

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)
CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 52

By: Rabon of the Senate

and

Matlock of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to forestry and fire prevention; amending 62 O.S. 1991, Section 326, which relates to revenues from rental of forest reserves; modifying apportionment of such funds; amending 2 O.S. 1991, Section 1301-208, which relates to procedures for lawful burning; prohibiting burning of certain substances except under certain circumstances; defining term; requiring certain notification; prohibiting granting approval to burn under certain circumstances; amending Section 1, Chapter 29, O.S.L. 1992 (74 O.S. Supp. 1996, Section 85.9C), which relates to surplus equipment; modifying requirements for certain notice; modifying entities to which certain property offered prior to public auction or sealed bids; authorizing Oklahoma State Department of Agriculture to purchase equipment or vehicles for certain purpose; providing procedures and conditions therefor; 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-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 5. This act shall become effective July 1, 1997.

SECTION 6. 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.

46-1-1518

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