

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0855H.02P
Bill No.: Perfected HCS for HB 369
Subject: Civil Procedure; Liability
Type: Original
Date: March 23, 2021

Bill Summary: This proposal limits liability for damage, injury, or loss caused by a prescribed burn or the resulting smoke of a prescribed burn.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue*	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Total Estimated Net Effect on General Revenue	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

*Oversight assumes the fiscal impact to the state (if any) would not reach the \$250,000 threshold.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on FTE	0	0	0

- ☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- ☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration (OA)** assume the proposal limits the ability of State agencies to recover for damage to state-owned property caused by a prescribed burn conducted by adjoining property owner. The fiscal impact of this bill is unknown as the frequency of such instances and any resulting damage would depend on the facts and circumstances of each incident. As the state self assumes liability for damage to most property, any resulting damage would be paid for by state funds.

Oversight notes each incident would have to be reviewed on a case by case basis and is unclear how many instances would occur and/or how much damages would incur on an annual basis as a result of this proposal. Oversight inquired the Office of Administration for additional information regarding the number of prescribed burns relating to state property and will update any information received in a future fiscal note. **Oversight** does not have information to the contrary and therefore, Oversight will reflect a \$0 to negative unknown impact for this proposal.

Officials from the **Department of Natural Resources**, the **Department of Public Safety's Fire Safety** and **Office of the Director**, the **Department of Commerce and Insurance**, the **Missouri Department of Agriculture**, the **Missouri Department of Conservation**, the **Office of the State Courts Administrator**, the **Missouri Department of Transportation**, the **Joint Committee on Administrative Rules**, the **State Tax Commission**, the **Office of the Secretary of State** and the **Attorney General's Office** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **City of Claycomo**, the **City of Corder**, the **City of Hughesville**, the **City of Kansas City**, the **City of O'Fallon**, the **City of Springfield**, the **City of St. Louis** and **Boone County** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **Fruitland Area Fire Protection District** assume the proposal will have a positive impact for prescribed burns by limiting the liability to the burn manager and the property owner. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
GENERAL REVENUE			
<u>Loss – OA – potential loss of recovering damages on state owned property from limiting liability on prescribed burns</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

Small business farmers could be impacted by this proposal.

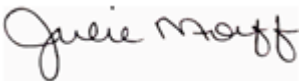
FISCAL DESCRIPTION

This bill creates the "Prescribed Burning 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 certified burn manager will be liable if the burn is conducted in accordance with a written prescribed burn plan unless the burn manager is found to be negligent. The provisions of the bill do not apply to damage, injury, or loss to property, lands, rights-of-way, or easements of certain utilities and railroad companies.

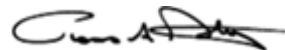
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Administration
Department of Natural Resources
Department of Public Safety
Department of Commerce and Insurance
Missouri Department of Agriculture
Missouri Department of Conservation
Missouri Department of Transportation
Joint Committee on Administrative Rules
State Tax Commission
Office of the Secretary of State
Attorney General's Office
Office of the State Courts Administrator
City of Claycomo
City of Corder
City of Hughesville
City of Kansas City
City of O'Fallon
City of Springfield
City of St. Louis
Boone County
Fruitland Area Fire Protection District



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Director
March 23, 2021



Ross Strobe
Assistant Director
March 23, 2021