

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS
FISCAL IMPACT STATEMENT**

LS 7593
BILL NUMBER: HB 1557

NOTE PREPARED: Mar 25, 2025
BILL AMENDED: Mar 25, 2025

SUBJECT: Prescribed Burning.

FIRST AUTHOR: Rep. Baird
FIRST SPONSOR: Sen. Glick

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) The bill defines "prescribed burn". It provides for the following:

- (1) Requirements to be met before a person conducts a prescribed burning.
- (2) That a certified prescribed burn manager and a completed prescribed burn plan must be present during a prescribed burning.
- (3) Certain civil liability immunities related to conducting a prescribed burn and the prescribed burn certification program.
- (4) Under certain conditions, exemption of prescribed burning from certain local regulations.
- (5) That a prescribed burning and the smoke produced by the prescribed burning do not constitute a nuisance.
- (6) That the Department of Natural Resources (DNR), Division of Forestry shall administer the training and certification program for prescribed burning.

The bill limits damages for injuries or losses as result of a prescribed burn to actual damages.

Effective Date: July 1, 2025.

Explanation of State Expenditures: The bill requires the Division of Forestry to administer a prescribed burn certification program. Currently, the DNR offers wildland fire management training courses for fire departments. Additionally, the Indiana Department of Environmental Management (IDEM) administers an open burn program for prescribed burning for natural land management and land clearing for development and change in land use [IC 13-17-9]. The training and certification provision is an additional workload on the Division of Forestry. This program could be accomplished with existing resources if the DNR can leverage current wildfire training courses and partner with IDEM's current open burn application system.

The bill provides immunity from civil liability for a landowner, a landowner's agent, a certified prescribed burn manager, or Division of Forestry staff who conducts prescribed burn from harm caused by the prescribed burn or the smoke produced, if the prescribed burn is conducted according to the requirements of the bill.

Explanation of State Revenues:

Explanation of Local Expenditures: The bill provides that a prescribed burn and the smoke produced do not constitute a nuisance. The bill provides that if a person follows the procedure described in the bill, a prescribed burn is exempt from all local prohibitions on burning vegetation. Notification must be given to the nearest local fire department and county dispatcher or 911 dispatcher at least 24 hours before the prescribed burn begins.

Explanation of Local Revenues:

State Agencies Affected: Department of Natural Resources.

Local Agencies Affected: Counties, townships, and municipalities.

Information Sources: Department of Natural Resources;
<https://wildfire.dnr.in.gov/>;
<https://www.in.gov/dnr/forestry/programs/fire-management/>;
Indiana Department of Environmental Management;
<https://www.in.gov/idem/openburning/open-burning-that-requires-idems-prior-approval/>;
<https://www.in.gov/idem/openburning/laws-and-rules/>.

Fiscal Analyst: Heather Puletz, 317-234-9484.