

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7003
BILL NUMBER: HB 1189

NOTE PREPARED: Jan 3, 2013
BILL AMENDED:

SUBJECT: Open Burning.

FIRST AUTHOR: Rep. Mahan
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 X FEDERAL

IMPACT: State

Summary of Legislation: This bill specifies that for purposes of the law concerning open burning, the definition of "person" means an individual, a partnership, a copartnership, a firm, a company, a corporation, an association, a joint stock company, a trust, an estate, a municipal corporation, a city, a school city, a town, a school town, a school district, a school corporation, a county, any consolidated unit of government, political subdivision, a state agency, a contractor, or any other legal entity. It allows a person to open burn wood remnants of the demolition of an undesirable, predominantly wooden structure originally located on real property located in an incorporated area without obtaining a permit or any other authorization from the Department of Environmental Management, a unit of local government, or a volunteer fire department if the open burn occurs in an unincorporated area.

Effective Date: July 1, 2013.

Explanation of State Expenditures: *Summary* - This bill could reduce the number of open burning variances issued by the Office of Air Quality in the Indiana Department of Environmental Management (IDEM), which would reduce its workload by an indeterminable amount. IDEM issued 200 open burning variances in CY 2011 and 170 for CY 2012 as of November 26, 2012. This program is funded through a U.S. EPA Section 105 grant which provides funding to assist in the implementation of the Clean Air Act.

Background Information - No open burning may be carried out in Indiana without IDEM approving the action as an authorized emergency burning or receiving a variance. Most variances are issued for one year or less and must be for burning natural growth derived from a clearing operation, burning clean wood products, or the

burning of natural growth for the purpose of land management. Other activities that would qualify for a variance include fire training purposes and burning high explosives or other dangerous material when transportation of the material would be dangerous and no other disposal method exists.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: IDEM.

Local Agencies Affected:

Information Sources: Brad Baughn, IDEM, 317-234-3386; IDEM website, <http://www.in.gov/idem/>.

Fiscal Analyst: Jessica Harmon, 317-232-9854.