

### Fiscal Estimate - 2009 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>09-1473/1</b>	<b>Introduction Number</b> <b>AB-0114</b>
<b>Description</b> Open burning of solid waste, illegal storage or disposal of waste tires, and providing a penalty	
<b>Fiscal Effect</b>	
<b>State:</b> <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs	
<b>Local:</b> <input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs      3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs      4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <div style="margin-left: 400px;"> <b>5.Types of Local Government Units Affected</b>  <input type="checkbox"/> Towns      <input type="checkbox"/> Village      <input type="checkbox"/> Cities  <input type="checkbox"/> Counties      <input type="checkbox"/> Others  <input type="checkbox"/> School Districts      <input type="checkbox"/> WTCS Districts         </div>	
<b>Fund Sources Affected</b> <b>Affected Ch. 20 Appropriations</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input checked="" type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.370(3)(mq), (2)(mq), others	
<b>Agency/Prepared By</b> DNR/ Joe Polasek (608) 266-2794	<b>Authorized Signature</b> Joe Polasek (608) 266-2794
<b>Date</b> 3/11/2009	

## Fiscal Estimate Narratives

DNR 3/11/2009

LRB Number	09-1473/1	Introduction Number	AB-0114	Estimate Type	Original
<b>Description</b> Open burning of solid waste, illegal storage or disposal of waste tires, and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

#### Bill Summary:

This bill authorizes DNR and local town, municipal and county law enforcement officials to issue citations for violations of law regulating the open burning of solid waste and to use DNR's Natural Resources citation for these violations. Open burning is burning from which smoke is emitted directly into the air, without passing through a chimney; open burning of solid waste (plastics, garbage, waste oil, shingles, tires) is already illegal. However, the only enforcement tool is to document the illegal open burning and refer to the state Attorney General's office for charges and prosecution. This results in only a very few, major violations of the law being referred for prosecution. Consequently, most violations for burning smaller amounts of solid waste go unreported. These open burning violations result in the number one cause of wildfires in Wisconsin and contribute to fine particulate matter in the air aggravating public health. This bill states there is no penalty connected with a citation for an open burning violation that is committed within one year after the bill takes effect. After that, the bill provides a maximum forfeiture of \$5 for the first offense where a person is burning limited amounts of residential solid waste (60 or fewer gallons) on the person's own property. The bill exempts a person who is subject to the \$5 forfeiture from other related surcharges. The bill's maximum forfeiture (civil penalty) is \$500. Citations will need to be tracked for future repeat offense penalty provisions. Information on past convictions will need to be available to law enforcement agencies that take enforcement action under this new authority. In addition, the bill authorizes DNR to issue a citation to a person who operates a solid waste facility at which waste tires are stored, treated, or disposed of without a license or in violation of an approved plan of operation.

#### Fiscal Estimate:

The Department expects that open burning complaint violations will decrease once the public learns that local law enforcement officials can issue citations for these violations. The Department estimates there will be approximately 450 open burning complaints received annually that may require investigation.

It is assumed the \$5 citations that are issued for first-time burning of 60 or fewer gallons of residential solid waste will not include court costs or the \$10 Environmental Surcharge. It is not possible to determine the number of potential citations that will fall into this category. Penalties for citations issued for burning violations over 60 gallons of waste and for commercial entities and for 2nd offenses will be established by the Uniform Bond Committee of the Wisconsin Judicial Conference which meets annually in August to set the bond schedule for the following calendar year. Until that time, the forfeiture imposed would be set at 50% of the maximum penalty. Penalties will be deposited into the school fund but it is difficult to reasonably predict the number of citations issued (and amount of revenue generated) given the one-year waiting period and overall focus on achieving compliance through education for all but the most serious offenses.

It is estimated that one-half of the 450 anticipated complaints will be received via the DNR Hotline. Assuming that each hotline call requires one hour to collect information from the caller, complete data entry, relay the information to the appropriate law enforcement official and complete final data entry; it is estimated to total 225 hours per year at \$10.00 per hour, or ~\$2,300 in hotline staff costs.

The DNR Bureau of Law Enforcement estimates DNR costs for implementing the new citation authority will be approximately \$56,800. It is assumed that law enforcement can allocate the expected increased workload (.5) FTE and the related supplies within their current staff complement. Funding for this increased effort will come through a reallocation of: an Air Management funding source such as mobile sources funding; a Waste Management funding source such as the Environmental Management Account of the Environmental Fund; or some combination of Air and Waste Division funding sources.

450 complaints x 2.5 hours/complaint to investigate = 1,125 hours or 0.5 FTE  
0.5 FTE salary and fringe is approximately \$45,000

0.5 FTE needs approximately \$5,000 in supplies  
13,500 miles for complaint investigations x .50/mile =~\$6,800

Total = \$56,800 allocated within current staff complement

The cost of printing the Natural Resources Citation forms is approximately six cents per citation. The forms have been provided in the past to other local law enforcement agencies that operate boat, snowmobile or ATV patrols for the enforcement of the applicable sections of Chapters 23, 20 and 350, Wis. Stats.

### **Long-Range Fiscal Implications**

Minimal. Possible to absorb in agency's budget.

## Fiscal Estimate Worksheet - 2009 Session

Detailed Estimate of Annual Fiscal Effect

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  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> 09-1473/1		<b>Introduction Number</b> AB-0114	
<b>Description</b> Open burning of solid waste, illegal storage or disposal of waste tires, and providing a penalty			
<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>  Printing of citation forms			
<b>II. Annualized Costs:</b>		<b>Annualized Fiscal Impact on funds from:</b>	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations - Salaries and Fringes	\$45,000		\$
(FTE Position Changes)	(0.5 FTE)		
State Operations - Other Costs	14,100		
Local Assistance			
Aids to Individuals or Organizations			
<b>TOTAL State Costs by Category</b>	<b>\$59,100</b>		<b>\$</b>
<b>B. State Costs by Source of Funds</b>			
GPR			
FED			
PRO/PRS			
SEG/SEG-S	59,100		
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, ets.)</b>			
	Increased Rev		Decreased Rev
GPR Taxes	\$		\$
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			
<b>TOTAL State Revenues</b>	<b>\$</b>		<b>\$</b>
<b>NET ANNUALIZED FISCAL IMPACT</b>			
	State		Local
NET CHANGE IN COSTS	\$59,100		\$
NET CHANGE IN REVENUE	\$		\$
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	
DNR/ Joe Polasek (608) 266-2794		Joe Polasek (608) 266-2794	
		<b>Date</b>	
		3/11/2009	