

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2989 _____ Of the printed Bill
Page _____ Section _____ Lines _____

Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu
thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Mike Dobrinski _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 PROPOSED POLICY
4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2989

7 By: Dobrinski

8 PROPOSED POLICY COMMITTEE SUBSTITUTE

9 An Act relating to electric utilities; creating the
10 Wildland Fire Mitigation Act; providing short title;
11 defining terms; authorizing development of electrical
12 wildland fire mitigation plan; prohibiting certain
13 considerations in legal proceedings; describing
14 components of an electrical wildland fire plan;
15 requiring utility to furnish plan upon request;
16 allowing utility to recover costs under certain
17 circumstances subject to certain requirements;
18 establishing liability for certain persons for
19 certain causes of wildland fires, regardless of land
20 jurisdiction; providing for certain exceptions to
21 cause determination; allowing property owner to bring
22 certain action; establishing award for damages;
23 stating act does not address certain liabilities;
24 creating the Wildland Fire Mitigation Program Act;
25 providing short title; establishing certain programs
26 within the Oklahoma Conservation Commission;
27 establishing provisions for program implementation;
28 requiring establishment of certain annual guidelines;
29 requiring the promulgation of certain rules; creating
30 the Wildland Fire Mitigation Program Revolving Fund;
31 stating fund purpose; providing source of funds;
32 providing for codification; and providing an
33 effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 158.11 of Title 17, unless there
3 is created a duplication in numbering, reads as follows:

4 Sections 2 through 4 of this act shall be known and may be cited
5 as the "Wildland Fire Mitigation Act".

6 SECTION 2. NEW LAW A new section of law to be codified

7 in the Oklahoma Statutes as Section 158.12 of Title 17, unless there
8 is created a duplication in numbering, reads as follows:

9 As used in this act:

10 1. "Electric cooperative" means a cooperative as defined
11 pursuant to Section 437.1 of Title 18 of the Oklahoma Statutes;

12 2. "Electric utility" means an electric cooperative or other
13 public utility which produces, transmits, delivers, or furnishes
14 electric current for light, heat, or power;

15 3. "Electrical wildland fire plan" means a plan that is
16 prepared by an electric utility that addresses mitigation of the
17 risk of equipment causing or exacerbating a wildland fire within the
18 electric utility's service area;

19 4. "Injuries arising from the ownership of property" means all
20 claims for property damage, trespass, nuisance, loss of use,
21 injuries to timber, loss of employment, or emotional distress
22 arising from a wildland fire;

23

24

1 5. "Person" means an individual, corporation, company,
2 partnership, limited liability company, joint venture, association,
3 trust, or any other entity, without limitation; and

4 6. "Wildland fire" means any uncontrolled fire on forests,
5 grasslands, fields, croplands, or wildlands; provided, wildland fire
6 also includes any such fire which damages or destroys improvements
7 or structures.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 158.13 of Title 17, unless there
10 is created a duplication in numbering, reads as follows:

11 A. To reduce the risk of electric utility fires, protect
12 infrastructure, individuals, their property, and communities and to
13 ensure the reliability of the electric supply, an electric utility
14 operating in this state may prepare an electrical wildland fire
15 mitigation plan in accordance with the requirements of this section
16 as deemed necessary by the utility for the purpose of mitigating
17 wildland fires. Adoption or nonadoption of a wildland fire
18 mitigation plan, the content, or implementation of the plan shall
19 not be considered in any civil action or other legal proceeding
20 seeking to recover damages arising from ownership of property which
21 resulted from a wildland fire.

22 B. An electrical wildland fire plan prepared pursuant to this
23 section may include a description of:

1 1. Geographic areas within the service area in which certain
2 operations of the electric utility that may be subject to creating a
3 heightened risk of wildland fire;

4 2. The procedures, standards, and time frames that the electric
5 utility will use to inspect its infrastructure and perform
6 vegetation management;

7 3. Proposed modifications or upgrades to facilities;

8 4. Programs that the electric utility will implement to reduce
9 the risk of its electric facilities initiating or exacerbating a
10 wildland fires;

11 5. The procedures that the electric utility intends to use to
12 restore its electrical system in the event of a wildland fire; and

13 6. Plans for vegetation management reasonably necessary for the
14 mitigation of wildland fires.

15 C. Any electric utility that prepares an electrical wildland
16 fire plan under this section shall maintain a copy of such plan and
17 make it available for public inspection upon request.

18 D. An electric utility may recover in rates all reasonable
19 prudently incurred investments and expenditures, including capital
20 costs, as a result of the implementation of an electrical wildland
21 fire plan. A rate adjustment under this subsection shall be subject
22 to the requirements of Section 250 et seq. of Title 17 of the
23 Oklahoma Statutes. An electric utility may defer or collect the
24 incremental revenue requirements for the capital investments and

1 expenses that are not included in base rates in order to implement
2 an electrical wildland fire plan under this act.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 158.14 of Title 17, unless there
5 is created a duplication in numbering, reads as follows:

6 A. Except as provided in subsection B of this section, a person
7 who negligently, recklessly, or intentionally causes or spreads a
8 wildland fire shall be liable to a property owner for injury or
9 damage occurring to the owner's property that resulted from such
10 wildland fire. A person liable under this subsection shall be
11 liable regardless of whether the fire begins on federal, tribal,
12 state-owned, or private land.

13 B. In any civil action or other legal proceeding by a property
14 owner seeking to recover damages occurring to the owner's property
15 that resulted from a wildland fire, an electric utility shall not be
16 considered to have negligently caused a wildland fire if in the
17 absence of exceptional conditions, the electric utility's facilities
18 and operations complied with the requirements of the National
19 Electric Safety Code, as it may relate to the area of a wildland
20 fire's origin. An award for damages to a property owner for injury
21 or damage that resulted from a wildland fire, including loss of
22 vegetation, shall not include punitive damages or treble damages of
23 any kind, and shall be the lesser of:

24

- a. the cost to restore the real property to the condition it was in prior to the wildland fire, or
- b. the difference between:
 - (1) the fair market value of the real property before the wildland fire, and
 - (2) the fair market value of the real property after the wildland fire.

8 C. The lack of an applicable electrical wildland fire plan
9 shall not be considered in any award for damages against an electric
10 utility.

11 D. Nothing in this act shall be construed to address or impact
12 liability for and recovery of damages for bodily injuries resulting
13 from a wildland fire.

14 SECTION 5. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3-3-121 of Title 27A, unless
16 there is created a duplication in numbering, reads as follows:

17 Sections 6 and 7 of this act shall be known and may be cited as
18 the "Wildland Fire Mitigation Program Act".

19 SECTION 6. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 3-3-122 of Title 27A, unless
21 there is created a duplication in numbering, reads as follows:

22 A. 1. The Oklahoma Conservation Commission, in consultation
23 with the Department of Agriculture, Food, and Forestry shall develop
24 and implement a wildland fire mitigation program within its existing

1 conservation programs to reduce the risk and impact of wildland
2 fires through proactive management and incentivization of mitigation
3 practices. The Commission shall develop and implement a priority
4 incentive structure to encourage voluntary adoption of fire
5 mitigation practices by landowners, land managers, and other
6 stakeholders.

7 2. The Commission shall establish and may subsequently revise
8 annual guidelines for the program, including but not limited to,
9 criteria for eligibility, application processes, incentive
10 structures, cost-share opportunities, and program administration.
11 The Commission shall promulgate rules to effectuate the provisions
12 of this act.

13 B. 1. The Conservation Commission shall develop a wildland
14 fire mitigation pilot program to test and refine fire mitigation
15 strategies developed under subsection A of this section in areas
16 historically impacted by large-scale wildland fires.

17 2. The pilot program shall focus on a geographical area
18 encompassing regions affected by wildland fires of at least forty
19 thousand (40,000) acres within the past ten (10) years.

20 C. The Commission shall use data and input from relevant
21 agencies, local governments, and stakeholders to determine eligible
22 areas.

1 D. The Commission shall conduct periodic evaluations of the
2 programs developed under this section to determine the effectiveness
3 of the programs and recommend adjustments as necessary.

4 SECTION 7. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 3-3-123 of Title 27A, unless
6 there is created a duplication in numbering, reads as follows:

7 There is hereby created in the State Treasury a revolving fund
8 for the Oklahoma Conservation Commission to be designated the
9 "Wildland Fire Mitigation Program Revolving Fund". The fund shall
10 be a continuing fund, not subject to fiscal year limitations, and
11 shall consist of all monies received by the Commission from
12 appropriations, grants, private donations, or other funding sources
13 provided for the purpose of implementing the Wildland Fire
14 Mitigation Program Act. All monies accruing to the credit of the
15 fund are hereby appropriated and may be budgeted and expended by the
16 Commission for the purpose provided for in this act. Expenditures
17 from the fund shall be made upon warrants issued by the State
18 Treasurer against claims filed as prescribed by law with the
19 Director of the Office of Management and Enterprise Services for
20 approval and payment.

21 SECTION 8. This act shall become effective November 1, 2026.
22

23 60-2-15995 JBH 01/28/26
24