

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1786H.03C  
 Bill No.: HCS for SB 377  
 Subject: Liability; Civil Procedure; Parks and Recreation; Property, Real and Personal  
 Type: Original  
 Date: May 4, 2021

Bill Summary: This proposal modifies provisions relating to landowner liability.

**FISCAL SUMMARY**

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

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

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

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</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 2022</b>	<b>FY 2023</b>	<b>FY 2024</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 \$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.

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

## FISCAL ANALYSIS

### ASSUMPTION

#### §§316.250 & 537.348 – Landowner liability;

In response to similar legislation from this year (HCS for HB 519), officials from the **Missouri Department of Conservation** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

In response to similar legislation from this year (HCS for HB 519), officials from the cities of **Ballwin** and **O’Fallon** each assumed 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.

In response to similar legislation from this year (SB 306), officials from the cities of **Brentwood**, **Norborne**, **Southwest City**, **St. Louis** and **Tipton** each assumed the proposal will have no fiscal impact on their organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these sections.

#### §537.328 – Immunity from liability for inherent risks of camping on private campgrounds

In response to similar legislation from this year (SB 50), officials from the **Missouri Department of Conservation** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this section.

#### §§537.346 & 537.347 – Landowner liability if owner invites person on land for recreational purposes

In response to a previous version, officials from the **Missouri Department of Conservation** assumed the proposal will have no fiscal impact on their organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this section.

#### §537.354 – Prescribed Burning Act

Officials from the **Office of Administration (OA)** assumed 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.

In response to similar legislation from this year (Perfected HCS for HB 369), officials from the **Department of Public Safety's Fire Safety**, the **Missouri Department of Conservation** and the **Missouri Department of Transportation** each assumed 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.

In response to similar legislation from this year (Perfected HCS for HB 369), officials from the **City of O'Fallon**, the **City of St. Louis** and **Boone County** each assumed 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.

In response to similar legislation from this year (Perfected HCS for HB 369), officials from the **Fruitland Area Fire Protection District** assumed 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 for this agency.

#### Responses regarding the proposed legislation as a whole

Officials from the **Attorney General's Office**, the **Department of Commerce and Insurance**, the **Department of Natural Resources**, the **Department of Public Safety**, the **Missouri Department of Agriculture**, the **Missouri Department of Transportation**, the **Office of the State Courts Administrator**, the **State Tax Commission**, the **City of Claycomo**, the **City of Corder**, the **City of Hughesville**, the **City of Kansas City** and the **City of Springfield** 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.

#### Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State** notes many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to Secretary of State's office for Administrative Rules is less than \$5,000. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, they also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what their office can sustain within their core budget. Therefore, they reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
<b>GENERAL REVENUE</b>			
<u>Loss – OA – potential loss of recovering damages on state owned property from limiting liability on prescribed burns (§537.354)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>\$0 or (Unknown)</u></b>	<b><u>\$0 or (Unknown)</u></b>	<b><u>\$0 or (Unknown)</u></b>

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

FISCAL IMPACT – Small Business

Small business campgrounds would be offered additional protection as a result of §537.328 of this proposal.

Small business farmers could be impacted by §537.354 of this proposal.

FISCAL DESCRIPTION

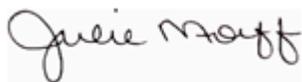
§537.354 – Prescribed Burning Act

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



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May 4, 2021



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May 4, 2021