

1 ENGROSSED HOUSE
2 BILL NO. 2579

By: Mulready, Pittman and Ritze
of the House

3 and

4 Brinkley of the Senate
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7
8 An Act relating to agriculture; amending 2 O.S. 2011,
9 Section 16-26, which relates to emergency drought
10 conditions; modifying definition of extreme fire
11 danger; and providing an effective date.

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

13 SECTION 1. AMENDATORY 2 O.S. 2011, Section 16-26, is
14 amended to read as follows:

15 Section 16-26. A. 1. It is unlawful for any person to set
16 fire to any forest, grass, range, crop, or other wildlands, or to
17 build a campfire or bonfire, or to burn trash or other material that
18 may cause a forest, grass, range, crop or other wildlands fire in
19 any county, counties or area within a county where, because of
20 emergency drought conditions, there is gubernatorially proclaimed
21 extraordinary danger from fire, unless the setting of any backfire
22 during the drought emergency is necessary to afford protection as
23 determined by a representative of the Division of Forestry, or
24 unless it can be established that the setting of the backfire was

1 necessary for the purpose of saving life or property. The burden of
2 proving the necessity shall rest on the person claiming a defense.

3 2. The Division of Forestry shall advise the Governor when the
4 lands described in paragraph 1 of this subsection in any county,
5 counties or area within a county of this state because of emergency
6 drought conditions are in extraordinary danger from fire. The
7 Governor may by proclamation declare a drought emergency to exist
8 and describe the general boundaries of the area affected.

9 3. Any proclamation promulgated by the Governor under authority
10 of this subsection shall be effective immediately upon the
11 Governor's signed approval of the emergency proclamation and shall
12 supersede any resolution passed by a board of county commissioners
13 pursuant to subsection B of this section. Notice of the
14 proclamation shall occur through posting on the Oklahoma Department
15 of Agriculture, Food, and Forestry's website and informing local
16 news media. Evidence of publication or posting as herein provided
17 shall be maintained by the Forestry Division.

18 4. When conditions warrant, due notice of the termination of
19 the emergency shall be promptly made by proclamation, which shall be
20 published or posted in like manner as when officially declared.

21 5. Any person who violates this subsection is guilty of a
22 misdemeanor punishable by a fine of not more than One Thousand
23 Dollars (\$1,000.00), by imprisonment for not more than one (1) year,
24 or both.

1 B. 1. It is unlawful for any person to set fire to any forest,
2 grass, range, crop or other wildlands, or to build a campfire or
3 bonfire, or to burn trash or other material that may cause a forest,
4 grass, range, crop or other wildlands fire in any county of this
5 state in which the board of county commissioners of the county has
6 passed a resolution declaring a period of extreme fire danger. As
7 used in this subsection, "extreme fire danger" means:

- 8 a. moderate, severe or extreme drought conditions exist
9 as determined by the National Oceanic and Atmospheric
10 Administration (NOAA) pursuant to its criteria, and
11 b. no more than one-half (1/2) inch of precipitation is
12 forecast for the next three (3) days, and
13 c. the danger of fire occurrence throughout the county is
14 significantly greater than normal for the season
15 and/or it is the case or it is likely that initial
16 ~~attack~~ attacks on a significant number of ~~wildland~~
17 fires has been or is more likely to be unsuccessful
18 due to extreme fire behavior, and
19 d. ~~more than twenty percent (20%) of the wildfires~~ it is
20 the case or more likely than not fires in the county
21 have been caused by or will be caused by escaped
22 debris or controlled burning due to the natural
23 conditions occurring within the county.
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1 2. A majority of the board of county commissioners may call an
2 emergency meeting at any time to pass or revoke a resolution
3 declaring a period of extreme fire danger in accordance with this
4 section.

5 3. A board of county commissioners shall have the documented
6 concurrence of a majority of the chiefs, or their designees, of the
7 municipal and certified rural fire departments located in the county
8 that a period of extreme fire danger exists prior to passage of a
9 resolution declaring a period of extreme fire danger in the county.
10 The resolution shall be effective for a period not to exceed thirty
11 (30) days from the date of passage by the board of county
12 commissioners, unless the burn ban is removed earlier by the same
13 method by which it was approved. If extreme fire danger conditions
14 persist, subsequent resolutions may be passed by the board of county
15 commissioners in the same manner as provided in this paragraph. The
16 board of county commissioners, in the resolution, may grant
17 exceptions to the fire prohibition based on appropriate
18 precautionary measures.

19 4. Any resolution passed by a board of county commissioners
20 under authority of this subsection shall be effective immediately
21 upon passage of the resolution. Notice of the resolution shall be
22 submitted to the Forestry Division of the Oklahoma Department of
23 Agriculture, Food, and Forestry, all local news media, local law
24 enforcement officials, and the state headquarters of the Department

1 of Public Safety, the Oklahoma Tourism and Recreation Department and
2 the Department of Wildlife Conservation on the day of passage of the
3 resolution. Evidence of publication or posting as provided in this
4 paragraph shall be maintained by the county.

5 5. The provisions of this subsection may be enforced by any law
6 enforcement officer of this state.

7 6. Any person convicted of violating the provisions of this
8 subsection shall be guilty of a misdemeanor and shall be subject to
9 a fine of not more than Five Hundred Dollars (\$500.00), to
10 imprisonment for not more than one (1) year, or to both such fine
11 and imprisonment.

12 7. The selling of fireworks shall not be considered an act in
13 violation of this subsection.

14 SECTION 2. This act shall become effective November 1, 2012.

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1 Passed the House of Representatives the 14th day of February,
2 2012.

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5 Presiding Officer of the House of
6 Representatives

7 Passed the Senate the ____ day of _____, 2012.

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10 Presiding Officer of the Senate

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