

SENATE BILL No. 142

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-1-27.

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

January 3, 2019, read first time and referred to Committee on Local Government.



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.

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.**



- 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).**

