

CONFERENCE COMMITTEE REPORT SUMMARY

Measure HB2984

Principal Authors: Representative Shane Jett & Senator Frank Shurden

General Subject Matter: Environment; relating to lawful burning; allowing for cedar tree eradication; providing for unlawful acts and penalties; modifying what is considered trespass

General Description of **Major Differences** between the current report and the version last seen and voted on in the House and the sections in which such differences are located:

√ Changes from engrossed House measure which were made in the Senate and contained in conference committee report/substitute (applies *only* to House measures):

√ Changes made in conference:

Section 4A. Added language which will apply to private land that is primarily devoted to farming, ranching, or forestry purposes. The following provisions apply:

- 1) a person willfully entering private land of another, as described above, without permission of the owner or lawful occupant will be guilty of trespass and if convicted will face a fine not exceeding \$250.00;
- 2) the provisions do not apply to the entrance onto private land of another by peace officers, firefighters, emergency medical personnel, federal, state, local government employees, railroad employees and emergency equipment needed to restore rail service following an accident or natural disaster, public utility employees who are engaged in addressing an emergency in the performance of their duties, employees or contractors of a valid easement or license holders acting within the scope of their employment, parties engaged in oil and gas operations under lawful authority;
- 3) unless forbidden in writing or orally by the owner the following may enter the land: registered land surveyors, registered professional engineers performing their professional services, utility employees or contractors acting within their scope of employment, persons retrieving their domestic livestock or other animals, persons making deliveries, selling products or services, conducting a survey or poll, working for a political candidate, or having a legitimate reason for entering as long as they immediately conduct their business;
- 4) a person willfully or maliciously entering land described above and commits or attempts to commit waste, theft, or damage will be guilty of a misdemeanor and if convicted will face a fine not exceeding \$500.00 or not less than 30 days nor more than 6 months in county jail or both.

B. These provisions do not prohibit certain hunting and fishing activities upon land of another as permitted pursuant to Section 5-202 or 6-304 of Title 29 Oklahoma Statutes.

C. Provides an affirmative defense to prosecution if the accused person had express or implied permission or legal authority to be on the property.

Restore title.

Date Prepared: May 16, 2006