



**HOUSE COMMITTEE ON APPROPRIATIONS**  
2009-10 Legislative Session

**FISCAL NOTE**

**HOUSE BILL: 262**

**PRINTER'S NO: 1776**

**PRIME SPONSOR: Haluska**

<b>FISCAL IMPACT SUMMARY</b>	<b>FY 2009/10</b>	<b>FY 2010/11</b>
<b>Expenditure Increase/(Decrease):</b>		
General Fund	\$0	\$0

**OVERVIEW:**

House Bill 262 establishes the Prescribed Burning Practices Act. The bill encourages the continued use of prescribed burning for fuel reduction, ecological, forest, wildlife and grassland management purposes.

This bill provides for the definition of a “prescribed burn worker.”

The bill requires the Department of Conservation and Natural Resources (DCNR) to promulgate standards within six months of the effective date (including a 60-day public comment period), for the planning and conduct of prescribed burning in the Commonwealth. In doing so, DCNR shall consult with the Department of Environmental Protection (DEP), the Pennsylvania Game Commission (PGC) and other public agencies and private organizations, which have interest or experience in the practice of prescribed burning.

The standards shall include but are not limited to (1) minimum qualifications and training requirements for prescribed burn managers and prescribed burn workers, and (2) required content for prescribed burn plans. To the greatest extent practicable, the standards shall be consistent with comparable requirements established by the National Wildfire Coordinating Group.

If deemed necessary, DCNR may establish by regulation (1) a certification and revocation process for prescribed burn managers, (2) requirements for the review and approval of prescribed burn plans, and (3) a training program for prescribed burn managers and prescribed burn workers. If such regulations are established, DCNR may charge and collect fees from persons participating in training or certification programs.

This bill also establishes certain immunities individuals authorizing, conducting, or contracting for a prescribed burn, provided such persons comply with the provision of the Act and the Air Pollution Control Act. A civil or criminal penalty will not be applicable to the property owner, prescribed burn manager, or prescribed burn worker of the burn was conducted in accordance with a prescribed burn plan, unless negligence is proven.

This act shall take effect immediately.

**ANALYSIS:**

According to the Department of Conservation and Natural Resources, the Department can carry out the requirements of this bill with existing personnel and does not expect any additional costs related to adoption of this legislation. Under House Bill 262, DCNR may charge and collect fees from persons participating in training or certification programs if the Department deems such programs are necessary.

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House Appropriations Committee, (D)

**DATE:** July 9, 2009

**General Note and Disclaimer:** *This Fiscal Note was prepared pursuant to House Rule 19(a), and the elements considered and reported above are required by Section 5 of the rule. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*