

1 **SENATE FLOOR VERSION**

2 March 6, 2025

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1071

6 By: Woods

7 An Act relating to wildland fires; creating the
8 Wildland Fire Act; providing short title; defining
9 terms; directing utility to consult with certain
10 agencies; construing provisions; establishing
11 liability for certain persons for certain causes of
12 wildland fires, regardless of land jurisdiction;
13 providing for certain exceptions to cause
14 determination; allowing property owner to bring
15 certain action; establishing award for damages;
16 creating the Wildland Fire Mitigation Program Act;
17 providing short title; establishing certain programs
18 within the Oklahoma Conservation Commission;
19 establishing provisions for program implementation;
20 creating the Wildland Fire Mitigation Program
21 Revolving Fund; stating fund purpose; providing
22 source of funds; providing for codification; and
23 providing an effective date.
24

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

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

22 Sections 1 through 3 of this act shall be known and may be cited
23 as the "Wildland Fire Act".
24

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

4 As used in this act:

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

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

10 3. "Injuries arising from the ownership of property" means all
11 claims for property damage, trespass, nuisance, loss of use,
12 injuries to timber, loss of employment, or emotional distress
13 arising from a wildland fire;

14 4. "Person" means an individual, corporation, company,
15 partnership, limited liability company, joint venture, association,
16 trust, or any other entity, without limitation; and

17 5. "Wildland fire" means any uncontrolled fire on forests,
18 grasslands, fields, croplands, or wildlands; provided, wildland fire
19 also includes any such fire which damages or destroys improvements
20 or structures.

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

24

1 A. Except as provided in subsection B of this section, a person
2 who negligently, recklessly, or intentionally causes or spreads a
3 wildland fire shall be liable for the injuries arising from the
4 ownership of property which result from that wildland fire. A
5 person liable under this subsection shall be liable regardless of
6 whether the fire begins on federal, tribal, state-owned, publicly
7 owned, or private land.

8 B. In any civil action or other legal proceeding seeking to
9 recover damages arising from the ownership of property which
10 resulted from a wildland fire, an electric utility shall not be
11 considered to have negligently caused a wildland fire if in the
12 absence of exceptional conditions, the electric utility's facilities
13 and operations complied with the requirements of the Corporation
14 Commission and the National Electric Safety Code, as may relate to
15 the area of a wildland fire's origins.

16 C. An award for damages arising from the ownership of property
17 from a wildland fire, including loss of vegetation, shall not
18 include punitive damages or treble damages of any kind, and shall be
19 the lesser of:

20 1. The cost to restore the real property to the condition it
21 was in prior to the wildland fire; or

22 2. The difference between:

23 a. the fair market value of the real property before the
24 wildland fire, and

1 b. the fair market value of the real property after the
2 wildland fire.

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

6 SECTION 4. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 3-3-121 of Title 27A, unless
8 there is created a duplication in numbering, reads as follows:

9 Sections 4 through 6 of this act shall be known and may be cited
10 as the "Wildland Fire Mitigation Program Act".

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

14 A. 1. The Oklahoma Conservation Commission, in consultation
15 with the Oklahoma Department of Agriculture, Food, and Forestry,
16 shall develop and implement a wildland fire mitigation program
17 within its existing conservation programs to reduce the risk and
18 impact of wildland fires through proactive management and
19 incentivization of mitigation practices. The Commission shall
20 develop and implement a priority incentive structure to encourage
21 voluntary adoption of fire mitigation practices by landowners, land
22 managers, and other stakeholders.

23 2. The Commission shall establish and may subsequently revise
24 annual guidelines for the program including, but not limited to,

1 criteria for eligibility, application processes, incentive
2 structures, cost-share opportunities, and program administration.
3 The Commission shall promulgate rules to effectuate the provisions
4 of this Act.

5 B. 1. The Oklahoma Conservation Commission shall also develop
6 a wildland fire mitigation pilot program to test and refine fire
7 mitigation strategies developed under subsection A of this section
8 in areas historically impacted by large-scale wildland fires.

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

12 C. The Commission shall use data and input from relevant
13 agencies, local governments, and stakeholders to determine eligible
14 areas.

15 D. The Commission shall conduct periodic evaluations of the
16 programs developed under this section to determine the effectiveness
17 of the programs and recommend adjustments as necessary.

18 SECTION 6. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 3-3-123 of Title 27A, unless
20 there is created a duplication in numbering, reads as follows:

21 There is hereby created in the State Treasury a revolving fund
22 for the Oklahoma Conservation Commission to be designated the
23 "Wildland Fire Mitigation Program Revolving Fund". The fund shall
24 be a continuing fund, not subject to fiscal year limitations, and

1 shall consist of all monies received by the Commission from
2 appropriations, grants, private donations, or other funding sources
3 provided for the purpose of implementing the Wildland Fire
4 Mitigation Program Act. All monies accruing to the credit of the
5 fund are hereby appropriated and may be budgeted and expended by the
6 Commission for the purpose provided for in this Act. Expenditures
7 from the fund shall be made upon warrants issued by the State
8 Treasurer against claims filed as prescribed by law with the
9 Director of the Office of Management and Enterprise Services for
10 approval and payment.

11 SECTION 7. This act shall become effective November 1, 2025.

12 COMMITTEE REPORT BY: COMMITTEE ON ENERGY
13 March 6, 2025 - DO PASS AS AMENDED BY CS
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