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**AS AMENDED**

By: Patzkowsky and Alonso-Sandoval of the House

Murdock of the Senate

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1 unless it can be established that the setting of the backfire was  
2 necessary for the purpose of saving life or property. The burden of  
3 proving the necessity shall rest on the person claiming a defense.

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

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

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

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

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

10 a. ~~all~~ three out of four of the following conditions are  
11 present:

12 (1) severe, extreme, or exceptional drought  
13 conditions exist as determined by the National  
14 Oceanic and Atmospheric Administration (NOAA)  
15 pursuant to its criteria,

16 (2) no more than one-half (1/2) inch of precipitation  
17 is forecast for the next three (3) days, ~~and~~

18 (3) ~~either of the following:~~

19 ~~(a) fire occurrence is significantly greater~~  
20 ~~than normal for the season and/or initial~~  
21 ~~attack on a significant number of wildland~~  
22 ~~fires has been unsuccessful due to extreme~~  
23 ~~fire behavior, or~~

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~~(b) where data is available, more than twenty percent (20%) of the wildfires in the county have been caused by escaped debris or controlled burning, or a portion of the county has a Keetch-Bryam Drought Index (KBDI) rating of 600 or higher, and~~

~~b.~~

(4) temperatures for any day over the next three (3) days are forecasted at or over one hundred (100) degrees Fahrenheit.

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

3. A board of county commissioners ~~shall have~~ may pass a resolution declaring a period of extreme fire danger in the county either with the documented concurrence of a majority of the chiefs, or their designees, of the municipal and certified rural fire departments located in the county that a period of extreme fire danger exists ~~prior to passage of a resolution declaring a period of extreme fire danger in the county~~ or when the Keetch-Bryam Drought Index (KBDI) is 600 or higher, which indicates extreme fire danger. The resolution shall be effective for a period not to exceed fourteen (14) days from the date of passage by the board of county

1 commissioners, unless the burn ban is removed earlier by the same  
2 method by which it was approved. If extreme fire danger conditions  
3 persist, subsequent resolutions may be passed by the board of county  
4 commissioners ~~in the same manner as provided in this paragraph~~. The  
5 board of county commissioners, in the resolution, may grant  
6 exceptions to the fire prohibition based on appropriate  
7 precautionary measures.

8 4. Agricultural producers burning cropland, rangeland, forests  
9 or pastures as a preferred method of managing their property shall  
10 be exempt from any resolution passed by a board of county  
11 commissioners that declares a period of extreme fire danger so long  
12 as the agricultural producers have complied with the following  
13 procedures:

14 a. submit a written prescribed burn plan to the local  
15 fire department and, if within a protection area, the  
16 local office or local representative of the Forestry  
17 Division of the Oklahoma Department of Agriculture,  
18 Food, and Forestry nearest the land to be burned that  
19 shall include the 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. keep a copy of the written prescribed burn plan  
14 provided for in subparagraph a of this paragraph on  
15 site when conducting the prescribed burn,

16 c. notify the county sheriff and the dispatch center of  
17 the local fire department prior to conducting the  
18 prescribed burn, and

19 d. comply with the notification procedures outlined in  
20 Section 16-28.2 of this title.

21 5. The prescribed burn plan provided for in paragraph 4 of this  
22 subsection shall be deemed approved seventy-two (72) hours after  
23 submission to the local fire department; provided, that the local  
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1 fire department may amend the submitted burn plan within seventy-two  
2 (72) hours after submission.

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

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

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

21 9. The provisions of this subsection may be enforced by any law  
22 enforcement officer of this state.

23 10. Any person convicted of violating the provisions of this  
24 subsection shall be guilty of a misdemeanor and shall be subject to

1 a fine of not more than Five Hundred Dollars (\$500.00), to  
2 imprisonment for not more than one (1) year, or to both such fine  
3 and imprisonment.

4 11. The selling of fireworks shall not be considered an act in  
5 violation of this subsection.

6 SECTION 2. It being immediately necessary for the preservation  
7 of the public peace, health or safety, an emergency is hereby  
8 declared to exist, by reason whereof this act shall take effect and  
9 be in full force from and after its passage and approval.

10 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS  
11 April 10, 2023 - DO PASS AS AMENDED  
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