

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3406

By: Patzkowsky

AS INTRODUCED

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

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

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

Section 16-26. A. 1. It is unlawful for any person to set fire to any forest, grass, range, crop, or other wildlands, or to build a campfire or bonfire, or to burn trash or other material that may cause a forest, grass, range, crop or other wildlands fire in any county, counties or area within a county where, because of 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, or  
4 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 shall advise the Governor when the  
8 lands described in paragraph 1 of this subsection in any county,  
9 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.

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~~ at least three of the following conditions  
13 are present:

14            (1) severe, extreme, or exceptional drought

15                    conditions exist as determined by the National  
16                    Oceanic and Atmospheric Administration (NOAA)  
17                    pursuant to its criteria,

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

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

21                    ~~(a) fire occurrence is significantly greater~~  
22                    ~~than normal for the season and/or initial~~  
23                    ~~attack on a significant number of wildland~~  
24

~~fires has been unsuccessful due to extreme  
fire behavior, or~~

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

~~b.~~

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

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

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

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

2. A majority of the board of county commissioners may call an  
emergency meeting at any time to pass or revoke a resolution

1 declaring a period of extreme fire danger in accordance with this  
2 section.

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

17 4. Agricultural producers burning cropland, rangeland, forests  
18 or pastures as a preferred method of managing their property shall  
19 be exempt from any resolution passed by a board of county  
20 commissioners that declares a period of extreme fire danger so long  
21 as the agricultural producers have complied with the following  
22 procedures:

- 23 a. submit a written prescribed burn plan to the local  
24 fire department and, if within a protection area, the

1 local office or local representative of the Forestry  
2 Division of the Oklahoma Department of Agriculture,  
3 Food, and Forestry nearest the land to be burned that  
4 shall include the following information:

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

- 22 b. keep a copy of the written prescribed burn plan  
23 provided for in subparagraph a of this paragraph on  
24 site when conducting the prescribed burn,

1           c.    notify the county sheriff and the dispatch center of  
2               the local fire department prior to conducting the  
3               prescribed burn, and

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

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

11          6.    The prescribed burn plan provided for in paragraph 4 of this  
12 subsection shall not include campfires, household trash, debris or  
13 pile burning.

14          7.    Nothing in paragraph 4 of this subsection shall supersede  
15 requirements set by a proclamation promulgated by the Governor under  
16 authority of this section, interfere with the authority of the  
17 Oklahoma Department of Agriculture, Food, and Forestry to enforce  
18 burning laws or change the burner's liability as prescribed by law.

19          8.    Any resolution passed by a board of county commissioners  
20 under authority of this subsection shall be effective immediately  
21 upon passage of the resolution. Notice of the resolution shall be  
22 submitted to the Forestry Division of the Oklahoma Department of  
23 Agriculture, Food, and Forestry, all local news media, local law  
24 enforcement officials, and the state headquarters of the Department

1 of Public Safety (DPS), the Oklahoma Tourism and Recreation  
2 Department (OTRD) and the Oklahoma Department of Wildlife  
3 Conservation (ODWC) on the day of passage of the resolution.  
4 Evidence of publication or posting as provided in this paragraph  
5 shall be maintained by the county.

6 9. The provisions of this subsection may be enforced by any law  
7 enforcement officer of this state.

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

13 11. The selling of fireworks shall not be considered an act in  
14 violation of this subsection.

15 12. All fire departments and appropriate county officials shall  
16 be allowed to place "Burn Ban" signs on agreed-upon signposts  
17 controlled by the Oklahoma Department of Transportation and Oklahoma  
18 Turnpike Authority (OTA). Fire departments and appropriate county  
19 officials shall work with the Oklahoma Department of Transportation  
20 to agree upon locations for signage. The Oklahoma Department of  
21 Transportation shall develop standards that fire departments and  
22 appropriate county officials shall adhere to in placing signage. It  
23 shall be the responsibility of the entity placing the sign to post  
24 and remove signage in a timely manner. Signage shall not obstruct



1 the view of traffic. Signage costs shall be the responsibility of  
2 the fire department or county wishing to install.

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

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