

HB4717



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4717

Introduced 2/6/2024, by Rep. Jeff Keicher

SYNOPSIS AS INTRODUCED:

525 ILCS 37/10

525 ILCS 37/15

Amends the Illinois Prescribed Burning Act. Provides that no landowner or agent of the landowner, third party land manager, or certified prescribed burn manager shall be liable for damage, injury, or loss caused by a prescribed burn or resulting smoke of a prescribed burn conducted under an approved prescription unless the landowner, agent, third party or certified burn manager is proven to be grossly negligent. Effective immediately.

LRB103 38594 JAG 68730 b

A BILL FOR

1 AN ACT concerning conservation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Prescribed Burning Act is amended
5 by changing Sections 10 and 15 as follows:

6 (525 ILCS 37/10)

7 Sec. 10. Definitions. As used in this Act:

8 (a) "Prescribed burning" means the planned application of
9 fire to naturally occurring vegetative fuels under specified
10 environmental conditions and following appropriate
11 precautionary measures, which causes the fire to be confined
12 to a predetermined area and accomplish the planned land
13 management objectives.

14 (b) "Certified prescribed burn manager" means an
15 individual who successfully completes an approved training
16 program and receives proper certification.

17 (c) "Prescription" means a written plan for conducting a
18 prescribed burn.

19 (d) "Department" means the Illinois Department of Natural
20 Resources.

21 (e) "Landowner" means the person or entity that owns the
22 land.

23 (f) "Agent of the landowner" means the person or

1 organization that has a written contract or agreement with the
2 landowner to manage the land, such as, but not limited to,
3 tenants and lessees.

4 (g) "Third-party land manager" means an individual,
5 organization, or contractor under contract or agreement with
6 the landowner or landowner's agent to manage the land.

7 (h) "Gross negligence" means an act of willful, wanton,
8 and reckless conduct.

9 (Source: P.A. 95-108, eff. 8-13-07.)

10 (525 ILCS 37/15)

11 Sec. 15. Requirements; liability.

12 (a) Before conducting a prescribed burn under this Act, a
13 person shall:

14 (1) obtain the written consent of the landowner;

15 (2) have a written prescription approved by a
16 certified prescribed burn manager;

17 (3) have at least one certified prescribed burn
18 manager present on site with a copy of the prescription
19 while the burn is being conducted;

20 (4) notify the local fire department, county
21 dispatcher, 911 dispatcher, or other designated emergency
22 dispatcher on the day of the prescribed burn; and

23 (5) make a reasonable attempt to notify all adjoining
24 property owners and occupants of the date and time of the
25 prescribed burn.

1 (b) No landowner or agent of the landowner, third party
2 land manager, or certified prescribed burn manager shall be
3 liable for damage, injury, or loss caused by a prescribed burn
4 or resulting smoke of a prescribed burn conducted under an
5 approved prescription unless the landowner, agent, third party
6 or certified burn manager is proven to be grossly negligent.
7 ~~The property owner and any person conducting a prescribed burn~~
8 ~~under this Act shall be liable for any actual damage or injury~~
9 ~~caused by the fire or resulting smoke upon proof of~~
10 ~~negligence.~~

11 (c) Any prescribed burning conducted under this Act:

12 (1) is declared to be in the public interest;

13 (2) does not constitute a public or private nuisance
14 when conducted in compliance with Section 9 of the
15 Environmental Protection Act and all other State statutes
16 and rules applicable to prescribed burning; and

17 (3) is a property right of the property owner if
18 naturally occurring vegetative fuels are used.

19 (Source: P.A. 95-108, eff. 8-13-07.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.