

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3636-01  
Bill No.: SB 661  
Subject: Conservation, Department of; Liability; Property, Real and Personal  
Type: Original  
Date: January 24, 2020

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Bill Summary: This proposal establishes the Prescribed Burning Act which protects a landowner from liability for a prescribed burn.

**FISCAL SUMMARY**

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

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

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 pages.

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

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

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

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

**FISCAL ANALYSIS**

**ASSUMPTION**

**§ 537.354, Prescribed Burning Act**

Officials the **Department of Conservation (MDC)** state this proposal has 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.

**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.

Officials at the **Department of Natural Resources**, the **Department of Agriculture**, the **Department of Public Safety - Division of Fire Safety**, and the **Office of State Courts Administrator** each anticipate no direct fiscal impact from this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
<b>CONSERVATION COMMISSION FUND (0609)</b>			
<u>Costs - MDC - modifying current workshop into a certification program</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
<b>ESTIMATED NET EFFECT ON THE CONSERVATION COMMISSION FUND</b>	<b><u>(Less than \$100,000)</u></b>	<b><u>(Less than \$100,000)</u></b>	<b><u>(Less than \$100,000)</u></b>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2021 (10 Mo.)	 FY 2022	 FY 2023
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

Small business farmers could be impacted by this proposal.

FISCAL DESCRIPTION

This act establishes the Prescribed Burning Act. This act specifies that no landowner or agent of a landowner shall be liable for damages caused by a prescribed burn or the resulting smoke unless the landowner or agent is proven to be negligent. Additionally, no landowner or agent shall be liable for damages caused by a prescribed burn or the resulting smoke conducted with a certified prescribed burn manager and a prescribed burn plan, as described within the act, unless such owner or agent is grossly negligent.

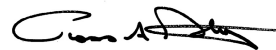
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

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



Julie Morff  
Director  
January 24, 2020



Ross Strobe  
Assistant Director  
January 24, 2020