



March 23, 1999

**ENGROSSED
SENATE BILL No. 206**

DIGEST OF SB 206 (Updated March 22, 1999 2:32 pm - DI 101)

Citations Affected: IC 4-13; noncode.

Synopsis: Locate state government offices in downtown areas. Defines "downtown" to refer to: (1) the central business district of a city, town, or township; (2) any commercial or mixed use area that has traditionally served as the retail service and communal focal point within a community; (3) an enterprise zone established under the Indiana Code; or (4) a brownfield revitalization zone established under the Indiana Code. Provides that the Indiana department of administration shall establish policy to encourage state agencies to
(Continued next page)

Effective: July 1, 1999.

**Skillman, Lawson C, Jackman,
Antich, Lewis**

(HOUSE SPONSORS — LYTLE, SAUNDERS, STEVENSON)

January 6, 1999, read first time and referred to Committee on Governmental and Regulatory Affairs.

January 28, 1999, amended, reported favorably — Do Pass.

February 1, 1999, read second time, amended, ordered engrossed.

February 2, 1999, engrossed. Read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 3, 1999, read first time and referred to Committee on Commerce and Economic Development.

March 22, 1999, amended, reported — Do Pass.

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locate leased and state constructed facilities in downtown areas. Provides that the policy established by the department may exempt certain agencies or activities from the policy. Provides that the policy established by the department shall focus on the following: (1) Local economic considerations. (2) The requirements of the agency. (3) Servicing client needs. (4) The availability of suitable space. (5) Competitiveness in the market place. Provides that the policy established by the department may not encourage state agencies to locate leased and state constructed facilities in downtown areas if doing so would result in new or increased taxes to the citizens of Indiana. Requires the policy established by the department to give primary consideration to the restoration or reuse, or both of existing structures within a downtown area. Requires the policy established by the Indiana department of administration to give secondary consideration to state construction of facilities within a downtown area if the restoration or reuse of existing structures within a downtown area is not determined to be a reasonable alternative by the department. Requires the Indiana department of administration to establish policy to implement these provisions not later than January 1, 2000. Provides that not later than July 1 of each year, the Indiana department of administration shall report to the legislative council concerning the implementation of these provisions. Requires the Indiana department of administration to submit the department's first report to the legislative council not later than July 1, 2001.

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March 23, 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.

ENGROSSED SENATE BILL No. 206

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

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

1 SECTION 1. IC 4-13-1.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1999]:

4 **Chapter 1.1. Location of State Agencies in Downtown Areas**

5 **Sec. 1. As used in this chapter, "Americans with Disabilities**
6 **Act" refers to the federal Americans with Disabilities Act (42**
7 **U.S.C. 12101 et seq.) and any amendments and regulations related**
8 **to the act.**

9 **Sec. 2. As used in this chapter, "commissioner" refers to the**
10 **commissioner of the Indiana department of administration.**

11 **Sec. 3. As used in this chapter, "department" refers to the**
12 **Indiana department of administration created under IC 4-13-1-2.**

13 **Sec. 4. As used in this chapter, "downtown" refers to:**
14 (1) the central business district of a city, town, or township;
15 (2) any commercial or mixed use area within a neighborhood

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1 of a city, town, or township that has traditionally served, since
2 the founding of the community, as the retail service and
3 communal focal point within the community;

4 (3) an enterprise zone established under IC 4-4-6.1; or

5 (4) a brownfield revitalization zone established under
6 IC 6-1.1-42.

7 Sec. 5. As used in this chapter, "state agency" means:

8 (1) an agency described in IC 4-13-1-1; or

9 (2) a license branch operating under IC 9-16.

10 Sec. 6. Except as provided in section 9 of this chapter, the
11 department shall establish policy to encourage state agencies to
12 locate leased and state constructed facilities in downtown areas.

13 Sec. 7. The policy established under section 6 of this chapter
14 may exempt certain agencies or activities from the policy.

15 Sec. 8. The policy established under section 6 of this chapter
16 must focus on the following:

17 (1) Local economic considerations.

18 (2) The requirements of the agency.

19 (3) Servicing client needs.

20 (4) The availability of suitable space.

21 (5) Competitiveness in the market place.

22 Sec. 9. Notwithstanding section 6 of this chapter, the policy
23 established by the department under section 6 of this chapter may
24 not encourage state agencies to locate leased and state constructed
25 facilities in downtown areas if doing so would result in new or
26 increased taxes to the citizens of Indiana.

27 Sec. 10. (a) The policy established by the department under
28 section 6 of this chapter must give primary consideration to the
29 restoration or reuse, or both, of existing structures within a
30 downtown area.

31 (b) When using existing structures, reasonable efforts shall be
32 made to:

33 (1) restore or rebuild the structure's facade, maintaining the
34 architectural integrity of the building and streetscape
35 according to the standards for rehabilitation under 36 CFR
36 68; and

37 (2) ensure that the structure meets the federal Americans with
38 Disabilities Act requirements in an aesthetically pleasing
39 manner.

40 Sec. 11. (a) The policy established by the department under
41 section 6 of this chapter must give secondary consideration to state
42 construction of facilities within a downtown area if the restoration

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1 or reuse, or both, of existing structures within a downtown area is
2 not determined to be a reasonable alternative by the department.

3 (b) With regard to state constructed facilities, the policy
4 established by the department must provide that reasonable efforts
5 shall be made to:

6 (1) make the scale and facade of the structure maintain the
7 architectural integrity of the existing streetscape;

8 (2) ensure that the structure meets the federal Americans with
9 Disabilities Act in an aesthetically pleasing manner;

10 (3) deny a request from a state agency to locate or to relocate
11 outside a downtown area unless it is documented that no
12 reasonable alternative exists. Lack of onsite parking is not
13 alone sufficient documentation when alternative parking is
14 available in a downtown area; and

15 (4) coordinate the location of state constructed facilities with
16 existing public and private sector organizations committed to
17 community development, downtown revitalization, and
18 historic preservation.

19 **Sec. 12.** Not later than July 1 of each year, the department shall
20 report to the legislative council concerning the implementation of
21 this chapter.

22 **Sec. 13.** The report submitted under section 12 of this chapter
23 must include the following information:

24 (1) The total number of leased and state constructed facilities
25 reviewed by the department during the prior year.

26 (2) The number of leased and state constructed facilities that
27 were located in downtown areas.

28 (3) If a leased or state constructed facility was not located in
29 a downtown area, the reason for the lease or facility being
30 located outside a downtown area.

31 (4) The number of leases and state constructed facilities that
32 included the restoration and reuse, or both, of an existing
33 structure.

34 (5) Measures taken by the department to encourage state
35 agencies to locate in downtown areas.

36 **SECTION 2.** [EFFECTIVE JULY 1, 1999] (a) As used in this
37 SECTION, "department" refers to the Indiana department of
38 administration created under IC 4-13-1-2.

39 (b) The department shall establish policy to implement
40 IC 4-13-1.1, as added by this act, not later than January 1, 2000.

41 (c) Notwithstanding IC 4-13-1.1-12, as added by this act, the
42 department shall submit the department's first report to the

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1 **legislative council not later than July 1, 2001.**
2 **(d) This SECTION expires July 2, 2001.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill No. 206, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 32, delete "January" and insert "July".

Page 3, line 33, delete "January" and insert "July".

and when so amended that said bill do pass.

(Reference is to SB 206 as introduced.)

MERRITT, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Lawson be added as second author and Senators Jackman and Antich be added as coauthors of Senate Bill 206.

SKILLMAN

SENATE MOTION

Mr. President: I move that Senate Bill 206 be amended to read as follows:

Page 2, between lines 8 and 9, begin a new paragraph and insert:

"Sec. 7. The rules adopted under section 6 of this chapter do not apply to Indiana Department of Correction facilities."

Page 2, line 9, delete "7" and insert "8".

Page 2, line 16, delete "8" and insert "9".

Page 2, line 28, delete "9" and insert "10".

Page 3, line 7, delete "10" and insert "11".

Page 3, line 10, delete "11" and insert "12".

(Reference is to SB 206 as printed January 29, 1999.)

SKILLMAN

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SENATE MOTION

Mr. President: I move that Senator Lewis be added as coauthor of Senate Bill 206.

SKILLMAN

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred Senate Bill 206, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 14, delete "or".

Page 2, line 3, delete "." and insert ";".

Page 2, between lines 3 and 4, begin a new line block indented and insert:

- "(3) an enterprise zone established under IC 4-4-6.1; or
(4) a brownfield revitalization zone established under IC 6-1.1-42."**

Page 2, line 4, delete "has the meaning" and insert "**means:**".

Page 2, delete line 5, begin a new line block indented and insert:

- "(1) an agency described in IC 4-13-1-1; or
(2) a license branch operating under IC 9-16."**

Page 2, line 6, delete "The" and insert "**Except as provided in section 9 of this chapter, the**".

Page 2, line 6, delete "adopt rules" and insert "**establish policy**".

Page 2, delete lines 9 through 10, begin a new paragraph and insert:

"Sec. 7. The policy established under section 6 of this chapter may exempt certain agencies or activities from the policy."

Page 2, line 11, delete "rules adopted" and insert "**policy established**".

Page 2, between lines 17 and 18, begin a new paragraph and insert:

"Sec. 9. Notwithstanding section 6 of this chapter, the policy established by the department under section 6 of this chapter may not encourage state agencies to locate leased and state constructed facilities in downtown areas if doing so would result in new or increased taxes to the citizens of Indiana."

Page 2, line 18, delete "9" and insert "**10**".

Page 2, line 18, delete "rules adopted" and insert "**policy established**".

Page 2, line 20, after "both" insert ",".

Page 2, line 30, delete "10" and insert "**11**".

Page 2, line 30, delete "rules adopted" and insert "**policy established**".

Page 2, line 35, delete "rules adopted" and insert "**the policy established**".

Page 3, line 9, delete "11" and insert "**12**".

Page 3, line 10, delete "general assembly" and insert "**legislative council**".



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Page 3, line 12, delete "12" and insert "**13**".

Page 3, line 12, delete "10" and insert "**12**".

Page 3, line 29, delete "adopt rules under IC 4-22-2" and insert "**establish policy**".

Page 3, line 31, delete "2001" and insert "2000".

Page 3, line 32, delete "IC 4-13-1.1-10" and insert "**IC 4-13-1.1-12**".

Page 3, line 34, delete "general assembly" and insert "**legislative council**".

Page 3, line 34, delete "2002" and insert "2001".

Page 3, line 35, delete "2002" and insert "2001".

and when so amended that said bill do pass.

(Reference is to SB 206 as reprinted February 2, 1999.)

BOTTORFF, Chair

Committee Vote: yeas 10, nays 0.

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