verbal or written approval obtained. In addition to the notification requirements of this paragraph, any owner conducting a limited liability burn in a protected area shall comply with the provisions of Section 16-28.2 of Title 2 of the Oklahoma Statutes; or
  2. Outside protection areas, in order for prescribed or controlled burning to be lawful, an owner 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 the fire, shall watch over the fire until it is extinguished and shall not permit fire to escape to adjoining land.
- B. 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.
- C. 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.
- D. 1. Except as otherwise provided by Section 16-28.2 of this title, any person:
- a. who, whether by accident, neglect or intent, causes or allows damage or injury to occur to any ranch, buildings, improvements, hay, grass, crops, fencings, timber, marsh, or other property of another person by any fire described and conducted pursuant to this section, shall be civilly responsible for such damage or injury so caused pursuant to Section 16-30 of Title 2 of the Oklahoma Statutes, and
  - b. who carelessly violates this section is guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00), by imprisonment for not more than one (1) year, or both.
2. In addition, to civil liability, 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), by imprisonment for not more than three (3) years, or by both.
- E. 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 16-28.2. (Prescribed Burning Provisions) A.** 1. The provisions of this section apply to a prescribed burn.

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

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

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

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

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

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

PRESCRIBED BURN NOTIFICATION PLAN

- Name and Telephone Number
- Mailing Address, County, City, State, and Zip Code
- Ranch Name, if any
- Area to be burned
- Approximate acres to be burned
- Written distance description of location
- Projected time frame
- Date of previous burn
- Objectives to be accomplished through the prescribed burn
- Contact information
- Rural fire department name, location, and telephone number
- Forestry District Office (for protection areas)
- Adjoining landowners

The original copy of the form must be filed with the rural fire department nearest to the land to be burned. If conducting a prescribed burn within a protection area, a copy of the prescribed burn notification plan must be filed with the local office or local representative of the Forestry Division nearest to the land to be burned. A copy of the plan shall be retained by the owner of the land to be burned.

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

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

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

1. Be considered in the public interest and shall not constitute a public or private nuisance; and
2. Be considered a property right of the property owner if vegetative fuels are used.

**G.** 1. Any owner conducting a prescribed burn who is found by a court of law to have caused damages or injury as a result of accident or by ordinary negligence shall only be civilly liable for actual damages resulting from the prescribed burn.

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

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

**SECTION 16-30. (Civil Liability)** Any person violating any of the provisions of the Oklahoma Forestry Code shall be liable for all damages caused by violation, damages shall be recoverable in any court of competent jurisdiction.

**SECTION 16-31. (Rewards)** The Forestry Division 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 the Oklahoma Forestry Code.

**SECTION 16-32. (Liability for Costs of Suppressing Fires)** Whoever willfully or carelessly shall cause an unlawful forest, grass 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 the fire. The costs and expenses shall be payable to the Forestry Division or other governmental units, who shall, in the case of cooperating persons, disburse the funds in proportionate share based on standard suppression costs. When the costs and expenses are not paid within ninety (90) after written notice of demand, it shall be the duty of the district attorney having jurisdiction to take proper legal proceedings for the collection. The liability for costs of suppression shall exist whether there is criminal prosecution or not and the liability shall extend to the person or persons causing, directing, or permitting the activity as well as to the actual violator.

**SECTION 16-33. (Penalty for Mutilating or Destroying State Forestry or Fire Control Signs and Posters)** 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, by fine not exceeding Two Hundred Dollars (\$200.00), or by both.

**SECTION 16-34. (Illegal Possession of Incendiary Device)**

- A. Any person possessing any incendiary device as defined by subsection B of this section with the intent to use the device for the purpose of burning or setting fire to any forest, grass, crops, or woodlands that the person possessing that device is not the owner of nor in possession of lawfully, as under a lease, shall be guilty of a felony punishable by a fine of not more than One Thousand Dollars (\$1,000.00), 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 material by the use of a cigarette, rope, or candle to which the match or matches are attached, or a magnifying glass focused to intensify heat on flammable material and 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 to make possible its use as a delayed firing device.

**SECTION 16-35. (Compact Authorized-Form and Provisions)** The Governor, on behalf of this state, is 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 signifies in advance its approval and ratification of the compact:

**SOUTH CENTRAL INTERSTATE FOREST FIRE PROTECTION COMPACT**

ARTICLE I. (Purpose)

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. (Member States)

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 party to this compact, subject to approval by the Legislature of each of the member states.

ARTICLE III. (Compact Administrator - Advisory Committee - Regional Fire Plan)

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. (Requests for Aid)

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. (Powers and Liabilities of Aiding States)

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 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)

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. (U.S. Forest Service's Role)

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. (Aid to Other Compacts)

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 a 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. (Withdrawal from Compact)

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 16-36. (When Compact Operative-Exchange of Official Documents)** When the Governor executes the compact on behalf of this state and causes a verified copy of the compact to be filed with the Secretary of State, and when the compact has been ratified by one or more of the states named in Section 16-35 of this title, then the compact shall become operative and effective as between this state and other state or states. The Governor is authorized and directed to take action necessary to complete the exchange of official documents as between this state and any other state ratifying the compact.

**SECTION 16-37. (Governor as Compact Administrator-Delegation of Duties)** The Governor is designated as the official Compact Administrator of the State of Oklahoma under the South Central Interstate Forest Fire Protection Compact and shall exercise and perform for the State of Oklahoma all the powers and duties imposed by the compact upon the Compact Administrator. The Governor shall have authority to delegate the exercise of the powers and duties to the Director of Forestry, Division of Forestry, State Board of Agriculture. The Director of Forestry shall be Assistant Compact Administrator and shall act as the official representative of the State of Oklahoma and the Compact Administrator pursuant to the delegation to the Assistant Compact Administrator of the powers and duties. In addition, the Assistant Compact Administrator shall perform other duties as the Governor may designate that are necessary to enable the State of Oklahoma to cooperate in accomplishing the objects of the compact.

**SECTION 16-38. (Advisory Committee)** 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 the House; Two members shall be appointed by the Governor, provided, that one of the two members appointed by the Governor shall be the President of the Oklahoma State Board of Agriculture, and the other member appointed by the Governor shall be a person associated with forestry or forest products industries.

**SECTION 16-39. (Compensation for Injury or Death)** Any employee of the State of Oklahoma who is injured or killed while rendering aid outside the State of Oklahoma pursuant to the provisions of the South Central Interstate Forest Fire Protection Compact shall be entitled to compensation and death benefits, if any, in the same manner and on the same terms as if the injury or death were sustained within the State of Oklahoma.

**SECTION 16-40. (Actions for Damages – Pleading and Proof of Title to Realty Unnecessary – Railroads’ Liability for Damages by Fire)** In any action instituted in any court to recover damages under the provisions of the Oklahoma Forestry Code, it shall not be necessary for any person, injured by any fire to allege in pleadings or prove on trial title to the real property over which the fire has spread, but it shall be sufficient in any action to allege and prove that the person injured was in the occupancy or possession of any ranch, buildings, improvements, hay, grass, crops, fencing, timber, marsh, or other property, claiming the right to and occupying with cattle any cattle range; it being the purpose and intention of this code to protect the possession of any person whether the person has title to the land 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.

## ARTICLE C GENERAL FORESTRY LAWS

**SECTION 16-51. (Board May Acquire Lands for Forestry Purposes)** The State Board of Agriculture for its Forestry Division on behalf of the state may acquire lands suitable for nurseries, seed orchards, state forests, school forests, tower, recreation and other sites by gift, donation, or purchase and may enter into agreements with the federal government or other agency for acquiring by gift or purchase such lands as are, in the judgment of the Board, suitable and desirable for the above purposes.

**SECTION 16-52. (Restrictions Upon Acquisition of Lands--Lease by Commissioners of Land Office--Terms and Conditions)**

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 any purpose, and the 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 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 any lands, to use in any manner, or the sale of the lands save the twenty-five percent (25%) of the proceeds of the sale to be paid into the state school fund. The Board may use and apply the funds for the acquisition, use, custody, management, development, or improvement of any lands vested in or subject to the control of 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 16-51 of this title.

- B. The Commissioners of the Land Office are 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, 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.

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 the property the administrative headquarters for the Southeast Area of the Forestry Division;
2. The lessee shall maintain, repair, and preserve all improvements located on 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 restore 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 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 the lands without improvement shall be paid out of funds appropriated to the lessee into common school fund of this state.

**SECTION 16-53. (Use of Lands Acquired)** 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 Board and, for the purposes and the utilization and development of the land, the Board may use the proceeds of the sale of any products; the proceeds of the sale of any lands, save the twenty-five (25%) of the proceeds which shall be paid into the state school fund; and other funds appropriated for use by the Board and, in the opinion of the Board, available for any uses and purposes.

**SECTION 16-54. (Disposition of Lands)** The State Board of Agriculture may sell, exchange, lease or dispose of any lands under its jurisdiction by the provisions of the Oklahoma Forestry Code when in its judgment it is advantageous to the state. All sales, exchanges, leases, or dispositions of lands shall be at least upon a thirty-day public notice, to be given by the Board, and shall be by sealed competitive bids, and awarded to the highest bidder.

**SECTION 16-55. (Urban Forestry Duties--Shade and Environmental Improvement)** 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 16-56. (Scientific Forest Management on State Lands, Wilderness Excepted)** The purpose of the provisions of 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 according to standards that shall manage, protect, utilize, and perpetuate suitable trees for their many benefits. The provisions of the Oklahoma Forestry Code shall not be construed to apply to state-owned land in wilderness areas.

**SECTION 16-57. (Advice by Director of Forestry--Forest Management for All State Agencies)** 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 shall most effectively carry out the purposes of the Oklahoma Forestry Code. The Director shall issue, or cause to be issued, the most scientific forestry management practice and shall distribute this information, assisted financially by the administrative unit of state government having control over the lands.

**SECTION 16-58. (State Land Management Guidelines)** To effectuate the purposes of the Oklahoma Forestry Code, the Director of Forestry, or persons designated by the Director, shall have authority, and it shall be the Director's duty, to prescribe rules necessary to insure the conservation and protection of suitable trees on lands owned by the State of Oklahoma. Such rules shall include, but shall not be limited to, the following:

1. Require that a good growing stock of suitable trees shall be established and maintained on the land at all times to bring the land to full productivity;
2. Provide that suitable trees be managed for the most profitable products or other benefits; and
3. Require adequate fire protection at all times.

**SECTION 16-59. (Removal of Timber or Products from State Lands)** No 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 the removal, except upon written approval of the Director of Forestry. In carrying out the duties of this section the Director is authorized to delegate authority to persons qualified to act in 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), by imprisonment in the State Penitentiary for not exceeding one (1) year, or by both. For any subsequent offense, the person shall be punished by a fine not exceeding Five Thousand Dollars (\$5,000.00), by imprisonment in the State Penitentiary for not exceeding three (3) years, or both.

**SECTION 16-60. (Wrongful Injuries to Timber - Criminal Penalties)**

- A.** 1. Any person who intentionally, willfully, maliciously 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 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), by imprisonment in the State Penitentiary for not more than five (5) years, or both.
2. Any person who intentionally, willfully, maliciously, 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 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 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 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, the person is liable in damages pursuant to Section 72 of Title 23 of the Oklahoma Statutes for the damage or injury done to the timber, 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 16-61. (Notice to Adjoining Property Owners of Harvesting Operations)**

- A.** 1. Any timber owner 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 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 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 16-62. (Failure to Notify Adjoining Property Owners of Harvesting Operations—Criminal Penalties)**

- A.** Except as provided by this section, a timber owner who fails to ensure that the requirements of subsection A of Section 16-61 of this 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), by imprisonment in the county jail for not more than thirty (30) days, or by both.
- B.** Except as 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), by imprisonment in the county jail for not more than thirty (30) days, or by both.

**SECTION 16-63. (Fraudulent Sales of Timber - Criminal Penalties)**

- 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 that person; or
  2. The sale of timber or the right to cut or harvest or remove timber that is not owned by that person.
- B.** It shall be unlawful for a timber owner to, knowingly or with intent to defraud, fail to pay in a timely manner the applicable owners the full price of all the purchased timber.
1. A timber owner acts with intent to defraud if the timber owner disperses, uses, or diverts money with the intent to deprive an owner of the purchase money.
  2. Unless otherwise agreed to in writing, a timber owner is presumed to have acted with intent to defraud if the timber owner does not pay all applicable owners for the purchase price of the timber not later than forty-five (45) calendar days after the date the timber owner collects the money for the timber.
- C.** 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 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; 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 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 to both.

**SECTION 16-64. (Documentation to be Maintained by Harvesters)**

- A.** Except as provided by subsection B of this section, any owner or operator of a logging or timber harvesting operation shall maintain at all times during 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 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 16-65. (Evidence of Ownership to be Required by Timber Purchasers)**

- A.** 1. Except as 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 declaration shall be signed by the timber owner or by a designee pursuant to a written authorization signed by the timber owner. The written authorization shall be retained by the designee.

**SECTION 16-66. (Use of False Identification or Declaration of Ownership - Criminal Penalties)**

Any person selling timber who uses false or altered identification or a false declaration of ownership, pursuant to the provisions of Section 16-65 of this title, upon conviction, 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, a person shall be subject to the imposition of a fine of not more than Ten Thousand Dollars (\$10,000.00), imprisonment in the State Penitentiary for not more than five (5) years, or both; 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, a person shall be subject to the imposition of a fine of not more than One Thousand Dollars (\$1,000.00), imprisonment in the county jail not to exceed one (1) year, or both.

**SECTION 16-67. (Forestry in Schools--Rangers and Teachers to Cooperate)**

- A.** It shall be the duty of all forest rangers to distribute in all of the public schools and high schools of the county in which they are serving all the books, periodicals, and other literature that may, from time to time, be sent out to the rangers by the state and federal forestry agencies dealing with forest conservation, development, protection, and management.
- B.** It shall be the duty of the various rangers 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 the appropriate bulletins and posters as may be sent out from the forestry agencies for that purpose; and 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 as often as they may find it possible to do so.

**SECTION 16-68. (Arbor Week)** The last full week in March of each year shall be known throughout Oklahoma as Arbor Week.

**SECTION 16-69. (State Tree--Redbud)** The redbud tree shall be adopted and the same be made the official tree of this state.

**SECTION 16-70. (Management to be for Public Interest)** 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 rules adopted by the state agencies authorized by law to administer the lands, or in the papers formally transferring the projects to the Board for administration, then, and in that event, the Board may promulgate rules defining the purpose of the project.

**SECTION 16-71.1 THROUGH 16-71.7. (Oklahoma Limitation of Liability for Farming and Ranching Land Act)**

- A.** O.S. Title 2, Sections 16-71.1 through 16-71.7 shall be known and may be cited as the "Oklahoma Limitation of Liability for Farming and Ranching Land Act."

*Explanatory Note (not part of statutes): This Act was created by Laws 2004, c. 368, sec. 68, eff. Nov. 1, 2004, to encourage owners of farming and ranching lands to make land available for recreational purposes by limiting their liability. This section is not included here. The same 2004 law recodified former Title 2, Section 16-71 that governs owner liability on other lands as Title 76, Section 10.1, and is included on page 15 of this publication.*

**SECTION 16-72. (Expansion of Statewide Fire Protection Program--Support and Operation of Fire Departments and Fire Districts)** The Department of Agriculture is 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 16-73. (Designated Agency for Tamarix spp.)** The Department of Agriculture is the designated agency for the research and control of the plant species Tamarix spp.

**SECTION 16-74. (Designated Agency for Federal Excess Property)** 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 service.

## ARTICLE D

### VOLUNTEER FIREFIGHTER PENSION CONTRIBUTIONS

**SECTION 16-81. (Volunteer Firefighter Employer Contribution Payment Revolving Fund)** There is 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 the fund and any other monies designated for deposit to this revolving fund pursuant to law.

**SECTION 16-82. (Transfer Payments to Oklahoma Firefighters Pension and Retirement System)**

- A. The Oklahoma Firefighters Pension and Retirement System shall determine the number of persons who are eligible members of the Oklahoma Firefighters Pension and Retirement System pursuant to the provisions of subsection D of Section 351 of Title 19 of the Oklahoma Statutes.
- B. For each person who has become a member as described in subsection A of this section, the Oklahoma Firefighters Pension and Retirement System shall provide invoice documentation to the State Department of Agriculture. Upon adequate documentation of membership in the Oklahoma Firefighters Pension and Retirement System pursuant to the provisions of subsection D of Section 351 of Title 19 of the Oklahoma Statutes, the State Department of Agriculture shall make a transfer payment from the Volunteer Firefighter Employer Contribution Payment Revolving Fund to the Oklahoma Firefighters Pension and Retirement System by May 31, 1999, and May 31 of every year thereafter. The amount transferred shall equal the sum of Sixty Dollars (\$60.00) multiplied by the number of members as certified by the System to the Department.

## APPENDIX

The following section of the Oklahoma Statutes, although not a part of the Oklahoma Forestry Code, is copied here for reference and convenience.

### O. S. Title 23 - Section 72 DAMAGES FOR WRONGFUL INJURIES TO TIMBER

- A.** For wrongful injuries to timber upon the land of another, or removal thereof, the measure of damages is not less than three (3) times nor more than ten (10) times such a sum as would compensate for the actual detriment, unless:
1. The trespass was casual and involuntary;
  2. Committed under the belief that the timber or land belonged to the trespasser; or
  3. The timber was taken by the authority of highway officers for the purposes of a highway,
- in which case the damages are a sum equal to the actual detriment.
- B.** The prevailing party shall be entitled to costs and attorneys fees.
- C.** For purposes of this section, the term "timber" shall be defined as the term defined by Section 16-2 of Title 2 of the Oklahoma Statutes.

### LANDOWNER LIABILITY ON LANDS OTHER THAN FARMING AND RANCHING LANDS

*Until November 1, 2004, the following section was codified as Title 2, Section 16-71 of the Forestry Code. Although now in Title 76, it is copied here for reference and convenience.*

#### **TITLE 76 SECTION 10.1. (Landowners and Lessees Encouraged to Make Available Certain Areas for Recreational Purposes – Limitation on Liability)**

- A.** 1. The purpose of this section is to encourage landowners to make land available to the public for outdoor recreational purposes by limiting their liability to persons entering upon and using such land and to third persons who may be damaged by the acts or omissions of persons going upon these lands.
2. As used in this section:
- a. "land" means real property, roads, water, watercourses, private ways, buildings, structures, and machinery or equipment when attached to realty. The term "land" shall not include any land that is used primarily for farming and ranching activities or to any roads, water, watercourses, private ways, buildings, structures, and machinery or equipment when attached to realty which is used primarily for farming and ranching activities.
  - b. "outdoor recreational purposes" includes any of the following, or in combination thereof: hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, jogging, cycling, other sporting events and activities, nature study, water skiing, jet skiing, winter sports, and viewing or enjoying historical, archaeological, scenic, or scientific sites,
  - c. "owner" means the possessor of a fee interest, a tenant, lessee, occupant, or person in control of the land, and
  - d. "charge" means the admission price or fee asked in return for invitation or permission to enter or go upon the land. 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.
- B.** An owner who provides the public with land for outdoor recreational purposes owes no duty of care to keep the land safe for entry or use by others, or to give warning to persons entering or going on the land of any hazardous conditions, structures, or activities.
- C.** 1. Except as otherwise provided by this section, an owner who provides the public with land for outdoor recreational purposes shall not:
- a. be presumed to extend any assurance that the land is safe for any purpose;
  - b. incur any duty of care toward a person who goes on the land; or
  - c. assume any liability or responsibility for any injury to persons or property caused by the act or omission of a person who enters or uses the land.

2. This subsection applies whether the person entering or using the land is an invitee, licensee, trespasser, or otherwise.

**D.** This section shall not apply if:

1. Any charge is made or is usually made for entering or using any part of the land;

2. Any commercial or other activity for profit directly related to the use is conducted on any part of the land.

**E.** 1. An owner of land leased to the state or other public entity for outdoor recreational purposes owes no duty of care to keep the land safe for entry or use by others, or to give warning to persons entering or using the land of any hazardous conditions, structures or activities. Any owner who leases or subleases land to the state or other public entity for outdoor recreational purposes shall not:

a. Be presumed to extend any assurance that the land is safe for any purpose;

b. Incur any duty of care toward a person who enters or uses the leased land; or

c. Become liable or responsible for any injury to persons or property caused by the act or omission of a person who enters or uses the leased land.

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

**F.** 1. Except as 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 shall not create or increase the liability of any person.

2. This section shall not relieve any owner 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.

**G.** By entering or using land, no person shall be deemed to be acting as an employee or agent of the owner whether the entry or use is with or without the knowledge or consent of the owner.

**H.** The provisions of this section shall not apply to any land that is used primarily for farming or ranching activities or to roads, water, watercourses, private ways buildings, structures, and machinery or equipment when attached to realty which is used primarily for farming and ranching activities.

*Explanatory Note: Owner liability for recreational use of farm and ranch lands is governed by O.S. Title 2, Section 16-71.1 through 16-71.7, referenced here but not included in its entirety in this publication.*

## OTHER STATUTES OF INTEREST RELATED TO NATURAL RESOURCES

The following statutory references also relate to forestry and natural resources. Check the most recent Supplements and the Oklahoma Statute books by Title and Section.

Title/Section	Short Description
2 1-4	Corporations engaged in forestry
2 2-4	Powers of the Board of Agriculture
2 5-61e	Commodity weights and measures - Agric. administrative rule 35:10-13-1 dictates the method of sale for firewood
2 11-9	Persimmon wilt research
2 741	Setting fires, penalties
2 742	Setting fires, purposes, liabilities
2 743	Liability for accidental or intentional damages from fires
2 744-745	Control of fire - time for extinguishment – violations
2 746-747	Willful fires - penalties - liability for damages
11 22-122	Allowing local tree ordinances
11 26-102	Planting trees on cemeteries
11 29-101	Title 11 and volunteer fire departments
11 36-106	Right-of-way trees, title and injury to
11 36-107	Street encroachment, regulation of obstructions
12A 2-107	Goods severed from realty
12A 9-401(1b)	Filing security interest
14A 1-301(4)	Agricultural definitions in consumer credit code
17 134	Injury to shade trees by telephone company prohibited
18 592 to 594	Title 18 fire departments
18 954	Forestry corporations/farm and ranch exemptions
19 349	Conveying forest preserves
19 351	County firefighting service
19 866.16 & 19 866.30	Limiting County zoning powers related to forestry
19 901.1	Title 19 fire districts
19 901.55	Rural Fire Protection Program Funding Act
21 1167	Injury to cemetery, including trees
21 1403	3rd degree arson, including forests
21 1753.3 & 1761.1	Penalties for causing a fire on highway rights-of-way
21 1768	Malicious injury, through trespass
21 1771-1772	Day time/night time injury to fruit, melons, flowers
21 1773	Injuring fruit or ornamental trees
21 1774	Removing/altering landmarks, including trees
21 1784	Injuring ornamental improvements, including trees
21 1831-1832	Taking, injuring, receiving sawlogs in or near a river
21 1835	Trespass in pecan groves
21 1835.2	Trespass onto private farm, ranch and forest lands

Title/Section	Short Description
21 1851-1853	False reporting of fires
23 72	Damages for wrongful injuries to timber
27A 1-1-101	Oklahoma Environmental Quality Act
27A 2-1-101	Oklahoma Environmental Quality Code
27A 2-5-101	Oklahoma Clean Air Act
27A 2-6-101	State water quality provisions
27A 2-11-407.1	Planting trees on waste tire bank stabilization projects
27A 2-14-101	Oklahoma Uniform Environmental Permitting Act
27A 3-2-106	Powers and duties of the Oklahoma Conservation Commission
27A 3-4-101	Carbon sequestration
29 1-101	Oklahoma Wildlife Conservation Code
29 5-408	Cutting raccoon trees
29 5-409	Cutting squirrel trees
29 5-412	State Endangered Species Act
29 7.701-7.706	McCurtain County Wilderness area
45 725	Procedure for reclaiming mined land
47 14-101	Exempting fire apparatus from certain size and weight limits
47 14-109	Single axle load limits and forest product overload permit
47 14-118(E)	Motor carriers fees and permits
47 1136	Authorizes an urban forestry and beautification license plate
50 1.1	Protection of forestry activities from being declared a nuisance
51 152	In Government Tort Claims Act, definitions of firefighters as "employees" and of fire departments as political subdivisions of the State
52 320	Trees as growing crop for oil and gas activities
59 1201-1208	Board of Registration for Foresters
60 49-50	Easements attached/not attached to land
60 67 & 68	Trees on land, ownership of and Trees on line, ownership of
60 175.33	Natural resources proceeds as principal or income
60 381 to 385	Gifts and donations to state government
62 326	Rental from forest reserves
64 87c	Audits and investigations on Land Office lands
64 88	Injury to Land Office lands
68 1358(7)	Sales tax exemption for raising evergreen trees
68 2817.2	Ad valorem tax reduction for buffer strips
69 1403	DOT authority to develop rules for tree planting along highways
70 11-103(B4)	Schools - teaching of natural resources
74 62.8	Forestry authority to purchase DOT/other vehicles for RFDs
74 85.12	Forestry Division authority to purchase from GSA contracts
76 10.1	Liability of owners for recreational use of property (except on farming and ranching lands)
80 1	Acquisition of lands by United States
82 521	County commissioners - conservation duties

Title/Section	Short Description
82 862(d)	Powers of Grand River Dam Authority related to reforestation
82 1501-101	Conservation District Act
82 1501-502	Powers of Conservation Districts