

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

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

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

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

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

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

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

17 b. at least three of the following conditions are
18 present:

19 (1) ~~severe, extreme, or exceptional~~ drought
20 conditions exist as determined by the ~~National~~
21 ~~Oceanic and Atmospheric Administration (NOAA)~~
22 U.S. Drought Monitor (USDM) pursuant to its
23 criteria,
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1 (2) no more than one-half (1/2) inch of precipitation
2 is forecast for the next three (3) days, and

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

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

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

13 ~~b.~~

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

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

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

23 (6) the local National Weather Service Forecast
24 Office for the county predicts Red Flag Warning

1 criteria could be met at any point over the next
2 seven (7) days.

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

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

21 4. A board of county commissioners shall not be liable for
22 damages incurred as a result of a vote taken, or in absence of a
23 vote taken, pursuant to the provisions of this subsection.
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1 5. Agricultural producers burning cropland, rangeland, forests
2 or pastures as a preferred method of managing their property shall
3 be exempt from any resolution passed by a board of county
4 commissioners that declares a period of extreme fire danger so long
5 as the agricultural producers have complied with the following
6 procedures:

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

14 (1) the name and telephone number of the agricultural
15 producer conducting the burn,

16 (2) the address and legal description of the area to
17 be burned,

18 (3) the objective and purpose of the burn,

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

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

- 1 (6) a description of any firebreaks used to define
2 the boundary of the prescribed burn,
3 (7) a statement of prescribed weather conditions,
4 (8) a description of any smoke-management
5 considerations, and
6 (9) an ignition plan for the burn,

7 b. keep a copy of the written prescribed burn plan
8 provided for in subparagraph a of this paragraph on
9 site when conducting the prescribed burn,

10 c. notify the county sheriff and the dispatch center of
11 the local fire department prior to conducting the
12 prescribed burn, and

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

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

20 ~~6.~~ 7. The prescribed burn plan provided for in paragraph 4 5 of
21 this subsection shall not include campfires, household trash, debris
22 or pile burning.

23 ~~7.~~ 8. Nothing in paragraph 4 5 of this subsection shall
24 supersede requirements set by a proclamation promulgated by the

1 Governor under authority of this section, interfere with the
2 authority of the Oklahoma Department of Agriculture, Food, and
3 Forestry to enforce burning laws or change the burner's liability as
4 prescribed by law.

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

16 ~~9.~~ 10. The provisions of this subsection may be enforced by any
17 law enforcement officer of this state.

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

23 ~~11.~~ 12. The selling of fireworks shall not be considered an act
24 in violation of this subsection.

1 ~~12.~~ 13. All fire departments and appropriate county officials
2 shall be allowed to place "Burn Ban" signs on agreed-upon signposts
3 controlled by the Oklahoma Department of Transportation and Oklahoma
4 Turnpike Authority (OTA). Fire departments and appropriate county
5 officials shall work with the Oklahoma Department of Transportation
6 to agree upon locations for signage. The Oklahoma Department of
7 Transportation shall develop standards that fire departments and
8 appropriate county officials shall adhere to in placing signage. It
9 shall be the responsibility of the entity placing the sign to post
10 and remove signage in a timely manner. Signage shall not obstruct
11 the view of traffic. Signage costs shall be the responsibility of
12 the fire department or county wishing to install.

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

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18 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND NATURAL RESOURCES
19 OVERSIGHT, dated 02/25/2026 - DO PASS, As Amended and Coauthored.
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