

ENROLLED SENATE
BILL NO. 1481

By: Wilson of the Senate

and

Roggow, Askins and McMullen
of the House

An Act relating to agriculture; amending 2 O.S. 2001, Sections 16-4 and 16-26, which relate to the duties of the State Board of Agriculture and emergency drought conditions; requiring the Board to monitor the condition of the forest resources; clarifying language; modifying effective date of certain publication; providing for posting of notice on the Oklahoma Department of Agriculture, Food, and Forestry's website and local news media; modifying publication requirements; amending 74 O.S. 2001, Section 62.8, which relates to purchase of fire protection vehicles; requiring fire departments accepting certain equipment to place in operation within a certain period of time; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2001, Section 16-4, is amended to read as follows:

Section 16-4. It shall be the duty of the State Board of Agriculture under terms the Board determines shall best serve the public interest to assist and cooperate with federal and state departments, educational institutions, counties, towns, corporations, or individuals; to gather and disseminate information about forests, their care and management; to prevent and extinguish forest fires; ~~and~~ to enforce all laws pertaining to forests and woodlands; and to monitor the health, inventory, and condition of the state's forest resources.

SECTION 2. 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 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~~ the backfire was necessary for the purpose of saving life or property. The burden of proving ~~such~~ the necessity shall rest on ~~such~~ the 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 the Governor's signed approval of the emergency proclamation. Notice of the proclamation shall occur through posting on the Oklahoma Department of Agriculture, Food, and Forestry's website and informing local news media 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~~ shall be ~~filed with~~ maintained by 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 3. AMENDATORY 74 O.S. 2001, Section 62.8, is amended to read as follows:

Section 62.8 ~~As funds become available to the Oklahoma State Department of Agriculture, the~~ The Oklahoma State Department of Agriculture, Food, and Forestry shall be authorized to ~~purchase~~ acquire 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 fire departments for use in improving local fire capabilities. ~~Rural fire~~ Fire departments accepting equipment or vehicles from the ~~State Department of Agriculture~~ shall place the equipment or vehicles into operation within a twelve-month period and 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. In consideration of the economic benefit to be provided to the State of Oklahoma, its citizens and their property, by the continued use of the fire protection equipment or vehicles, the ~~State Department of Agriculture~~ shall transfer title ~~to~~ of the equipment or vehicles to ~~rural~~ the fire departments ~~at the end of the twenty-four-month~~ once the equipment or vehicles are placed in operation within the required twelve-month period. The ~~State Department of Agriculture~~ shall promulgate rules for the dispersion of ~~the~~ acquired equipment or vehicles.

SECTION 4. This act shall become effective November 1, 2006.

Passed the Senate the 18th day of May, 2006.

Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2006.

Presiding Officer of the House
of Representatives