

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3646-02
Bill No.: HCS for HB 1547
Subject: Civil Procedure; Liability
Type: Original
Date: March 11, 2020

Bill Summary: Establishes the Prescribed Burning Act which protects a landowner from liability for a prescribed burning

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Conservation Commission Fund (0609)	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on Other State Funds	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§ 537.354, Prescribed Burning Act

In response to a similar previous version of the bill, officials the **Department of Conservation (MDC)** stated that proposal had an unknown fiscal impact but likely less than \$100,000 due to cost of potentially modifying the current workshop format into a certification program, teaching participants, conducting additional workshops, and continued education/training costs.

In response to a similar previous version of the bill, officials at the **Department of Natural Resources** and the **Office of State Courts Administrator** each anticipated no direct fiscal impact from this proposal.

Officials at the **Office of the Attorney General** and the **Department of Agriculture** the **Department of Public Safety - Division of Fire Safety** each anticipate no direct fiscal impact from this proposal.

Oversight assumes this proposal creates a certification for people who successfully complete a prescribed burn certification program approved by the Missouri Department of Conservation. Oversight will show costs to the Conservation Commission Fund of less than \$100,000.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
CONSERVATION COMMISSION FUND (0609)			
<u>Costs - MDC - modifying current workshop into a certification program</u>	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)
ESTIMATED NET EFFECT ON THE CONSERVATION COMMISSION FUND	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)

FISCAL IMPACT - Local Government

FY 2021
(10 Mo.)

FY 2022

FY 2023

\$0

\$0

\$0

FISCAL IMPACT - Small Business

Small business farmers could be impacted by this proposal.

FISCAL DESCRIPTION

This bill creates the "Prescribed Burn Act", which specifies that any landowner or agent of a landowner will not be liable for damage, injury, or loss caused by a prescribed burn, as defined in the bill, or the resulting smoke of a prescribed burn unless the landowner is proven to be negligent. Additionally, no landowner or agent of a landowner will be liable if the burn is conducted at the direction of a certified prescribed burn manager in accordance with a written prescribed burn plan unless the owner or agent is found to be grossly negligent.

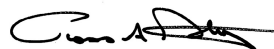
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Agriculture
Department of Conservation
Department of Natural Resources
Department of Public Safety - Missouri Division of Fire Safety
Office of the Attorney General
Office of State Courts Administrator



Julie Morff
Director
March 11, 2020



Ross Strobe
Assistant Director
March 11, 2020