

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3636-03
Bill No.: SCS for SB 661
Subject: Conservation, Department of; Liability; Property, Real and Personal
Type: Original
Date: March 3, 2020

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

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

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
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>)
 <u>FISCAL IMPACT - Local Government</u>	 FY 2021 (10 Mo.)	 FY 2022	 FY 2023
	 <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 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 burning or the resulting smoke if the prescribed burning was conducted at the direction of a certified prescribed burn manager in accordance with a prescribed burn plan unless the landowner or agent is proven to be negligent. Additionally, unless proven to be negligent, no certified burn manager shall be liable for damages caused by a prescribed burning or the resulting smoke conducted with a certified prescribed burn manager pursuant to a prescribed burn plan.

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
March 3, 2020



Ross Strope
Assistant Director
March 3, 2020