

First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE ENROLLED ACT No. 1300

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 22-13-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The commission shall carry out a program to review the fire safety laws and the building laws adopted in the ordinances and other regulations of political subdivisions.

(b) **Except as provided in subsection (c)**, an ordinance or other regulation adopted by a political subdivision that qualifies as a fire safety law or a building law:

(1) must be submitted to the commission for review within thirty (30) days after adoption by the political subdivision; and

(2) is not effective until: ~~it is approved by the commission.~~

(A) it is approved by an order issued by the commission; or
(B) it is approved as the result of the commission not having issued an order approving or denying the ordinance or other regulation within the period set forth in section 5.5(2) of this chapter.

(c) ~~However,~~ An ordinance that:

(1) is adopted by a city, town, or county; and

(2) governs the installations, repair, and maintenance of smoke

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detectors in residential structures that are not required to have smoke detectors under the rules of the commission; is effective without approval by the commission.

(d) A:

- (1) state agency; or**
- (2) political subdivision;**

may not require a person or entity to obtain or maintain, or both, a license in order to install or maintain a low voltage thermostat of fifty (50) volts or less.

SECTION 2. IC 22-13-2-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. The commission's program for review of adopted ordinances and other regulations of political subdivisions submitted for approval by the commission under section 5 of this chapter shall be conducted by the commission staff as follows:**

- (1) A request may be made to the commission for preliminary staff review at any time. The results of the staff review must be furnished to the requester within a reasonable time.**
- (2) A submission by a political subdivision for approval of an ordinance or other regulation by the commission shall be made in hard copy or electronic form acceptable to the commission. The staff shall place the submission on the agenda for the first commission meeting scheduled later than five (5) working days after the receipt of the submission. An opportunity for public testimony may be afforded at the meeting of the commission. If the commission does not issue an order approving or denying the ordinance or other regulation at the first commission meeting, or at any of the next three (3) commission meetings, the ordinance or other regulation is automatically approved and effective without an order of the commission.**
- (3) A member of the commission may submit an adopted ordinance or other regulation to the commission for review under subdivisions (1) and (2) if the political subdivision did not submit the adopted ordinance or other regulation within thirty (30) days of adoption by the political subdivision as required by section 5(b) of this chapter.**
- (4) The commission's order regarding the ordinance or other regulation shall be issued following the requirements set forth under IC 4-21.5-3-5. If a petition for review is subsequently granted under IC 4-21.5-3-7, the commission's order shall be**



deemed merely to have been a preliminary determination.

(5) One (1) copy of each approved ordinance or other regulation, endorsed by the chair of the commission, shall be returned to the political subdivision or, if the submission was made by a member of the commission, to the member, with the order approving the ordinance or other regulation.

(6) If the commission denies an ordinance or other regulation, the commission's denial must specify the defects in the ordinance or other regulation that are the basis for the denial.

SECTION 3. IC 36-1-3-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.5. A unit may not adopt or enforce an ordinance that requires or would have the effect of requiring a landlord to participate in:**

(1) a Section 8 program of the federal Housing Act of 1937 (42 U.S.C. 1437f); or

(2) a similar program concerning housing.

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) **675 IAC 12-10-8 is void. The publisher of the Indiana Administrative Code and Indiana Register shall remove 675 IAC 12-10-8 from the Indiana Administrative Code.**

(b) **This SECTION expires December 31, 2015.**

SECTION 5. **An emergency is declared for this act.**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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