



NATIONAL DEER ASSOCIATION

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4 April, 2021

Missouri Senate Agriculture, Food Production and Outdoor Resources Committee
C/O Senator Mike Bernskoetter, Chairman
201 W Capitol Avenue
Jefferson City, MO 65101

RE: Support for HB369 – Missouri Prescribed Fire Liability Legislation

Dear Senate Agriculture, Food Production and Outdoor Resources Committee Members:

Missouri [House Bill 369](#) (Rep. Tim Taylor) was recently introduced as a companion bill constituting the Prescribed Burning Act. The companion bills highlight that prescribed burning is a land management tool that benefits the safety of the public, the environment, and the economy of the state of Missouri, while also defining a standard of simple negligence for liability for harm caused by prescribed burning.

Current Missouri law does not clearly define the liability standard for prescribed burning in the state. Prescribed fire is an incredibly effective and economical habitat management tool that can enhance and restore native plant communities, forest health and wildlife habitat. Unfortunately, confusion as to the liability for prescribed burning has resulted in the underutilization of fire as a management tool across Missouri's private lands.

HB369 states that no owner of land, agent of an owner, or certified prescribed burn manager shall be liable for damage, injury, or loss caused by a prescribed burning or the resulting smoke of a prescribed burning unless the owner, agent, or manager is proven to be negligent. It is important to note that one WILL be liable if they are negligent, as defined.

The National Deer Association (NDA) is dedicated to ensuring the future of wild deer, wildlife habitat and hunting. Prescribed, controlled fire is an incredibly efficient and effective tool to modify and improve wildlife habitat for wild deer, as well as countless other species. In fact, no other habitat management practice can positively impact as many acres in such a short period of time and for as little money as prescribed fire, and many state wildlife agencies have been taking advantage of this cost-effective tool for years to improve habitat on public lands. Unfortunately, prescribed fire is often underutilized on private lands due to a lack of knowledge or, in some cases, a fear of the practice. It's important that land owners and land managers can utilize prescribed fire under clear liability definitions to reduce this fear. HB369 provides these definitions. The bills also provide an incentive to landowners and contractors to seek voluntary prescribed fire training and certification, use a burn plan, and ultimately be more responsible for the burns they conduct.

We respectfully ask that you join NDA in supporting the wildlife habitat-supporting provisions found HB369.

Sincerely,

Torin Miller
Director of Policy