

**STATE OF INDIANA**  
**EXECUTIVE DEPARTMENT**  
**INDIANAPOLIS**

**EXECUTIVE ORDER** \_\_\_\_\_ **05-33**

**FOR:                   SUSPENSION OF DESIGN RELEASE FEE FOR CONSTRUCTION TO  
REMEDY DAMAGES CAUSED BY TORNADO, SEVERE THUNDERSTORMS  
AND EXTREMELY HIGH WINDS**

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS.**

**WHEREAS,** a state of disaster emergency has been declared due to a major tornado, severe thunderstorms and extremely high winds that swept through parts of southern Indiana during the early morning hours of November 6, 2005;

**WHEREAS,** the storms inflicted significant damage on buildings, structures and private and public infrastructure in Vanderburgh and Warrick Counties;

**WHEREAS,** businesses, organizations and units of government are in the process of rebuilding these damaged buildings, structures and private and public infrastructure;

**WHEREAS,** under IC 22-15-3, these rebuilding efforts require the issuance of a design release by the Indiana Department of Homeland Security's Building Law Compliance Officer prior to the initiation of certain types of such construction;

**WHEREAS,** to qualify for such a design release, the provisions of IC 22-15-3-2, 675 IAC 12-6-5, 675 IAC 12-6-8, and 675 IAC 12-6-18 require the payment of a design release fee established by the Fire Prevention and Building Safety Commission under 675 IAC 12-3-2;

**WHEREAS,** retaining the requirement to pay this fee may prevent, hinder or delay the reconstruction necessary to recover from this disaster emergency;

**WHEREAS,** under IC 10-14-3-12 (the Emergency Management and Disaster Law), the Governor may, during a state of emergency, suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with any of these provisions would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

**WHEREAS,** in the wake of the devastation of these historic storms and in order to encourage and expedite the rebuilding that is needed to recover from this disaster emergency, it is appropriate for the State to suspend this design release fee for those construction projects initiated to remedy damages caused by the tornado, severe thunderstorms and extremely high winds.

**NOW, THEREFORE, I, Mitchell E. Daniels, Jr.,** by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

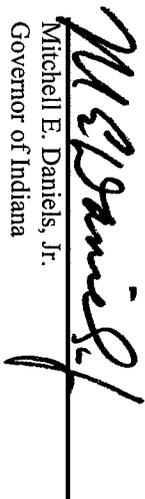
1. The provisions in IC 22-15-3-2, 675 IAC 12-6-5, 675 IAC 12-6-8, and 675 IAC 12-6-18 that require the payment of a fee to qualify for a design release, as well as the design release fee schedule established in 675 IAC 12-3-2, are hereby suspended for those construction projects proposed to repair or rebuild structures located in Vanderburgh or Warrick County that were damaged by the tornado, severe thunderstorms and extremely high winds during the early morning hours of November 6, 2005. The suspension is effective from the time of the issuance of this Executive Order and shall expire thirty (30) days from the date hereof unless extended by further action of the Governor.

2. All other requirements in the Indiana Code and the Indiana Administrative Code pertaining to the application for and issuance of a design release shall remain in effect.

3. The state of disaster emergency declared in Executive Order 05-31 continues due to the ongoing response and recovery efforts as a result of the tornado, severe thunderstorms and extremely high winds which swept through parts of southern Indiana on November 6, 2005. Such declaration of disaster emergency was in effect beginning November 6, 2005 and is hereby continued for thirty (30) days from the date hereof unless extended by further action of the Governor.



IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 16th day of November, 2005.

  
Mitchell E. Daniels, Jr.  
Governor of Indiana

ATTEST:

  
Todd Rokita  
Secretary of State