

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2138

By: Murdock

6 AS INTRODUCED

7 An Act relating to forest fire prevention; amending 2  
8 O.S. 2021, Section 16-28.3, which relates to the  
9 Oklahoma Controlled Burn Indemnity Fund; modifying  
10 fund name; prohibiting certain reimbursement;  
11 requiring creation of a prescribed burn plan for  
12 certain landowners; requiring inclusion of certain  
13 information in prescribed burn plan; requiring notice  
14 of scheduled burn plans to landowners and local fire  
15 departments; modifying plan filing fee; providing  
16 limitation on certain reimbursement; defining term;  
17 updating statutory language; and providing an  
18 effective date.

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

20 SECTION 1. AMENDATORY 2 O.S. 2021, Section 16-28.3, is  
21 amended to read as follows:

22 Section 16-28.3. A. There is hereby created within the  
23 Oklahoma Conservation Commission, the "Oklahoma ~~Controlled~~  
24 Prescribed Burn Indemnity Fund".

25 B. The Oklahoma Conservation Commission shall administer the  
26 Oklahoma ~~Controlled~~ Prescribed Burn Indemnity Fund. The Indemnity  
27 Fund shall be established for the benefit of landowners who perform  
28 ~~controlled~~ prescribed burns. The Indemnity Fund shall compensate

1 landowners for losses incurred from a prescribed fire that spreads  
2 beyond the control of the burner, except for losses covered by  
3 insurance. The fund shall not reimburse the participating landowner  
4 for damages incurred on his or her own property.

5 C. In order to participate in the Indemnity Fund, the landowner  
6 shall:

7 1. Work with the local conservation district office and the  
8 Natural Resources Conservation Service of the United States  
9 Department of Agriculture to develop a controlled burn plan based on  
10 the United States Department of Agriculture Natural Resources  
11 Conservation Service guidelines; and Have a written prescribed burn  
12 plan for the parcel of land to be covered by the Indemnity Fund  
13 prepared by either the local conservation district office, the  
14 Natural Resources Conservation Service of the United States  
15 Department of Agriculture, the Department of Wildlife Conservation,  
16 Oklahoma State University Cooperative Extension Service, or other  
17 recognized entity that works with landowners to develop prescribed  
18 burn plans or a prescribed burn plan developed and written by the  
19 landowner of the property to be burned;

20 2. Include in all burn plans submitted to the Commission for  
21 coverage by the Indemnity Fund, at a minimum, the following  
22 information:

23 a. the name and telephone number of the landowner, group,  
24 or organization conducting the burn,

1                   b. the address and legal description of the area to be  
2                   burned,  
3                   c. the objective and purpose of the burn,  
4                   d. a list of all fire departments or sheriffs' offices  
5                   that are required to be notified pursuant to paragraph  
6                   5 of this subsection,  
7                   e. a list of adjoining landowners required to be notified  
8                   pursuant to paragraph 3 of this subsection,  
9                   f. a description of any firebreaks used to define the  
10                   boundary of the prescribed burn,  
11                   g. a statement of prescribed weather conditions,  
12                   h. a description of any smoke-management considerations,  
13                   i. a plan for adequate manpower and firefighting  
14                   equipment for the control of the fire and a plan  
15                   providing for adequate personnel to watch over the  
16                   fire until it is extinguished, and  
17                   j. an ignition plan for the burn;

18                   3. Notify, in writing or orally, all landowners whose lands

19                   adjoin the owner's land to be burned at least sixty (60) days prior  
20                   to conducting the burn. Such notice shall include the proposed date  
21                   and location of the burn and a telephone number where the owner can  
22                   be reached for information regarding the prescribed burn. If any  
23                   landowner is burning on a large, consolidated tract of land for  
24                   which there are multiple adjacent owners, only those owners with

1 adjoining land within one (1) mile of the proposed burn area shall  
2 be notified;

3       4. File with the Commission at least thirty (30) days prior to  
4 conducting the burn a copy of the prescribed burn plan provided for  
5 in this subsection;

6       5. Notify, in writing or orally, within forty-eight (48) hours  
7 of conducting the burn, the local fire departments whose response  
8 area covers the land to be burned, the local county sheriff's office  
9 and, if the burn is to be conducted in a forestry service protection  
10 area, a representative of the forestry service. Such notification  
11 shall include the proposed date and location of the burn and a  
12 telephone number where the owner can be reached for information  
13 regarding the prescribed burn; and

14       2. 6. At the time of filing the completed plan, provide payment  
15 of ~~One Hundred Dollars (\$100.00)~~ Two Hundred Fifty Dollars (\$250.00)  
16 to the ~~Conservation~~ Commission.

17       D. The ~~Conservation~~ Commission shall have authority to invest  
18 the assessments. All proceeds of the investment shall be placed in  
19 the Indemnity Fund. Fifty Thousand Dollars (\$50,000.00) from the  
20 interest income for each year on the total proceeds in the Indemnity  
21 Fund shall be paid to the ~~Conservation~~ Commission annually for the  
22 development of ~~controlled~~ prescribed burn plans and for  
23 administration of the Indemnity Fund. The balance of the accrued  
24 interest each year shall remain a part of the Indemnity Fund.

1       E. The maximum amount the Indemnity Fund shall pay for losses  
2 arising from any one prescribed fire event is One Million Dollars  
3 (\$1,000,000.00). For purposes of this subsection, "losses arising  
4 from any one prescribed fire event" means all activities conducted  
5 pursuant to any one prescribed burn plan and, if required, burn  
6 permit.

7       F. When a loss is incurred, the landowner shall present a claim  
8 to the ~~Conservation~~ Commission. To verify the claim, the landowner  
9 shall present any evidence required by the ~~Conservation~~ Commission  
10 including, but not limited to, evidence that the landowner strictly  
11 adhered to the plan provided for in subsection C of this section.  
12 All landowner claim payments shall be made by the ~~Conservation~~  
13 Commission from the Indemnity Fund as soon as practicable and not  
14 later than one (1) year following the date of claim. The price per  
15 acre of land shall be established on the day of the loss and shall  
16 be for the full market value on that day.

17       F. G. If there is an insufficient amount of funds in the  
18 Indemnity Fund to cover all claims for a certain year, payments  
19 shall be made on a pro rata basis up to one hundred percent (100%)  
20 of the total loss of each landowner. If payment is not received in  
21 the amount of one hundred percent (100%) of total loss for a certain  
22 year, then additional amounts shall be paid as funds become  
23 available in succeeding years until repayment of one hundred percent  
24 (100%) of total loss is attained. If, at any time, a landowner

1 receives payment totaling more than one hundred percent (100%) of  
2 total loss, the excess payment shall be returned to the Indemnity  
3 Fund within thirty (30) days. Upon final payment of a claim to a  
4 landowner from the Indemnity Fund, the landowner shall subrogate the  
5 interest to the ~~Conservation~~ Commission in a cause of action against  
6 any and all parties, to the amount of loss that the producer was  
7 reimbursed by the Indemnity Fund.

8 C. H. The landowner shall, within sixty (60) days of the date  
9 of loss, present the claim to the ~~Conservation~~ Commission.  
10 Landowners may submit a written request to the ~~Conservation~~  
11 Commission for a sixty-day extension of the filing period, if the  
12 landowner can show that the landowner was not provided notification  
13 and reasonable time to file a claim. If the claim of loss is not  
14 presented within the time and in the manner required, the claim  
15 shall be forever barred and the landowner shall forfeit all rights  
16 to remuneration or payment.

17 H. I. If state funds are appropriated to the Indemnity Fund,  
18 the ~~Conservation~~ Commission shall establish the rules and procedures  
19 necessary to ensure that the General Revenue Fund shall be  
20 reimbursed from the assessments in an amount equal to the total  
21 appropriation made to the Indemnity Fund. The reimbursement shall  
22 be made in a timely manner, provided the intents and purposes of  
23 this section to compensate landowners for losses incurred shall not  
24 be adversely affected.

1       I. J. The monies deposited in the Indemnity Fund shall at no  
2 time become part of the general budget of any state board,  
3 commission, or agency, except the ~~Conservation~~ Commission.

4       J. K. The Executive Director of the ~~Conservation~~ Commission  
5 shall investigate all potential civil action claims against persons  
6 for recovery of any losses paid by the Indemnity Fund.

7       K. L. No provision of this section shall preclude any landowner  
8 from conducting a lawful burn without participating in the Oklahoma  
9 ~~Controlled~~ Prescribed Burn Indemnity Fund.

10      SECTION 2. This act shall become effective November 1, 2026.

12      60-2-2705

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