

1 AN ACT concerning the environment.

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

4 Section 1. Short title. This Act may be cited as the
5 Illinois Prescribed Burning Act.

6 Section 5. Legislative findings; purpose.

7 (a) Prescribed burning is a land management tool that
8 benefits the safety of the public, the environment, and the
9 economy of the State. Therefore, the General Assembly finds
10 that:

11 (1) Most of the State's natural communities require
12 periodic fire for maintenance of their ecological health.
13 Prescribed burning is essential to the perpetuation,
14 restoration, and management of many plant and animal
15 communities. Significant loss of the State's biological
16 diversity will occur if fire is excluded from these
17 fire-dependent communities.

18 (2) Public agencies and non-governmental organizations
19 in the State have spent millions of dollars to purchase
20 hundreds of thousands of acres of land for parks, wildlife
21 areas, State forests, nature preserves and other outdoor
22 recreational purposes. The use of prescribed burning for
23 management of these public and private lands is essential

1 to maintain the specific resource values for which these
2 areas were acquired.

3 (3) Forests, grasslands, and wetlands in the State
4 constitute significant economic, biological, and aesthetic
5 resources of statewide importance. Prescribed burning
6 prepares sites for planting, removes undesirable competing
7 vegetation, accelerates nutrient cycling, controls certain
8 pathogens and noxious weeds, and promotes oak
9 regeneration. In these communities, prescribed burning
10 improves and maintains the quality and quantity of wildlife
11 habitats.

12 (4) Prescribed burning reduces naturally occurring
13 vegetative fuels. Reducing the fuel load reduces the risk
14 and severity of wildfires, thereby reducing the threat of
15 loss of life and property.

16 (5) Federal and State agencies promote and subsidize
17 fire dependent vegetative communities and recommend
18 prescribed burning as an essential management practice for
19 many funded programs.

20 (6) Proper training in the purposes, use, and
21 application of prescribed burning is necessary to ensure
22 maximum benefits and protection for the public.

23 (7) Prescribed burning in the hands of trained,
24 skilled, and experienced people is safe and often the most
25 cost effective management technique to accomplish many
26 ecosystem restoration objectives and ecological goals.

1 (8) A public education program is necessary to make
2 citizens and visitors aware of the public safety, natural
3 resource, and economic benefits of prescribed burning and
4 its use as a land management tool.

5 (9) As development and urbanization increase in the
6 State, pressures from liability issues, and nuisance
7 complaints will inhibit the use of prescribed burning.

8 (b) It is the purpose of this Act to authorize and to
9 promote the continued use of prescribed burning for ecological,
10 forest, wetland, wildlife management, and grassland management
11 purposes.

12 Section 10. Definitions. As used in this Act:

13 (a) "Prescribed burning" means the planned application of
14 fire to naturally occurring vegetative fuels under specified
15 environmental conditions and following appropriate
16 precautionary measures, which causes the fire to be confined to
17 a predetermined area and accomplish the planned land management
18 objectives.

19 (b) "Certified prescribed burn manager" means an
20 individual who successfully completes an approved training
21 program and receives proper certification.

22 (c) "Prescription" means a written plan for conducting a
23 prescribed burn.

24 (d) "Department" means the Illinois Department of Natural
25 Resources.

1 Section 15. Requirements; liability.

2 (a) Before conducting a prescribed burn under this Act, a
3 person shall:

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

5 (2) have a written prescription approved by a certified
6 prescribed burn manager;

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

10 (4) notify the local fire department, county
11 dispatcher, 911 dispatcher, or other designated emergency
12 dispatcher on the day of the prescribed burn; and

13 (5) make a reasonable attempt to notify all adjoining
14 property owners and occupants of the date and time of the
15 prescribed burn.

16 (b) The property owner and any person conducting a
17 prescribed burn under this Act shall be liable for any actual
18 damage or injury caused by the fire or resulting smoke upon
19 proof of negligence.

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

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

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

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

3 Section 20. Rules. The Department, in consultation with the
4 Office of the State Fire Marshall, shall promulgate rules to
5 implement this Act, including but not limited to, rules
6 governing prescribed burn manager certification and revocation
7 and rules governing prescribed burn prescriptions.

8 Section 25. Exemption. Nothing in this Act shall be
9 construed as:

10 (1) requiring certification as a prescribed burn manager to
11 conduct prescribed burning on one's own property or on the
12 lands of another with the landowner's permission; Section 15(b)
13 shall not apply to prescribed burns conducted under the
14 exemption in this item (1);

15 (2) affecting any obligations or liability under the
16 Environmental Protection Act or any rules adopted thereunder,
17 or under any federal laws or rules that apply to prescribed
18 burning; or

19 (3) superseding any local burning law.

20 Section 30. Fees. The Department may charge and collect
21 fees from persons applying for safety training and
22 certification as a certified prescribed burn manager.

1 Section 35. Severability. The provisions of this Act are
2 severable under Section 1.31 of the Statute on Statutes.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.