

H. 3/3/97 State Gov.
H-3/25/97 Do Pass

FILED FEB 12 1997

SENATE FILE 126
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 100)

Passed Senate, Date 2/27/97 ^(P. 410) Passed House, Date 4-8-97 ^(P. 1033)
Vote: Ayes 46 Nays 0 Vote: Ayes 99 Nays 0
Approved April 11, 1997

A BILL FOR

1 An Act allowing a supervised, controlled burn for which a permit
2 has been issued during an open burning ban.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 126

1 Section 1. Section 100.40, subsection 3, Code 1997, is
2 amended to read as follows:
3 3. ~~This-section-does-not-give~~ A proclamation issued by the
4 state fire marshal ~~the-authority-to-prohibit~~ pursuant to this
5 section shall not prohibit a supervised, controlled burn for
6 which a permit has been issued by the fire chief of the fire
7 district where the burn will take place, the use of outdoor
8 fireplaces, ~~barbeque~~ barbecue grills, properly supervised
9 ~~dumping-grounds~~ landfills, or the burning of trash in
10 incinerators or trash burners made of metal, concrete,
11 masonry, or heavy one-inch wire mesh, with no openings greater
12 than one square inch.

13 EXPLANATION

14 This bill permits a fire chief to issue a permit to
15 authorize a supervised, controlled burn in the fire district
16 of the chief even while the state fire marshal has issued a
17 proclamation prohibiting open burning in the area.

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SSB 100

State Governm
Succeeded By

SENATE/HOUSE ~~SF~~ HF 126
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY
PAUL H. WIECK II, COMMISSIONER

LSB 1043DP

December 16, 1996

To: Members of the General Assembly

Re: "Open Burning Amendment", Section 100.40

The State Fire Marshal is authorized to issue an open burning ban proclamation. The present ban has three exceptions: *outdoor fireplaces, barbecue grills and burning at supervised landfills.*

During prolonged dry periods, the state fire marshal's office issues burning ban proclamations upon requests or advisement from local officials. These bans may cover several counties at a time.

However, it is common for the fire marshal's office to receive calls from farmers, contractors, conservation officials and even fire chiefs, requesting exceptions. We believe the local fire chief is in a much better position to evaluate the appropriateness and relative safety of the request. Additionally, the present law does not authorize the fire marshal's office to grant the exception.

In many instances the exceptions are desirable and/or necessary, such as conservation officials who need to burn prairie grass and who are fully trained and equipped to do so, farmers who may need to burn a brush pile in a safe area, or fire officials wanting to conduct a training fire.

The proposed amendment recognizes that the proximity of the local fire official to the scene of the request for exception provides a sounder base for evaluating the request and authorizes this official to grant the exception when appropriate to do so.

masonry, or heavy one-inch wire mesh, with no openings greater than one square inch.

SENATE FILE 126

AN ACT

ALLOWING A SUPERVISED, CONTROLLED BURN FOR WHICH A PERMIT HAS BEEN ISSUED DURING AN OPEN BURNING BAN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 100.40, subsection 3, Code 1997, is amended to read as follows:

3. ~~This section does not give A proclamation issued by the state fire marshal the authority to prohibit pursuant to this section shall not prohibit a supervised, controlled burn for which a permit has been issued by the fire chief of the fire district where the burn will take place, the use of outdoor fireplaces, barbeque barbecue grills, properly supervised dumping-grounds landfills, or the burning of trash in incinerators or trash burners made of metal, concrete,~~

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 126, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved  1997

TERRY E. BRANSTAD
Governor