

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2977

By: Richardson

AS INTRODUCED

An Act relating to agriculture; amending 2 O.S. 2001, Section 16-28.2, as amended by Section 2, Chapter 410, O.S.L. 2003 (2 O.S. Supp. 2005, Section 16-28.2), which relates to prescribed burnings; authorizing use of National Resources Conservation Service Burn Plan form for notification requirements; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2001, Section 16-28.2, as amended by Section 2, Chapter 410, O.S.L. 2003 (2 O.S. Supp. 2005, Section 16-28.2), is amended to read as follows:

Section 16-28.2 A. 1. The provisions of this section apply to a prescribed burn.

2. Any owner wishing to set fire to land in order to conduct a prescribed burn shall comply with the provisions of this section.

B. 1. Within sixty (60) days prior to conducting a prescribed burn, the owner of land to be burned shall orally or in writing notify all landowners whose lands adjoin the owner's land to be burned.

2. If any landowner is burning on a large, consolidated tract of land in which there are multiple adjacent owners, only those owners with adjoining land within one (1) mile of the proposed burn area must be notified.

3. The owner shall include in the written notice or shall orally notify the adjoining landowners of the proposed date and location of the burn and a telephone number where the owner can be reached for information regarding the prescribed burn.

C. In addition to notification of adjoining property owners pursuant to subsection B of this section, the owner of the land to be burned shall complete the prescribed burn notification plan specified in subsection D of this section and shall submit such plan to the rural fire department nearest the land to be burned. If the land to be burned is in a protection area, the owner shall also submit a copy of the notification plan to the local office or local representative of the Forestry Division nearest to the land to be burned.

D. Any person wishing to conduct a prescribed burn shall complete ~~this~~ a National Resources Conservation Service (NRCS) Burn Plan or the form provided for in this subsection, distributed by the Oklahoma Department of Agriculture, Food, and Forestry, ~~which~~ . The form distributed by the Oklahoma Department of Agriculture, Food and Forestry shall be in substantially the following form:

PRESCRIBED BURN NOTIFICATION PLAN

Name _____ Phone _____

Address _____ County _____

City, State, Zip _____

Ranch name, if any _____

Area to be burned _____

Approximate acres to be burned _____

Written distance description of location _____

Projected time frame _____

Date of previous burn _____

Objectives to be accomplished through the prescribed burn:

Contact information:

1. Be considered in the public interest and shall not constitute a public or private nuisance; and

2. Be considered a property right of the property owner if vegetative fuels are used.

G. 1. Any owner conducting a prescribed burn who is found by a court of law to have caused damages or injury as a result of accident or by ordinary negligence shall only be civilly liable for actual damages resulting from the prescribed burn.

2. Any owner conducting a prescribed burn who is found by a court of law to have committed gross negligence in conducting the prescribed burn may be found to be both civilly liable for the amount of damage done by the fire, and criminally liable pursuant to paragraph 3 of this subsection.

3. Any owner setting or causing to be set on fire land as authorized by this section, and as a result of gross negligence permitting the fire to spread beyond the control of the owner or beyond the bounds of the owner's land, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined a sum not more than Five Hundred Dollars (\$500.00), or imprisonment in the county jail for a period not more than six (6) months.

SECTION 2. This act shall become effective November 1, 2006.

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