

**TESTIMONY OF
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BEFORE THE 68th LEGISLATIVE SESSION
HOUSE POLITICAL SUBDIVISIONS COMMITTEE
JANUARY 5, 2023
IN SUPPORT OF HOUSE BILL 1053**

Chairman Longmuir, members of the House Political Subdivisions Committee, my name is Darin Hanson and I'm the Homeland Security Division Director at the Department of Emergency Services (DES) for the state of North Dakota. I am here today to testify in support of House Bill 1053. A bill that simply clarifies the language in century code relating to burn bans.

As currently written in NDCC 37-17.1-10 a local political subdivision may declare an emergency to ban open burning, the violation of which is a class B misdemeanor. These emergency declarations have become common place across the state to deter citizens from creating unnecessary fire hazards at times when the fire danger is abnormally high. These bans are a vital tool in the public safety toolbox. In reality though, the level of fire danger can change from day to day and may vary depending on the type of open burning being requested. In this instance, the tool the counties were given may not be the best tool to ensure public safety while also ensuring our citizens are not overly restricted.

The variability of fire risk discussed above results in cities and counties using multiple factors to create tiered restrictions, rather than a total ban on open burning for the duration of the declared emergency. While the emergency declaration they reference lists the term "ban", the implemented rules are often restrictions placed in targeted areas only. The disconnect between the real-world application of the declaration restrictions and the century code required "ban" verbiage for enforcement causes confusion amongst the citizens and makes the local jurisdictions work around century code. We can fix that by amending NDCC3 7-17.1-10 to more accurately describe the practice at the local level. Simply replacing the word "ban" with "restrictions" gives the local jurisdictions more flexibility to implement safe burning restrictions, provides more opportunities for citizens to conduct open burning when safely allowable, and reduces confusion between government and citizen.

Mr. Chairman, this completes our testimony. I would like to leave you with these final thoughts. The current century code relating to burn bans gives the cities and counties an important public safety tool, but it is written like the traditional saying where if you only have a hammer, everything looks like a nail. If amended, century code will match real world application and allow the locals to use the right tool at the right time and in the right situations. Thank you for your time and consideration.