

SECOND REGULAR SESSION

# HOUSE BILL NO. 1925

## 93RD GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES BRUNS (Sponsor) AND WILDBERGER (Co-sponsor).

Read 1st time March 2, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5502L.01I

---

### AN ACT

To amend chapter 320, RSMo, by adding thereto one new section relating to prohibiting burning in certain circumstances, with a penalty provision.

---

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

Section A. Chapter 320, RSMo, is amended by adding thereto one new section, to be  
2 known as section 320.277, to read as follows:

**320.277. 1. It is unlawful for any person to set fire to any forest, grass, cropland,  
2 woodlands, wild lands, or marshes, or to build a campfire or bonfire, or to burn trash or  
3 other material that may cause a forest, grass, cropland, woodland, wild lands, or marsh fire  
4 in any county, counties, or area within a county where, because of emergency drought  
5 conditions, an executive order issued by the governor has proclaimed the area in  
6 extraordinary danger from fire.**

**7 2. The setting of any backfire by a local, state, or federal fire agency as part of fire  
8 suppression activities or permitted prescribed burns conducted by authorized state or  
9 federal agencies and contained to state or federally owned lands are exempted from this  
10 section.**

**11 3. The director of the department of public safety, upon notification from the state  
12 fire marshal that emergency drought conditions exist, shall advise the governor when the  
13 lands described in subsection 1 of this section in any county, counties, or area within a  
14 county of this state are in extraordinary danger from fire. The governor may by executive**

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.

15 order declare a drought emergency to exist and describe the general boundaries of the area  
16 affected and where burning is prohibited.

17       4. The executive order may be amended or rescinded to adapt the burning  
18 prohibition to any changes in emergency drought conditions, as determined by the state  
19 fire marshal, in the affected areas or other areas in the state.

20       5. Any person who violates the provisions of this section is guilty of a class A  
21 misdemeanor.

22       6. In a separate cause of action in circuit court, political subdivisions and volunteer  
23 fire protection associations, as defined in section 320.300, may seek to recover from  
24 individuals violating subsection 1 of this section those reasonable costs incurred in  
25 responding to a fire caused by the individuals violating this section.

✓