

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 2989

By: Dobrinski

AS INTRODUCED

An Act relating to electric utilities; creating the Wildland Fire Mitigation Act; providing short title; defining terms; authorizing development of electrical wildland fire mitigation plan; prohibiting certain considerations in legal proceedings; establishing requirements for electrical wildland fire plan; requiring utility to furnish plan upon request; stating certain modifications or upgrades not required; allowing utility to recover costs under certain circumstances subject to certain requirements; establishing liability for certain persons for certain causes of wildland fires, regardless of land jurisdiction; providing for certain exceptions to cause determination; allowing property owner to bring certain action; establishing award for damages; stating act does not address certain liabilities; creating the Wildland Fire Mitigation Program Act; providing short title; establishing certain programs within the Oklahoma Conservation Commission; establishing provisions for program implementation; requiring establishment of certain annual guidelines; requiring the promulgation of certain rules; creating the Wildland Fire Mitigation Program Revolving Fund; stating fund purpose; providing source of funds; providing for codification; and providing an effective date.

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

1       SECTION 1.       NEW LAW       A new section of law to be codified  
2 in the Oklahoma Statutes as Section 158.11 of Title 17, unless there  
3 is created a duplication in numbering, reads as follows:

4       Sections 2 through 4 of this act shall be known and may be cited  
5 as the "Wildland Fire Mitigation Act".

6       SECTION 2.       NEW LAW       A new section of law to be codified  
7 in the Oklahoma Statutes as Section 158.12 of Title 17, unless there  
8 is created a duplication in numbering, reads as follows:

9       As used in this act:

10      1. "Electric cooperative" means a cooperative as defined  
11 pursuant to Section 437.1 of Title 18 of the Oklahoma Statutes;

12      2. "Electric utility" means an electric cooperative or other  
13 public utility which produces, transmits, delivers, or furnishes  
14 electric current for light, heat, or power;

15      3. "Electrical wildland fire plan" means a plan that is  
16 prepared by an electric utility that addresses mitigation of the  
17 risk of equipment causing or exacerbating a wildland fire within the  
18 electric utility's service area;

19      4. "Injuries arising from the ownership of property" means all  
20 claims for property damage, trespass, nuisance, loss of use,  
21 injuries to timber, loss of employment, or emotional distress  
22 arising from a wildland fire;

1        5. "Person" means an individual, corporation, company,  
2 partnership, limited liability company, joint venture, association,  
3 trust, or any other entity, without limitation; and

4        6. "Wildland fire" means any uncontrolled fire on forests,  
5 grasslands, fields, croplands, or wildlands; provided, wildland fire  
6 also includes any such fire which damages or destroys improvements  
7 or structures.

8        SECTION 3.        NEW LAW        A new section of law to be codified  
9 in the Oklahoma Statutes as Section 158.13 of Title 17, unless there  
10 is created a duplication in numbering, reads as follows:

11        A. To reduce the risk of electric utility fires, protect  
12 infrastructure, individuals, their property, and communities and to  
13 ensure the reliability of the electric supply, an electric utility  
14 operating in this state may prepare an electrical wildland fire  
15 mitigation plan in accordance with the requirements of this section  
16 as deemed necessary by the utility for the purpose of mitigating  
17 wildland fires. Adoption of a wildland fire mitigation plan, the  
18 content, or implementation of the plan shall not be considered in  
19 any civil action or other legal proceeding seeking to recover  
20 damages arising from ownership of property which resulted from a  
21 wildland fire. Further, an electric utility's nonadoption of a  
22 wildland fire mitigation plan shall not be considered in such a  
23 civil action or legal proceeding.

1       B. An electrical wildland fire plan prepared pursuant to this  
2 section shall include a description of:

3       1. Geographic areas within the service area in which certain  
4 operations of the electric utility that may be subject to creating a  
5 heightened risk of wildland fire;

6       2. The procedures, standards, and time frames that the electric  
7 utility will use to inspect its infrastructure and perform  
8 vegetation management;

9       3. Proposed modifications or upgrades to facilities;

10      4. Programs that the electric utility will implement to reduce  
11 the risk of its electric facilities initiating or exacerbating a  
12 wildfire;

13      5. The procedures that the electric utility intends to use to  
14 restore its electrical system in the event of a wildland fire; and

15      6. Plans for vegetation management reasonably necessary for the  
16 mitigation of wildfires.

17      C. Any electric utility that prepares an electrical wildland  
18 fire plan under this section shall maintain a copy of such plan and  
19 make it available for public inspection upon request.

20      D. Nothing in this act shall be construed to require an  
21 electric utility to implement modifications or upgrades to  
22 facilities or preventative programs which, commensurate with the  
23 level of risk of wildland fire for an area within the utility's  
24 service area, are not commonly utilized in the electric distribution

1 and transmission process of the utility or exceed comparable  
2 industry standards.

3 E. An electric utility may recover in rates all reasonable  
4 prudently incurred investments and expenditures, including capital  
5 costs, as a result of the implementation of an electrical wildland  
6 fire plan. A rate adjustment under this subsection shall be subject  
7 to the requirements of Section 250 et seq. of Title 17 of the  
8 Oklahoma Statutes. An electric utility may defer or collect the  
9 incremental revenue requirements for the capital investments and  
10 expenses that are not included in base rates in order to implement  
11 an electrical wildland fire plan under this act.

12 SECTION 4. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 158.14 of Title 17, unless there  
14 is created a duplication in numbering, reads as follows:

15 A. Except as provided in subsection B of this section, a person  
16 who negligently, recklessly, or intentionally causes or spreads a  
17 wildland fire shall be liable to a property owner for injury or  
18 damage occurring to the owner's property that resulted from such  
19 wildland fire. A person liable under this subsection shall be  
20 liable regardless of whether the fire begins on federal, tribal,  
21 state-owned, or private land.

22 B. In any civil action or other legal proceeding by a property  
23 owner seeking to recover damages occurring to the owner's property  
24 that resulted from a wildland fire, an electric utility shall not be

1 considered to have negligently caused a wildland fire if in the  
2 absence of exceptional conditions, the electric utility's facilities  
3 and operations complied with the requirements of the National  
4 Electric Safety Code, as may relate to the area of a wildland fire's  
5 origin. An award for damages to a property owner for injury or  
6 damage that resulted from a wildland fire, including loss of  
7 vegetation, shall not include punitive damages or treble damages of  
8 any kind, and shall be the lesser of:

9           a. the cost to restore the real property to the condition  
10           it was in prior to the wildland fire, or

11           b. the difference between:

12                   (1) the fair market value of the real property before  
13                   the wildland fire, and

14                   (2) the fair market value of the real property after  
15                   the wildland fire.

16           C. The lack of an applicable electrical wildland fire plan  
17 shall not be considered in any award for damages against an electric  
18 utility.

19           D. Nothing in this act shall be construed to address or impact  
20 liability for and recovery of damages for bodily injuries resulting  
21 from a wildland fire.

22           SECTION 5.       NEW LAW       A new section of law to be codified  
23 in the Oklahoma Statutes as Section 3-3-121 of Title 27A, unless  
24 there is created a duplication in numbering, reads as follows:

1 Sections 6 and 7 of this act shall be known and may be cited as  
2 the "Wildland Fire Mitigation Program Act".

3 SECTION 6. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 3-3-122 of Title 27A, unless  
5 there is created a duplication in numbering, reads as follows:

6 A. 1. The Oklahoma Conservation Commission, in consultation  
7 with the Department of Agriculture, Food, and Forestry shall develop  
8 and implement a wildland fire mitigation program within its existing  
9 conservation programs to reduce the risk and impact of wildland  
10 fires through proactive management and incentivization of mitigation  
11 practices. The Commission shall develop and implement a priority  
12 incentive structure to encourage voluntary adoption of fire  
13 mitigation practices by landowners, land managers, and other  
14 stakeholders.

15 2. The Commission shall establish and may subsequently revise  
16 annual guidelines for the program, including but not limited to,  
17 criteria for eligibility, application processes, incentive  
18 structures, cost-share opportunities, and program administration.  
19 The Commission shall promulgate rules to effectuate the provisions  
20 of this act.

21 B. 1. The Conservation Commission shall develop a wildland  
22 fire mitigation pilot program to test and refine fire mitigation  
23 strategies developed under subsection A of this section in areas  
24 historically impacted by large-scale wildland fires.

1        2. The pilot program shall focus on a geographical area  
2 encompassing regions affected by wildland fires of at least forty  
3 thousand (40,000) acres within the past ten (10) years.

4        C. The Commission shall use data and input from relevant  
5 agencies, local governments, and stakeholders to determine eligible  
6 areas.

7        D. The Commission shall conduct periodic evaluations of the  
8 programs developed under this section to determine the effectiveness  
9 of the programs and recommend adjustments as necessary.

10       SECTION 7.       NEW LAW       A new section of law to be codified  
11 in the Oklahoma Statutes as Section 3-3-123 of Title 27A, unless  
12 there is created a duplication in numbering, reads as follows:

13       There is hereby created in the State Treasury a revolving fund  
14 for the Oklahoma Conservation Commission to be designated the  
15 "Wildland Fire Mitigation Program Revolving Fund". The fund shall  
16 be a continuing fund, not subject to fiscal year limitations, and  
17 shall consist of all monies received by the Commission from  
18 appropriations, grants, private donations, or other funding sources  
19 provided for the purpose of implementing the Wildland Fire  
20 Mitigation Program Act. All monies accruing to the credit of the  
21 fund are hereby appropriated and may be budgeted and expended by the  
22 Commission for the purpose provided for in this act. Expenditures  
23 from the fund shall be made upon warrants issued by the State  
24 Treasurer against claims filed as prescribed by law with the



1 Director of the Office of Management and Enterprise Services for  
2 approval and payment.

3 SECTION 8. This act shall become effective November 1, 2026.

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