

**2023 HOUSE POLITICAL SUBDIVISIONS**

**HB 1053**

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Room JW327B, State Capitol

HB 1053  
1/5/2023

Relating to burn restrictions

Chairman Longmuir opened the hearing on HB 1053 at 9:45 AM.

Members present: Chairman Longmuir, Vice Chairman Fegley, Rep. Hatlestad, Rep. Heilman, Rep. Holle, Rep. Jonas, Rep. Klemin, Rep. Motschenbacher, Rep. Ostlie, Rep. Rios, Rep. Toman, Rep. Warrey, Rep. Davis, Rep. Hager

### Discussion Topics:

- Burn ban restrictions
- What constitutes a burn
- EMS coordination

Darin Hanson, Homeland Security Division Director: In favor. Testimony # 12376.

Rep. Klemin moved a Do Pass; Seconded by Rep. Fegley

| Representatives                    | Vote |
|------------------------------------|------|
| Representative Donald W. Longmuir  | Y    |
| Representative Clayton Fegley      | Y    |
| Representative Jayme Davis         | Y    |
| Representative LaurieBeth Hager    | Y    |
| Representative Patrick Hatlestad   | Y    |
| Representative Matt Heilman        | Y    |
| Representative Dawson Holle        | Y    |
| Representative Jim Jonas           | Y    |
| Representative Lawrence R. Klemin  | Y    |
| Representative Mike Motschenbacher | Y    |
| Representative Mitch Ostlie        | Y    |
| Representative Nico Rios           | Y    |
| Representative Nathan Toman        | Y    |
| Representative Jonathan Warrey     | y    |

Motion carries. 14 Yes 0 No 0 Absent Carrier: Rep. Motschenbacher

### Additional written testimony:

Mary Senger, EMS Director: In favor. Testimony # 12405

Meeting adjourned at 10:46 AM.

*Delores Shimek, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1053: Political Subdivisions Committee (Rep. Longmuir, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1053 was placed on the Eleventh order on the calendar.

**2023 SENATE AGRICULTURE AND VETERANS AFFAIRS**

**HB 1053**

# 2023 SENATE STANDING COMMITTEE MINUTES

## Agriculture and Veterans Affairs Committee Fort Union Room, State Capitol

HB 1053  
2/16/2023

A BILL for an Act relating to burn restrictions

8:29 AM Chairman Luick called the committee to order.  
Present: Senators Weber, Weston, Luick, and Lemm  
Absent: Senators Hogan and Myrdal

### Discussion Topics:

- Definitions
- Restrictions versus Bans

8:30 AM Darin Hanson, Homeland Security Division Director, ND Department of Emergency Services, testified in favor #20857

8:37 AM Senator Weston moved DO PASS HB 1053

8:37 AM Senator Weber seconded.

8:37 AM Roll Call Vote, DO PASS HB 1053

| Senators              | Vote |
|-----------------------|------|
| Senator Larry Luick   | Y    |
| Senator Janne Myrdal  | A    |
| Senator Kathy Hogan   | A    |
| Senator Randy D. Lemm | Y    |
| Senator Mark F. Weber | Y    |
| Senator Kent Weston   | Y    |

Vote: 4-0-2 DO PASS HB 1053

8:37 AM Chairman Luick held the key open for the absent senators.

8:37 AM Chairman Luick closed the meeting

*Dave Owen, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

## Agriculture and Veterans Affairs Committee Fort Union Room, State Capitol

HB 1053  
2/16/2023

A BILL for an Act relating to burn restrictions

9:37 AM Chairman Luick called the committee work to order.  
Present: Senators Hogan, Weber, Weston, Luick, Myrdal, and Lemm

### Discussion Topics:

- Committee action

9:38 AM Chairman Luick re-opened the key for the absent senators (Senators Hogan and Myrdal) to vote on HB 1053

9:38 AM Roll Call Vote – DO PASS HB 1053

| Senators              | Vote |
|-----------------------|------|
| Senator Larry Luick   | Y    |
| Senator Janne Myrdal  | Y    |
| Senator Kathy Hogan   | Y    |
| Senator Randy D. Lemm | Y    |
| Senator Mark F. Weber | Y    |
| Senator Kent Weston   | Y    |

Motion Passed 6-0-0. DO PASS HB 1053.

Senator Lemm will carry.

9:39 AM Chairman Luick closed the meeting.

*Brenda Cook, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1053: Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1053 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

**TESTIMONY**

**HB 1053**



**TESTIMONY OF  
DARIN T. HANSON  
HOMELAND SECURITY DIVISION DIRECTOR  
NORTH DAKOTA DEPARTMENT OF EMERGENCY SERVICES  
BEFORE THE 68<sup>th</sup> 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.

HB 1053 Testimony  
Political Subdivisions Committee  
January 5, 2023  
Mary H. Senger, Director  
Burleigh County Emergency Management

Chairman Dockter and members of the Political Subdivisions Committee, my name is Mary Senger, Emergency Management Director for Burleigh County, and I am in support of HB 1053.

Local jurisdictions have the authority to declare an emergency and institute a burn ban pursuant to NDCC 37.17.1-10. I receive calls every time a “burn ban” is issued and have changed declarations to read “burn ban tied to the daily fire danger index” to clarify that everything is not banned all the time. Media, citizens, and visitors continue to focus on the words “burn ban” when actually it’s “burn restrictions”.

Updating NDCC 37.17.1-10 verbiage from “burn ban” to “burn restrictions” accurately depicts the intent of the local jurisdiction. Through the years, we have been educating constituents on the daily fire danger index--a great tool utilizing science to dictate the opportunity to burn on days when it is appropriate rather than banning everything. “Burn restrictions” is a better fit and more accurately defines the intent.

**TESTIMONY OF  
DARIN T. HANSON  
HOMELAND SECURITY DIVISION DIRECTOR  
NORTH DAKOTA DEPARTMENT OF EMERGENCY SERVICES  
BEFORE THE 68<sup>th</sup> LEGISLATIVE SESSION  
SENATE AGRICULTURE AND VETERANS AFFAIRS COMMITTEE  
FEBRUARY 16, 2023  
IN SUPPORT OF HOUSE BILL 1053**

Chairman Luick, members of the Senate Agriculture and Veterans Affairs 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.

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