

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1020 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Kevin Wallace _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 PROPOSED
4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1020

By: Barrington and Fields of
the Senate

7 and

Wallace of the House

8
9
10 PROPOSED COMMITTEE SUBSTITUTE

11 An Act relating to agriculture; amending 2 O.S. 2011,
12 Section 16-26, as last amended by Section 1, Chapter
13 256, O.S.L. 2015 (2 O.S. Supp. 2015, Section 16-26),
14 which relates to emergency drought conditions;
15 modifying maximum time that certain resolution may
16 remain in effect; exempting agricultural producers
17 from certain resolutions declaring a period of
18 extreme fire danger; modifying requirements for
19 exemption; requiring written plan be submitted;
20 specifying contents; prohibiting certain burning
21 activities in certain burn plans; providing that
22 certain exemptions shall not supersede certain
23 proclamations, authority or liability; and providing
24 an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2011, Section 16-26, as
last amended by Section 1, Chapter 256, O.S.L. 2015 (2 O.S. Supp.
2015, Section 16-26), is amended to read as follows:

1 Section 16-26. A. 1. It is unlawful for any person to set
2 fire to any forest, grass, range, crop, or other wildlands, or to
3 build a campfire or bonfire, or to burn trash or other material that
4 may cause a forest, grass, range, crop or other wildlands fire in
5 any county, counties or area within a county where, because of
6 emergency drought conditions, there is gubernatorially proclaimed
7 extraordinary danger from fire, unless the setting of any backfire
8 during the drought emergency is necessary to afford protection as
9 determined by a representative of the Division of Forestry, or
10 unless it can be established that the setting of the backfire was
11 necessary for the purpose of saving life or property. The burden of
12 proving the necessity shall rest on the person claiming a defense.

13 2. The Division of Forestry shall advise the Governor when the
14 lands described in paragraph 1 of this subsection in any county,
15 counties or area within a county of this state because of emergency
16 drought conditions are in extraordinary danger from fire. The
17 Governor may by proclamation declare a drought emergency to exist
18 and describe the general boundaries of the area affected.

19 3. Any proclamation promulgated by the Governor under authority
20 of this subsection shall be effective immediately upon the
21 Governor's signed approval of the emergency proclamation and shall
22 supersede any resolution passed by a board of county commissioners
23 pursuant to subsection B of this section. Notice of the
24 proclamation shall occur through posting on the Oklahoma Department

1 of Agriculture, Food, and Forestry's website and informing local
2 news media. Evidence of publication or posting as herein provided
3 shall be maintained by the Forestry Division.

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

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

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

18 a. severe, extreme, or exceptional drought conditions
19 exist as determined by the National Oceanic and
20 Atmospheric Administration (NOAA) pursuant to its
21 criteria,

22 b. no more than one-half (1/2) inch of precipitation is
23 forecast for the next three (3) days, and

24 c. either of the following:

- 1 (1) fire occurrence is significantly greater than
2 normal for the season and/or initial attack on a
3 significant number of wildland fires has been
4 unsuccessful due to extreme fire behavior, or
5 (2) where data is available, more than twenty percent
6 (20%) of the wildfires in the county have been
7 caused by escaped debris or controlled burning.

8 2. A majority of the board of county commissioners may call an
9 emergency meeting at any time to pass or revoke a resolution
10 declaring a period of extreme fire danger in accordance with this
11 section.

12 3. A board of county commissioners shall have the documented
13 concurrence of a majority of the chiefs, or their designees, of the
14 municipal and certified rural fire departments located in the county
15 that a period of extreme fire danger exists prior to passage of a
16 resolution declaring a period of extreme fire danger in the county.
17 The resolution shall be effective for a period not to exceed ~~thirty~~
18 ~~(30)~~ fourteen (14) days from the date of passage by the board of
19 county commissioners, unless the burn ban is removed earlier by the
20 same method by which it was approved. If extreme fire danger
21 conditions persist, subsequent resolutions may be passed by the
22 board of county commissioners in the same manner as provided in this
23 paragraph. The board of county commissioners, in the resolution,
24

1 may grant exceptions to the fire prohibition based on appropriate
2 precautionary measures.

3 4. ~~Any resolution passed by a board of county commissioners~~
4 ~~that declares a period of extreme fire danger shall include a~~
5 ~~provision to allow agricultural producers to burn cropland, range,~~
6 ~~or pastureland as part of their management operations~~ Agricultural
7 producers burning cropland, rangeland, forests or pastures as a
8 preferred method of managing their property shall be exempt from any
9 resolution passed by a board of county commissioners that declares a
10 period of extreme fire danger so long as the agricultural producers
11 ~~have complied with the following procedures:~~

12 a. ~~submission of a written application to burn to the~~
13 ~~board of county commissioners~~ submit a written
14 prescribed burn plan to the local fire department and,
15 if within a protection area, the local office or local
16 representative of the Forestry Division of the
17 Oklahoma Department of Agriculture, Food, and Forestry
18 nearest the land to be burned that shall include the
19 following information:

- 20 (1) the name and telephone number of the agricultural
21 producer conducting the burn,
22 (2) the address and legal description of the area to
23 be burned,
24 (3) the objective and purpose of the burn,

1 (4) a list of fire departments and sheriff's offices
2 that are required to be notified pursuant to
3 subparagraph c of this paragraph,

4 (5) a list of adjoining landowners required to be
5 notified pursuant to Section 16-28.2 of this
6 title,

7 (6) a description of any firebreaks used to define
8 the boundary of the prescribed burn,

9 (7) a statement of prescribed weather conditions,

10 (8) a description of any smoke-management
11 considerations, and

12 (9) an ignition plan for the burn,

13 b. ~~receipt of approval, in writing, by the local fire~~
14 ~~department with suppression responsibility for the~~
15 ~~area to be burned~~ keep a copy of the written
16 prescribed burn plan provided for in subparagraph a of
17 this paragraph on site when conducting the prescribed
18 burn,

19 c. ~~construction of adequate fire lines and assurance of~~
20 ~~adequate personnel and equipment on hand to control~~
21 ~~the fire~~ notify the county sheriff and the dispatch
22 center of the local fire department prior to
23 conducting the prescribed burn, and

1 d. ~~compliance~~ comply with the notification procedures
2 outlined in Section 16-28.2 of ~~Title 2 of the Oklahoma~~
3 ~~Statutes~~ this title.

4 5. The prescribed burn plan provided for in paragraph 4 of this
5 subsection shall not include campfires, household trash, debris or
6 pile burning.

7 6. Nothing in paragraph 4 of this subsection shall supersede
8 requirements set by a proclamation promulgated by the Governor under
9 authority of this section, interfere with the authority of the
10 Oklahoma Department of Agriculture, Food, and Forestry to enforce
11 burning laws or change the burner's liability as prescribed by law.

12 7. Any resolution passed by a board of county commissioners
13 under authority of this subsection shall be effective immediately
14 upon passage of the resolution. Notice of the resolution shall be
15 submitted to the Forestry Division of the Oklahoma Department of
16 Agriculture, Food, and Forestry, all local news media, local law
17 enforcement officials, and the state headquarters of the Department
18 of Public Safety, the Oklahoma Tourism and Recreation Department and
19 the Department of Wildlife Conservation on the day of passage of the
20 resolution. Evidence of publication or posting as provided in this
21 paragraph shall be maintained by the county.

22 ~~6.~~ 8. The provisions of this subsection may be enforced by any
23 law enforcement officer of this state.
24

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

6 ~~8.~~ 10. The selling of fireworks shall not be considered an act
7 in violation of this subsection.

8 SECTION 2. This act shall become effective November 1, 2016.

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10 55-2-9529 AMM 03/21/16

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