

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3404

By: Patzkowsky

6 AS INTRODUCED

7 An Act relating to agriculture; amending 2 O.S. 2021,  
8 Section 16-28.3, which relates to the Oklahoma  
9 Controlled Burn Indemnity Fund; changing name to the  
Oklahoma Prescribed Burn Indemnity Fund; updating  
statutory references; providing that the fund shall  
not reimburse the participating landowner for certain  
damages; removing certain requirement to participate  
in fund; providing additional requirements to  
participate in fund; and providing an effective date.

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

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

17 Section 16-28.3. A. There is hereby created within the  
18 Oklahoma Conservation Commission, the "Oklahoma ~~Controlled~~  
19 Prescribed Burn Indemnity Fund".

20 B. The Oklahoma Conservation Commission shall administer the  
21 Oklahoma ~~Controlled~~ Prescribed Burn Indemnity Fund. The Indemnity  
22 Fund shall be established for the benefit of landowners who perform  
23 ~~controlled~~ prescribed burns. The Indemnity Fund shall compensate  
24 landowners for losses incurred from a prescribed fire that spreads

1 beyond the control of the burner, except for losses covered by  
2 insurance. The fund shall not reimburse the participating landowner  
3 for damages incurred on their own property.

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

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

19 2. All burn plans submitted to the Conservation Commission for  
20 coverage by the controlled burn indemnity fund shall include, at a  
21 minimum, the following information:

22 a. the name and telephone number of the landowner, group  
23 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 fire departments and/or sheriff's offices  
5                   that are required to be notified pursuant to part 5 of  
6                   this section,  
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 within sixty (60) days prior of  
20                   conducting the burn and include in such notice the proposed date and  
21                   location of the burn and a telephone number where the owner can be  
22                   reached for information regarding the prescribed burn. If any  
23                   landowner is burning on a large, consolidated tract of land in which

1 there are multiple adjacent owners, only those owners with adjoining  
2 land within one (1) mile of the proposed burn area must be notified.

3 4. File with the Oklahoma Conservation Commission at least  
4 thirty (30) days prior to conducting the burn a copy of the  
5 prescribed burn plan provided for in paragraph 1 of 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, a  
12 telephone number where the owner can be reached for information  
13 regarding the prescribed burn.

14 6. At the time of filing the completed plan, provide payment of  
15 One Hundred Dollars (\$100.00) Two Hundred Fifty Dollars (\$250.00) to  
16 the Oklahoma 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 fund shall pay for losses arising  
2       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 burn plan and, if required, burn permit.

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

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

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

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

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

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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.

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12      60-2-14175            JL            01/07/26

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