

Fiscal Estimate Narratives

DOJ 3/11/2009

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

Assumptions Used in Arriving at Fiscal Estimate

Currently, the Department of Natural Resources (DNR) performs initial investigations of open burning violations. If DNR determines that a violation has occurred its exclusive recourse is to refer the case to the Department of Justice (DOJ) for enforcement. The DOJ enforces the law related to open burning by prosecuting violations in circuit court. AB 114 provides the added option that would authorize DNR and local law enforcement officials to issue citations and collect forfeitures for open burning violations.

The DNR referred five civil open burning cases to DOJ in 2006, eight in 2007, and eight in 2008. Enforcement of civil open burning cases requires complaints and abatement orders to be drafted, filed, and served by attorneys in DOJ's Environmental Protection Unit (EPU), and either negotiation of settlement judgments for penalties and remediation, or trial before a court of law, followed by judgment collection and compliance monitoring. DOJ anticipates the EPU will realize a slight reduction in overall workload if AB 114 becomes law and DNR does not refer civil open burning violations to DOJ each year because those cases will be instead enforced through DNR or local law enforcement issued citations.

Long-Range Fiscal Implications