



February 26, 1999

SENATE BILL No. 26

DIGEST OF SB0026 (Updated February 24, 1999 4:58 pm - DI 87)

Citations Affected: IC 22-13; IC 22-15; IC 36-7.

Synopsis: Interpretive powers of state building commissioner. Gives the office of the state building commissioner the power to issue written interpretations of building laws. Requires a written interpretation by the office of the state building commissioner to be treated as a building law until it is amended or repealed. Requires units of local government to comply with the office of the state building commissioner's written interpretations.

Effective: July 1, 1999.

Wyss, Lewis

January 6, 1999, read first time and referred to Committee on Governmental and Regulatory Affairs.
February 25, 1999, reported favorably — Do Pass.

SB 26—LS 6336/DI 101+



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February 26, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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SENATE BILL No. 26

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

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

1 SECTION 1. IC 22-13-5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1999]:

4 **Chapter 5. Power of State Building Commissioner to Interpret**
5 **Building Laws**

6 **Sec. 1. The office of the state building commissioner may issue**
7 **a written interpretation of a building law. An interpretation issued**
8 **by the office of the state building commissioner must be consistent**
9 **with building laws enacted by the general assembly or adopted by**
10 **the commission.**

11 **Sec. 2. A written interpretation issued by the office of the state**
12 **building commissioner under section 1 of this chapter shall be**
13 **treated as a building law until it is amended or repealed by the**
14 **commission, the general assembly, or the office of the state building**
15 **commissioner.**

16 **Sec. 3. When issuing a written interpretation under section 1**
17 **of this chapter, the office of the state building commissioner is not**

SB 26—LS 6336/DI 101+



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required to comply with IC 4-22-2.

SECTION 2. IC 22-15-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. To carry out the office's responsibilities, the state building commissioner or an employee or another agent of the office may:

- (1) exercise any program of supervision that is approved by the commission, if the responsibility involves the administration or enforcement of a building law;
- (2) enter and inspect any property, at a reasonable hour;
- (3) issue and enforce administrative orders under IC 22-12-7 and apply for judicial orders under IC 22-12-7-13; ~~and~~
- (4) cooperate with law enforcement officers and political subdivisions that have jurisdiction over a matter; **and**

(5) issue a written interpretation of any building law under IC 22-13-5.

SECTION 3. IC 36-7-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. Each unit shall require compliance with:

- (1) the code of building laws that is adopted in the rules of the fire prevention and building safety commission under IC 22-13;
- (2) orders issued under IC 22-13-2-11 that grant a variance to the code of building laws described in subdivision (1);
- (3) orders issued under IC 22-12-7 that apply the code of building laws described in subdivision (1); ~~and~~
- (4) IC 22-15-3-7; **and**

(5) written interpretations of building laws issued by the office of the state building commissioner under IC 22-13-5.

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SENATE MOTION

Mr. President: I move that Senator Lewis be added as second author of Senate Bill 26.

WYSS

SENATE MOTION

Mr. President: I move that Senator Skillman be removed as author of Senate Bill 26 and that Senator Wyss be substituted therefor.

SKILLMAN

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill No. 26, 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 made to Senate Bill 26 as introduced.)

MERRITT, Chairperson

Committee Vote: Yeas 6, Nays 0.

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