

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 1216

By: Laughlin of the Senate

and

Blackwell of the House

COMMITTEE SUBSTITUTE

An Act relating to agriculture; amending 2 O.S. 2001, Section 16-26, which relates to emergency drought conditions; prohibiting the ignition of certain class of fireworks during a gubernatorially proclaimed burn ban; and declaring an emergency.

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

SECTION 1. AMENDATORY 2 O.S. 2001, Section 16-26, is amended to read as follows:

Section 16-26. A. It is unlawful for any person to set fire to any forest, grass, woods, wild lands or marshes, or to build a campfire or bonfire, or to burn trash or other material, or to ignite Class C fireworks as defined in Section 1622 of Title 68 of the Oklahoma Statutes that may cause a forest, grass or woods 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 such backfire was necessary for the purpose of saving life or property. The burden of proving such shall rest on such person claiming same as 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 publication in a newspaper of general circulation in the area affected; or the posting of the proclamation at the front door of the courthouse or courthouses and in at least ten public places throughout the area. Evidence of publication or posting as herein provided must be filed with 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 2. 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.

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