

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1552

By: Patzkowsky

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7 AS INTRODUCED

8 An Act relating to agriculture; amending 2 O.S. 2021,
9 Section 16-26, which relates to emergency drought
10 conditions and burning prohibitions; changing the
11 required conditions for an extreme fire danger;
12 changing requirements for county commissioners to
13 declare a burn ban; and declaring an emergency.

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

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

18 Section 16-26. A. 1. It is unlawful for any person to set
19 fire to any forest, grass, range, crop, or other wildlands, or to
20 build a campfire or bonfire, or to burn trash or other material that
21 may cause a forest, grass, range, crop or other wildlands fire in
22 any county, counties or area within a county where, because of
23 emergency drought conditions, there is gubernatorially proclaimed
24 extraordinary danger from fire, unless the setting of any backfire

1 during the drought emergency is necessary to afford protection as
2 determined by a representative of the Division of Forestry, or
3 unless it can be established that the setting of the backfire was
4 necessary for the purpose of saving life or property. The burden of
5 proving the necessity shall rest on the person claiming a defense.

6 2. The Division of Forestry shall advise the Governor when the
7 lands described in paragraph 1 of this subsection in any county,
8 counties or area within a county of this state because of emergency
9 drought conditions are in extraordinary danger from fire. The
10 Governor may, by proclamation, declare a drought emergency to exist
11 and describe the general boundaries of the area affected.

12 3. Any proclamation promulgated by the Governor under authority
13 of this subsection shall be effective immediately upon the
14 Governor's signed approval of the emergency proclamation and shall
15 supersede any resolution passed by a board of county commissioners
16 pursuant to subsection B of this section. Notice of the
17 proclamation shall occur through posting on the Oklahoma Department
18 of Agriculture, Food, and Forestry's website and informing local
19 news media. Evidence of publication or posting as herein provided
20 shall be maintained by the Forestry Division.

21 4. When conditions warrant, due notice of the termination of
22 the emergency shall be promptly made by proclamation, which shall be
23 published or posted in like manner as when officially declared.

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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 of four of the following conditions are
13 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

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

3 ~~(b) where data is available, more than twenty~~
4 ~~percent (20%) of the wildfires in the county~~
5 ~~have been caused by escaped debris or~~
6 ~~controlled burning, or a portion of the~~
7 ~~county has a Keetch-Byram Drought Index~~
8 ~~(KBDI) rating of 600 or higher, and~~

9 ~~b.~~

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

13 2. A majority of the board of county commissioners may call an
14 emergency meeting at any time to pass or revoke a resolution
15 declaring a period of extreme fire danger in accordance with this
16 section.

17 3. A board of county commissioners ~~shall have~~ may pass a
18 resolution declaring a period of extreme fire danger in the county
19 either with the documented concurrence of a majority of the chiefs,
20 or their designees, of the municipal and certified rural fire
21 departments located in the county that a period of extreme fire
22 danger exists ~~prior to passage of a resolution declaring a period of~~
23 ~~extreme fire danger in the county~~ or when the Keetch-Byram Drought
24 Index (KBDI) is 600 or higher, which indicates extreme fire danger.

1 The resolution shall be effective for a period not to exceed
2 fourteen (14) days from the date of passage by the board of county
3 commissioners, unless the burn ban is removed earlier by the same
4 method by which it was approved. If extreme fire danger conditions
5 persist, subsequent resolutions may be passed by the board of county
6 commissioners ~~in the same manner as provided in this paragraph.~~ The
7 board of county commissioners, in the resolution, may grant
8 exceptions to the fire prohibition based on appropriate
9 precautionary measures.

10 4. Agricultural producers burning cropland, rangeland, forests
11 or pastures as a preferred method of managing their property shall
12 be exempt from any resolution passed by a board of county
13 commissioners that declares a period of extreme fire danger so long
14 as the agricultural producers have complied with the following
15 procedures:

16 a. submit a written prescribed burn plan to the local
17 fire department and, if within a protection area, the
18 local office or local representative of the Forestry
19 Division of the Oklahoma Department of Agriculture,
20 Food, and Forestry nearest the land to be burned that
21 shall include the following information:

22 (1) the name and telephone number of the agricultural
23 producer conducting the burn,
24

- 1 (2) the address and legal description of the area to
2 be burned,
3 (3) the objective and purpose of the burn,
4 (4) a list of fire departments and sheriff's offices
5 that are required to be notified pursuant to
6 subparagraph c of this paragraph,
7 (5) a list of adjoining landowners required to be
8 notified pursuant to Section 16-28.2 of this
9 title,
10 (6) a description of any firebreaks used to define
11 the boundary of the prescribed burn,
12 (7) a statement of prescribed weather conditions,
13 (8) a description of any smoke-management
14 considerations, and
15 (9) an ignition plan for the burn,
16 b. keep a copy of the written prescribed burn plan
17 provided for in subparagraph a of this paragraph on
18 site when conducting the prescribed burn,
19 c. notify the county sheriff and the dispatch center of
20 the local fire department prior to conducting the
21 prescribed burn, and
22 d. comply with the notification procedures outlined in
23 Section 16-28.2 of this title.
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1 5. The prescribed burn plan provided for in paragraph 4 of this
2 subsection shall be deemed approved seventy-two (72) hours after
3 submission to the local fire department; provided, that the local
4 fire department may amend the submitted burn plan within seventy-two
5 (72) hours after submission.

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

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

14 8. Any resolution passed by a board of county commissioners
15 under authority of this subsection shall be effective immediately
16 upon passage of the resolution. Notice of the resolution shall be
17 submitted to the Forestry Division of the Oklahoma Department of
18 Agriculture, Food, and Forestry, all local news media, local law
19 enforcement officials, and the state headquarters of the Department
20 of Public Safety (DPS), the Oklahoma Tourism and Recreation
21 Department (OTRD) and the Oklahoma Department of Wildlife
22 Conservation (ODWC) on the day of passage of the resolution.
23 Evidence of publication or posting as provided in this paragraph
24 shall be maintained by the county.

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

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

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

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

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

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