

1 STATE OF OKLAHOMA

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

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 3406

7 By: Patzkowsky

8 POLICY COMMITTEE RECOMMENDATION

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

14 b. at least three (3) 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. Agricultural producers burning cropland, rangeland, forests
20 or pastures as a preferred method of managing their property shall
21 be exempt from any resolution passed by a board of county
22 commissioners that declares a period of extreme fire danger so long
23 as the agricultural producers have complied with the following
24 procedures:

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

7 (1) the name and telephone number of the agricultural
8 producer conducting the burn,

9 (2) the address and legal description of the area to
10 be burned,

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

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

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

18 (6) a description of any firebreaks used to define
19 the boundary of the prescribed burn,

20 (7) a statement of prescribed weather conditions,

21 (8) a description of any smoke-management
22 considerations, and

23 (9) an ignition plan for the burn,
24

- b. keep a copy of the written prescribed burn plan provided for in subparagraph a of this paragraph on site when conducting the prescribed burn,
- c. notify the county sheriff and the dispatch center of the local fire department prior to conducting the prescribed burn, and
- d. comply with the notification procedures outlined in Section 16-28.2 of this title.

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

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

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

8. Any resolution passed by a board of county commissioners under authority of this subsection shall be effective immediately upon passage of the resolution. Notice of the resolution shall be

1 submitted to the Forestry Division of the Oklahoma Department of
2 Agriculture, Food, and Forestry, all local news media, local law
3 enforcement officials, and the state headquarters of the Department
4 of Public Safety (DPS), the Oklahoma Tourism and Recreation
5 Department (OTRD) and the Oklahoma Department of Wildlife
6 Conservation (ODWC) on the day of passage of the resolution.
7 Evidence of publication or posting as provided in this paragraph
8 shall be maintained by the county.

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

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

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

18 12. All fire departments and appropriate county officials shall
19 be allowed to place "Burn Ban" signs on agreed-upon signposts
20 controlled by the Oklahoma Department of Transportation and Oklahoma
21 Turnpike Authority (OTA). Fire departments and appropriate county
22 officials shall work with the Oklahoma Department of Transportation
23 to agree upon locations for signage. The Oklahoma Department of
24 Transportation shall develop standards that fire departments and

1 appropriate county officials shall adhere to in placing signage. It
2 shall be the responsibility of the entity placing the sign to post
3 and remove signage in a timely manner. Signage shall not obstruct
4 the view of traffic. Signage costs shall be the responsibility of
5 the fire department or county wishing to install.

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

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