

FIRST REGULAR SESSION

# HOUSE BILL NO. 223

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BRUNS (Sponsor), MCGHEE, ROORDA,  
MOORE AND WETER (Co-sponsors).

Read 1st time January 3, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0940L.01I

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### AN ACT

To amend chapter 320, RSMo, by adding thereto one new section relating to emergency drought conditions, with penalty provisions.

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*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 320.350, to read as follows:

**320.350. 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, or woodlands fire in any county,  
4 counties, or area within a county where because of emergency drought conditions, an  
5 executive order issued by the governor has proclaimed the area in extraordinary danger  
6 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 prescribed burns conducted by authorized state or federal  
9 agencies and contained to state or federally owned lands are exempted from this section.**

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

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 exist and describe the general boundaries of the area affected and where burning is  
16 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 The executive order may be amended or rescinded to adapt the burning**  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 and state forester, in the affected areas or other areas in the state.**

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

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

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