

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3406 \_\_\_\_\_  
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**

Amendment submitted by: Mike Kelley

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

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

3 PROPOSED OVERSIGHT  
4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3406

By: Kelley and Patzkowsky

7  
8 PROPOSED OVERSIGHT COMMITTEE SUBSTITUTE

9 An Act relating to agriculture; amending 2 O.S. 2021,  
10 Section 16-26, as amended by Section 1, Chapter 217,  
11 O.S.L. 2024 (2 O.S. Supp. 2025, Section 16-26), which  
12 relates to emergency drought conditions and burning  
13 prohibitions; changing the required conditions for an  
14 extreme fire danger; and declaring an emergency.

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

16 SECTION 1. AMENDATORY 2 O.S. 2021, Section 16-26, as  
17 amended by Section 1, Chapter 217, O.S.L. 2024 (2 O.S. Supp. 2025,  
18 Section 16-26), is amended to read as follows:

19 Section 16-26. A. 1. It is unlawful for any person to set  
20 fire to any forest, grass, range, crop, or other wildlands, or to  
21 build a campfire or bonfire, or to burn trash or other material that  
22 may cause a forest, grass, range, crop or other wildlands fire in  
23 any county, counties or area within a county where, because of  
24 emergency drought conditions, there is gubernatorially proclaimed

1 extraordinary danger from fire, unless the setting of any backfire  
2 during the drought emergency is necessary to afford protection as  
3 determined by a representative of the Division of Forestry Services,  
4 or unless it can be established that the setting of the backfire was  
5 necessary for the purpose of saving life or property. The burden of  
6 proving the necessity shall rest on the person claiming a defense.

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

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

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

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

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

12           a. ~~all three~~ either a red flag warning by the National  
13 Weather Service (NWS) has been issued, or

14           b. at least three of the following conditions are  
15 present:

16           (1) ~~severe, extreme, or exceptional~~ drought  
17 conditions exist as determined by the ~~National~~  
18 ~~Oceanic and Atmospheric Administration (NOAA)~~  
19 U.S. Drought Monitor (USDM) pursuant to its  
20 criteria,

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

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

24

1 ~~(a) fire occurrence is significantly greater~~  
2 ~~than normal for the season and/or initial~~  
3 ~~attack on a significant number of wildland~~  
4 ~~fires has been unsuccessful due to extreme~~  
5 ~~fire behavior, or~~

6 ~~(b) where data is available, more than twenty~~  
7 ~~percent (20%) of the wildfires in the county~~  
8 ~~have been caused by escaped debris or~~  
9 ~~controlled burning, or~~

10 ~~b.~~

11 a portion of the county has a Keetch-Byram  
12 Drought Index (KBDI) rating of 600 or higher,

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

16 (5) the National Weather Service Center's Fire  
17 Weather Outlook forecasts fire weather conditions  
18 for a portion of the county to be elevated or  
19 higher for any of the next three (3) days, or

20 (6) the local National Weather Service Forecast  
21 Office for the county predicts Red Flag Warning  
22 criteria could be met at any point over the next  
23 seven (7) days.

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  
11 ~~fourteen (14)~~ eight (8) days from the date of passage by the board  
12 of county commissioners, unless the burn ban is removed earlier by  
13 the same method by which it was approved. If extreme fire danger  
14 conditions persist, subsequent resolutions may be passed by the  
15 board of county commissioners in the same manner as provided in this  
16 paragraph. The board of county commissioners, in the resolution,  
17 may grant exceptions to the fire prohibition based on appropriate  
18 precautionary measures.

19           4. A board of county commissioners shall not be liable for  
20 damages incurred as a result of a vote taken, or in absence of a  
21 vote taken, pursuant to the provisions of this subsection.

22           5. Agricultural producers burning cropland, rangeland, forests  
23 or pastures as a preferred method of managing their property shall  
24 be exempt from any resolution passed by a board of county

1 commissioners that declares a period of extreme fire danger so long  
2 as the agricultural producers have complied with the following  
3 procedures:

4 a. submit a written prescribed burn plan to the local  
5 fire department and, if within a protection area, the  
6 local office or local representative of the ~~Forestry~~  
7 Division of Forestry Services of the Oklahoma  
8 Department of Agriculture, Food, and Forestry nearest  
9 the land to be burned that shall include the following  
10 information:

- 11 (1) the name and telephone number of the agricultural  
12 producer conducting the burn,
- 13 (2) the address and legal description of the area to  
14 be burned,
- 15 (3) the objective and purpose of the burn,
- 16 (4) a list of fire departments and sheriff's offices  
17 that are required to be notified pursuant to  
18 subparagraph c of this paragraph,
- 19 (5) a list of adjoining landowners required to be  
20 notified pursuant to Section 16-28.2 of this  
21 title,
- 22 (6) a description of any firebreaks used to define  
23 the boundary of the prescribed burn,
- 24 (7) a statement of prescribed weather conditions,

1 (8) a description of any smoke-management  
2 considerations, and

3 (9) an ignition plan for the burn,

4 b. keep a copy of the written prescribed burn plan  
5 provided for in subparagraph a of this paragraph on  
6 site when conducting the prescribed burn,

7 c. notify the county sheriff and the dispatch center of  
8 the local fire department prior to conducting the  
9 prescribed burn, and

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

12 ~~5.~~ 6. The prescribed burn plan provided for in paragraph 4 5 of  
13 this subsection shall be deemed approved seventy-two (72) hours  
14 after submission to the local fire department; provided, that the  
15 local fire department may amend the submitted burn plan within  
16 seventy-two (72) hours after submission.

17 ~~6.~~ 7. The prescribed burn plan provided for in paragraph 4 5 of  
18 this subsection shall not include campfires, household trash, debris  
19 or pile burning.

20 ~~7.~~ 8. Nothing in paragraph 4 5 of this subsection shall  
21 supersede requirements set by a proclamation promulgated by the  
22 Governor under authority of this section, interfere with the  
23 authority of the Oklahoma Department of Agriculture, Food, and  
24

1 Forestry to enforce burning laws or change the burner's liability as  
2 prescribed by law.

3 ~~8.~~ 9. Any resolution passed by a board of county commissioners  
4 under authority of this subsection shall be effective immediately  
5 upon passage of the resolution. Notice of the resolution shall be  
6 submitted to the ~~Forestry~~ Division of Forestry Services of the  
7 Oklahoma Department of Agriculture, Food, and Forestry, all local  
8 news media, local law enforcement officials, and the state  
9 headquarters of the Department of Public Safety (DPS), the Oklahoma  
10 Tourism and Recreation Department (OTRD), and the Oklahoma  
11 Department of Wildlife Conservation (ODWC) on the day of passage of  
12 the resolution. Evidence of publication or posting as provided in  
13 this paragraph shall be maintained by the county.

14 ~~9.~~ 10. The provisions of this subsection may be enforced by any  
15 law enforcement officer of this state.

16 ~~10.~~ 11. Any person convicted of violating the provisions of  
17 this subsection shall be guilty of a misdemeanor and shall be  
18 subject to a fine of not more than Five Hundred Dollars (\$500.00),  
19 to imprisonment for not more than one (1) year, or to both such fine  
20 and imprisonment.

21 ~~11.~~ 12. The selling of fireworks shall not be considered an act  
22 in violation of this subsection.

23 ~~12.~~ 13. All fire departments and appropriate county officials  
24 shall be allowed to place "Burn Ban" signs on agreed-upon signposts

1 controlled by the Oklahoma Department of Transportation and Oklahoma  
2 Turnpike Authority (OTA). Fire departments and appropriate county  
3 officials shall work with the Oklahoma Department of Transportation  
4 to agree upon locations for signage. The Oklahoma Department of  
5 Transportation shall develop standards that fire departments and  
6 appropriate county officials shall adhere to in placing signage. It  
7 shall be the responsibility of the entity placing the sign to post  
8 and remove signage in a timely manner. Signage shall not obstruct  
9 the view of traffic. Signage costs shall be the responsibility of  
10 the fire department or county wishing to install.

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

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16 60-2-16660 JL 02/24/26

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