

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 52

By: Rabon of the Senate

and

Matlock of the House

COMMITTEE SUBSTITUTE

An Act relating to public finance; amending 62 O.S. 1991, Section 326, which relates to revenues from rental of forest reserves; modifying apportionment of funds from rental of forest reserves; amending 2 O.S. 1991, Section 1301-208, which relates to procedure to lawfully burn land; modifying type of land which it is unlawful to burn; modifying certain notification requirement; prohibiting transfer of certain responsibility; providing definition; requiring certain notice within certain time; prohibiting the granting of approval under certain conditions; requiring certain forecast to be used; providing for promulgation of rules; amending Section 1, Chapter 29, O.S.L. 1992 (74 O.S. Supp. 1996, Section 85.9C), which relates to surplus property of the Department of Transportation; modifying requirements and contents of certain notice; modifying priority of sale of certain equipment or vehicles; permitting the Oklahoma State Department of Agriculture to offer

certain surplus equipment or vehicles to rural fire departments; requiring rural fire departments to keep equipment or vehicles for certain length of time; providing for grant of title to equipment or vehicles; providing for promulgation of rules; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 62 O.S. 1991, Section 326, is amended to read as follows:

Section 326. ~~From and after the passage of this act, each~~ Each county treasurer of this state shall, out of any funds now on hand and any funds ~~hereinafter~~ received ~~by him~~ from the United States Government as ~~said County's~~ the county's share of the rentals from forest reserves located ~~therein~~ in the county, immediately apportion same as follows:

~~1st. Twenty-five percent (25%) of all money now on hand and hereinafter received to be prorated and~~ 1. Fifty percent (50%) shall be apportioned among the various school districts of ~~said~~ the counties situated and located contiguous to such forest reserves, ~~according to the scholastic population thereof; and~~

~~2nd. Seventy-five percent (75%) of all such money now on hand and hereinafter received,~~ 2. Fifty percent (50%) shall be deposited in a special road fund to be expended on county highways leading into and away from such forest reserves, under the direction and supervision of the ~~Board~~ board of county commissioners of ~~such~~ the county.

SECTION 2. AMENDATORY 2 O.S. 1991, Section 1301-208, is amended to read as follows:

Section 1301-208. A. It is unlawful for any person either willfully or carelessly to burn or cause to be burned or to set fire to or cause fire to be set to any forest, grass, woods, wild lands ~~or~~, marshes, woody or herbaceous debris, windrows or brushpiles owned or controlled by such person, except under the following circumstances: ~~(1) in protection areas notification~~

1. Notification to burn must shall be made to the local office or local representative of the Forestry Division at least no more than twenty-four (24) hours and not less than four (4) hours in advance and verbal or written approval obtained pursuant to the conditions set forth in subsection B of this section; or (2) and

2. Inside and outside protection areas, in order for such burning to be lawful, such person shall take reasonable precaution against the spreading of fire to other lands by providing adequate firelines, manpower and fire fighting equipment for the control of such fire, shall watch over said the fire until it is extinguished and shall not permit fire to escape to adjoining land.

Nothing in this section shall relieve the person from the obligation to confine the fire to the owner's, agent's or tenant's land nor does the action of having obtained approval from the Forestry Division transfer any responsibility for damages done by an escaped fire to the Forestry Division. This act shall not apply to trimming or cutting of trees by public or private utilities for the purpose of eliminating interference with utility lines, poles or other utility equipment.

B. As used in this section, "local office or local representative of the Forestry Division" means any permanent employee of the Forestry Division. The permanent employees of the Forestry Division shall be required to notify the area headquarters of any approval granted within two (2) hours of having provided the

approval. The local office or local representative of the Forestry Division shall not grant approval to burn under the following conditions:

1. Anytime the National Weather Service Zone Forecast for the twenty-four (24) hour period for the area to be burned calls for relative humidities below twenty-five percent (25%);

2. When the average wind speeds are more than fifteen (15) miles per hour; and

3. When more than ninety-six (96) hours have passed since the last precipitation event lasting one (1) hour or more which yielded at least one-quarter (0.25) inch of moisture.

The National Weather Service Forecast shall be obtained from the appropriate National Weather Service Forecasting Center with responsibility for the county in question. The Forestry Division shall promulgate rules which detail any other conditions under which permission to burn land may be denied.

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

SECTION 3. AMENDATORY Section 1, Chapter 29, O.S.L. 1992 (74 O.S. Supp. 1996, Section 85.9C), is amended to read as follows:

Section 85.9C A. When the Oklahoma Department of Transportation determines that any equipment or vehicle becomes excess, obsolete, antiquated, unused or otherwise surplus, the Department shall notify the Office of Public Affairs in writing that such equipment or vehicle is surplus. The notice shall identify:

1. The type, brand or make, and country of manufacture of the equipment or vehicle;

2. The age of the equipment or vehicle including but not limited to mileage;

3. Whether the equipment or vehicle is in good working condition, working condition, repairable, or ~~not salvage;~~

4. ~~If the equipment or vehicle is not in good working condition, whether it is in repairable condition at reasonable cost;~~

~~5.~~ Original cost of the equipment or vehicle; and

~~6.~~ 5. Present value of the equipment or vehicle, if known.

B. The Office of Public Affairs, with any other notice of surplus property, shall notify the eligible individuals or entities as provided in subsection C of this section of the availability of the surplus property of the Oklahoma Department of Transportation.

C. Prior to any advertised public auction or advertised sealed bids to all individuals and entities eligible for participation in the surplus program, the Department, thirty (30) days prior to the advertised auction date, shall offer, at fair market value, the equipment or vehicles to the individuals or entities, in the following order of priority:

1. The Oklahoma State Department of Agriculture;

2. Other state agencies;

~~2.~~ 3. Political subdivisions of the state;

~~3.~~ 4. Rural fire departments located in this state; and

~~4.~~ 5. Rural water districts located in this state.

D. Any equipment or vehicles purchased pursuant to this section shall be made available to the purchaser on the date of purchase.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 85.9F of Title 74, unless there is created a duplication in numbering, reads as follows:

As funds become available to the Oklahoma State Department of Agriculture for the purposes set forth in Section 85.9C of Title 74 of the Oklahoma Statutes, the Oklahoma State Department of

Agriculture shall be authorized to purchase equipment or vehicles for the purpose of offering the equipment or vehicles to rural fire departments located in this state at no cost to the departments for use in improving local fire capabilities. Rural fire departments accepting equipment or vehicles from the Department shall agree to use the equipment and vehicles primarily for fire protection purposes and keep the equipment or vehicles for a minimum of twenty-four (24) months. After this period has expired, the Department shall grant the title to the rural fire department possessing the equipment or vehicles. The Department shall promulgate rules for the dispersion of the equipment or vehicles.

SECTION 3. This act shall become effective July 1, 1997.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-1-7307

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