

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.**

House Bill 262

**PRINTER'S NO.**

1776

**AMOUNT**

No Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

Feb. 5, 2009

**PRIME SPONSOR**

Representative Haluska

**HISTORY OF BILL**

Referred to ENVIRONMENTAL RESOURCES & ENERGY, Feb. 5, 2009

Reported as committed, March 24, 2009

First consideration, March 24, 2009

Laid on the table, March 24, 2009

Removed from table, March 25, 2009

Re-committed to APPROPRIATIONS, March 25, 2009

Re-reported as committed, March 30, 2009

Second consideration and final passage, March 31, 2009 (196-0)

**IN THE SENATE**

Referred to ENVIRONMENTAL RESOURCES & ENERGY, April 2, 2009

Reported as amended, May 5, 2009

First consideration, May 5, 2009

Re-referred to APPROPRIATIONS, June 17, 2009

Re-reported as committed, July 1, 2009

**DESCRIPTION AND PURPOSE OF BILL**

House Bill 262 establishes the Prescribed Burning Practices Act. The bill requires the Department of Conservation and Natural Resources (DNCR) to promulgate standards for the planning and conduct of prescribed burning within six months of the effective date and must include a 60-day public comment period.

DCNR must consult with the Department of Environmental Protection (DEP), the Game Commission (PGC), and other agencies and

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organizations to develop the standards. The standards must include 1) minimum qualifications and training requirements for prescribed burn managers and burn workers, 2) specify the required content of the prescribed burn plans, and 3) to the extent possible, be consistent with requirements established by the National Wildlife Coordinating Group.

DCNR may if deemed necessary, promulgate regulations 1) certify and revoke certifications for prescribed burn managers, 2) review and approve prescribed burn plans, and 3) develop and conduct a training program for prescribed burn managers and workers.

If such regulations are established, DCNR may charge and collect fees from persons participating in certification and training programs.

The prescribed burn manager, prior to a prescribed burn, must submit written notification to DCNR and the Department of Environmental Protection (DEP) of the specific location of the prescribed burn and the range of dates in which it could occur. Such notifications must be provided at least 25 days prior to the earliest possible date of the prescribed burn. A copy of the prescribed burn plan must be included with the notification.

The bill requires the prescribed burn plan to include procedures that minimize the risk of fire escaping the desired area and minimize danger to the public and firefighting personnel from fire and smoke. The plan must be available on site when the burn is conducted. The burn may only be conducted with the written consent of the property owner or his legal representative.

The bill establishes certain immunities for individuals authorizing, conducting, or contracting for a prescribed burn, provided these persons comply with the provisions of the Act and the Air Pollution Control Act. A civil or criminal penalty will not apply to the property owner, burn manager or burn worker if the burn is conducted in accordance with the plan, unless negligence can be proven.

The Act is effective immediately.

### **FISCAL IMPACT:**

The Department of Conservation and Natural Resources can carry out the requirements of this bill with existing personnel and resources. Not additional costs are anticipated related to this bill.

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