
HOUSE BILL No. 1189

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2-158; IC 13-17-9-1.

Synopsis: Open burning. Specifies that for purposes of the law concerning open burning, the definition of "person" means an individual, a partnership, a copartnership, a firm, a company, a corporation, an association, a joint stock company, a trust, an estate, a municipal corporation, a city, a school city, a town, a school town, a school district, a school corporation, a county, any consolidated unit of government, political subdivision, a state agency, a contractor, or any other legal entity. Allows a person to open burn wood remnants of the demolition of an undesirable, predominantly wooden structure originally located on real property located in an incorporated area without obtaining a permit or any other authorization from the department of environmental management, a unit of local government, or a volunteer fire department if the open burn occurs in an unincorporated area.

Effective: July 1, 2013.

Mahan, Wolkins

January 10, 2013, read first time and referred to Committee on Veterans Affairs and Public Safety.

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First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1189



A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-158, AS AMENDED BY P.L.114-2012,
2 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 158. (a) "Person", for purposes of:
4 (1) **IC 13-17-9**;
5 (†) (2) IC 13-21;
6 (‡) (3) air pollution control laws;
7 (‡) (4) water pollution control laws; and
8 (‡) (5) environmental management laws, except as provided in
9 subsections (c), (d), and (e);
10 means an individual, a partnership, a copartnership, a firm, a company,
11 a corporation, an association, a joint stock company, a trust, an estate,
12 a municipal corporation, a city, a school city, a town, a school town, a
13 school district, a school corporation, a county, any consolidated unit of
14 government, political subdivision, state agency, a contractor, or any
15 other legal entity.
16 (b) "Person", for purposes of:
17 (1) IC 13-18-10;



- 1 (2) IC 13-18-10.5;
 2 (3) IC 13-20-10.5; and
 3 (4) IC 13-20-17;
 4 means an individual, a partnership, a copartnership, a firm, a company,
 5 a corporation, an association, a joint stock company, a trust, an estate,
 6 a political subdivision, a state agency, or other legal entity, or their
 7 legal representative, agent, or assigns.
 8 (c) "Person", for purposes of:
 9 (1) IC 13-20-13;
 10 (2) IC 13-20-14;
 11 (3) IC 13-20-16; and
 12 (4) IC 13-25-6;
 13 means an individual, a corporation, a limited liability company, a
 14 partnership, or an unincorporated association.
 15 (d) "Person", for purposes of IC 13-23, has the meaning set forth in
 16 subsection (a). The term includes a consortium, a joint venture, a
 17 commercial entity, and the United States government.
 18 (e) "Person", for purposes of IC 13-20-17.5 and IC 13-25-3, means
 19 an individual, a corporation, a limited liability company, a partnership,
 20 a trust, an estate, or an unincorporated association.
 21 (f) "Person", for purposes of IC 13-26, means an individual, a firm,
 22 a partnership, an association, a limited liability company, or a
 23 corporation other than an eligible entity.
 24 (g) "Person", for purposes of IC 13-29-1, means any individual,
 25 corporation, business enterprise, or other legal entity either public or
 26 private and any legal successor, representative, agent, or agency of that
 27 individual, corporation, business enterprise, or legal entity.
 28 SECTION 2. IC 13-17-9-1 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Subject to section
 30 3 of this chapter, a person may open burn the following for
 31 maintenance purposes:
 32 (1) Vegetation from:
 33 (A) a farm;
 34 (B) an orchard;
 35 (C) a nursery;
 36 (D) a tree farm;
 37 (E) a cemetery; or
 38 (F) a drainage ditch.
 39 (2) Vegetation from agricultural land if the open burn occurs in
 40 an unincorporated area.
 41 (3) Wood products derived from pruning or clearing a roadside by
 42 a county highway department.

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- 1 (4) Wood products derived from the initial clearing of a public
- 2 utility right-of-way if the open burn occurs in an unincorporated
- 3 area.
- 4 (5) Undesirable:
- 5 (A) wood structures on real property; or
- 6 (B) wood remnants of the demolition of a predominantly
- 7 wooden structure originally located on real property;
- 8 located in an unincorporated area.
- 9 **(6) Wood remnants of the demolition of an undesirable,**
- 10 **predominantly wooden structure originally located on real**
- 11 **property located in an incorporated area if the open burn**
- 12 **occurs in an unincorporated area.**
- 13 (b) A person who is allowed to open burn under subsection (a) is not
- 14 required to obtain:
- 15 (1) a permit; or
- 16 (2) any other authorization;
- 17 from the department, a unit of local government, or a volunteer fire
- 18 department before conducting the open burning.

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