

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 369

101ST GENERAL ASSEMBLY

0855H.02P

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to liability for prescribed burns.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.354, to read as follows:

**537.354. 1. This section shall be known and may be cited as the "Prescribed Burning Act".**

**2. As used in this section, the following terms mean:**

**(1) "Agent of an owner of land", any person who has permission from a landowner to participate in a prescribed burning on the landowner's property;**

**(2) "Certified prescribed burn manager", a person who successfully completes a prescribed burn certification program approved by the Missouri department of conservation;**

**(3) "Prescribed burn plan", a written plan that is in a format approved by the Missouri department of conservation establishing the conditions and methods to perform a prescribed burning;**

**(4) "Prescribed burning", the planned and controlled application of fire to existing vegetative fuels in order to accomplish one or more specific land management objectives including, but not limited to, vegetative fuel reduction, silvicultural treatments, wildlife habitat improvement, and management of grassland and other plant communities.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16           **3. No owner of land or agent of an owner of land shall be liable for damage, injury,**  
17 **or loss caused by a prescribed burning or the resulting smoke of a prescribed burning**  
18 **unless the owner of land or agent of an owner of land is proven to be negligent.**

19           **4. No certified prescribed burn manager shall be liable for damage, injury, or loss**  
20 **caused by a prescribed burning or the resulting smoke of a prescribed burning conducted**  
21 **under a prescribed burn plan unless the certified prescribed burn manager is proven to**  
22 **be negligent.**

23           **5. The provisions of subsections 3 and 4 of this section shall not apply to any**  
24 **damage, injury, or loss caused by a prescribed burning or the resulting smoke from a**  
25 **prescribed burning to any of the following:**

26           **(1) Property, lands, rights-of-way, or easements owned by a public utility or**  
27 **municipally owned utility;**

28           **(2) Property, lands, rights-of-way, or easements owned by a rural electric**  
29 **cooperative organized or operating under the provisions of chapter 394, or any corporation**  
30 **organized on a nonprofit or cooperative basis as described in subsection 1 of section**  
31 **394.200, or any electrical corporation operating under a cooperative business plan as**  
32 **described in subsection 2 of section 393.110; or**

33           **(3) Property, lands, rights-of-way, or easements appurtenant or incidental to lands**  
34 **controlled by any railroad.**

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