

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 2984

By: Jett, Hilliard, Hyman, Roan
and Shoemake of the House

and

Shurden of the Senate

An Act relating to the environment; amending 2 O.S. 2001, Section 16-24.1, which relates to lawful burning; expanding certain instances of lawful burning; amending 21 O.S. 2001, Sections 1753.3 and 1761.1, which relate to litter; modifying definition; providing penalties for flaming or glowing litter; providing for additional penalties for flaming or glowing litter during a burn ban; and providing an effective date.

AMENDMENT NO. 1. Page 6, line 17 1/2, insert a new section to read

"SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1835.2 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding the provisions of Section 1835 of Title 21 of the Oklahoma Statutes, the following provisions apply to private land that is primarily devoted to farming, ranching, or forestry purposes:

1. Except as provided in this section, whoever willfully enters private land of another that is primarily devoted to farming, ranching, or forestry purposes without permission by the owner or lawful occupant thereof shall be deemed guilty of trespass and upon conviction thereof shall be fined in any sum not to exceed Two Hundred Fifty Dollars (\$250.00).

2. This provision shall not apply to peace officers as defined in Section 99 of Title 21 of the Oklahoma Statutes, firefighters and emergency medical personnel, or any federal, state, or local government employees or public utility employees engaged in

addressing an emergency that presents an imminent danger to health, safety, or the environment, in the performance of their duties.

3. The following persons may enter such land of another unless forbidden to do so, either orally or in writing, by the owner or lawful occupier thereof: registered land surveyors and registered professional engineers for the purpose of land surveying in the performance of their professional services; utility employees or contractors while acting in the scope of their employment; persons in the sole process of retrieving their domestic livestock or other animals; persons making a delivery, selling a product or service, conducting a survey or poll, working on behalf of a candidate for political office, or who otherwise have a legitimate reason for entering and who, immediately upon entering, seek to conduct said business.

4. Anyone who willfully or maliciously enters any such land of another and therein commits or attempts to commit waste, theft, or damage shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by confinement in the county jail for not less than thirty (30) days nor more than six (6) months, or both such fine and imprisonment.

B. This section shall not be construed to prohibit acts that are permitted pursuant to Section 5-202 or 6-304 of Title 29 of the Oklahoma Statutes.

C. It shall be an affirmative defense to prosecution under paragraph 1 of subsection A of this section that the accused had express or implied permission or legal authority to be on the property."

and renumber subsequent section

and amend the title to conform

Passed the Senate the 26th day of April, 2006.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2006.

Presiding Officer of the House
of Representatives