



March 8, 2019

ENGROSSED SENATE BILL No. 142

DIGEST OF SB 142 (Updated March 7, 2019 9:49 am - DI 133)

Citations Affected: IC 36-1.

Synopsis: Building permits. Prohibits a building commissioner, building code official, or inspector for a local unit of government (unit) from issuing a building permit when the building commissioner, building code official, or inspector has a direct or indirect financial interest in the issuance of the permit. Requires a unit to adopt an ordinance to establish a procedure to address instances where a building commissioner, building code official, or inspector has a direct or indirect financial interest in the issuance of a permit.

Effective: July 1, 2019.

**Bohacek, Garten, Rogers,
Randolph Lonnie M**
(HOUSE SPONSORS — ZENT, PRESSEL)

January 3, 2019, read first time and referred to Committee on Local Government.
January 28, 2019, reported favorably — Do Pass.
January 31, 2019, read second time, ordered engrossed. Engrossed.
February 4, 2019, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 26, 2019, read first time and referred to Committee on Local Government.
March 7, 2019, reported — Do Pass.

ES 142—LS 6214/DI 132



March 8, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

ENGROSSED SENATE BILL No. 142

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

1 SECTION 1. IC 36-1-27 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2019]:
4 **Chapter 27. Building Permit Conflict of Interest**
5 **Sec. 1. As used in this chapter, "conflict of interest" means a**
6 **direct or indirect financial interest in the issuance of a permit.**
7 **Sec. 2. As used in this chapter, "permit" has the meaning set**
8 **forth in IC 36-7-4-1109(b).**
9 **Sec. 3. A building commissioner, building code official, or**
10 **inspector of a unit may not issue a permit or oversee the issuance**
11 **of a permit through a subordinate if the building commissioner,**
12 **building code official, or inspector has a conflict of interest.**
13 **Sec. 4. (a) Except as provided in subsection (c), a unit shall**
14 **adopt an ordinance to establish a procedure to address a conflict**
15 **of interest that prevents a building commissioner, building code**
16 **official, or inspector from issuing a permit under section 3 of this**
17 **chapter.**

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- 1 **(b) An ordinance adopted under this section must include the**
- 2 **following:**
- 3 **(1) A procedure for the building commissioner, building code**
- 4 **official, or inspector to report a conflict of interest.**
- 5 **(2) A procedure for appointing a qualified temporary**
- 6 **replacement building commissioner, building code official, or**
- 7 **inspector in the case of a conflict of interest.**
- 8 **(c) An ordinance adopted by a unit before July 1, 2019, satisfies**
- 9 **the requirements of this section if the ordinance includes the**
- 10 **procedures required by subsection (b).**



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 142, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 142 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 9, Nays 0

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 142, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 142 as printed January 29, 2019.)

ZENT

Committee Vote: Yeas 10, Nays 2

