

HCS HB 369 -- PRESCRIBED BURNING ACT

SPONSOR: Taylor (48)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Rural Community Development by a vote of 14 to 0. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 9 to 0.

The following is a summary of the House Committee Substitute for HB 369.

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 bill is similar to HB 1547 (2020) and HB 978 (2019).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPOSERS: Supporters say that prescribed burning is an important tool for enhancing the state's biodiversity. For a state that leads the nation on conservation efforts, Missouri is one of only five states that does not have statutes relating to prescribed burning and therefore, few insurance companies will issue professional liability insurance to individuals conducting prescribed burns. This bill would limit the liability of those conducting the prescribed burning.

Testifying for the bill were Representative Taylor; National Wild Turkey Federation; Missouri Railroad Association; Jef Hodges; Conservation Federation of Missouri; Gary Gates, Missouri Park and Recreation Association; Association of Missouri Electric Cooperatives; and Missouri Department of Conservation. There was also written testimony submitted in support of the bill

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say prescribed burns are used to manage prairies, forests, and agricultural land. Prescribed burns reduce the chances of uncontrolled fires, which cost considerably more to suppress than conducting prescribed burns. State policies regarding liability for prescribed burns varies greatly; however, these policies also often determine a landowner's willingness to conduct prescribed burns.

Testifying on the bill was Eleni Bickell, Most Policy Initiative.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.