



Reprinted  
February 2, 1999

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## SENATE BILL No. 206

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DIGEST OF SB 206 (Updated February 1, 1999 2:33 pm - DI 87)

**Citations Affected:** IC 4-13; noncode.

**Synopsis:** Locate state government offices in downtown areas. Provides that the Indiana department of administration shall adopt rules to encourage state agencies to locate leased and state constructed facilities in downtown areas. Provides that the rules adopted by the department do not apply to Indiana Department of Correction facilities. Provides that the rules adopted 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. Requires the rules adopted by the department to give primary consideration to the restoration or reuse, or both of existing structures within a downtown  
(Continued next page)

**Effective:** July 1, 1999.

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

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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.

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area. Requires the rules adopted 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 adopt rules to implement these provisions not later than January 1, 2001. Provides that not later than July 1 of each year, the Indiana department of administration shall report to the general assembly concerning the implementation of these provisions. Requires the Indiana department of administration to submit the department's first report to the general assembly not later than July 1, 2002.

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February 2, 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. 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; or  
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           **Sec. 5.** As used in this chapter, "state agency" has the meaning  
5           set forth in IC 4-13-1-1.

6           **Sec. 6.** The department shall adopt rules to encourage state  
7           agencies to locate leased and state constructed facilities in  
8           downtown areas.

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

11          **Sec. 8.** The rules adopted under section 6 of this chapter must  
12          focus on the following:

- 13           (1) Local economic considerations.
- 14           (2) The requirements of the agency.
- 15           (3) Servicing client needs.
- 16           (4) The availability of suitable space.
- 17           (5) Competitiveness in the market place.

18          **Sec. 9. (a)** The rules adopted by the department under section 6  
19          of this chapter must give primary consideration to the restoration  
20          or reuse, or both of existing structures within a downtown area.

21          **(b)** When using existing structures, reasonable efforts shall be  
22          made to:

- 23           (1) restore or rebuild the structure's facade, maintaining the  
24           architectural integrity of the building and streetscape  
25           according to the standards for rehabilitation under 36 CFR  
26           68; and
- 27           (2) ensure that the structure meets the federal Americans with  
28           Disabilities Act requirements in an aesthetically pleasing  
29           manner.

30          **Sec. 10. (a)** The rules adopted by the department under section  
31          6 of this chapter must give secondary consideration to state  
32          construction of facilities within a downtown area if the restoration  
33          or reuse, or both, of existing structures within a downtown area is  
34          not determined to be a reasonable alternative by the department.

35          **(b)** With regard to state constructed facilities, rules adopted by  
36          the department must provide that reasonable efforts shall be made  
37          to:

- 38           (1) make the scale and facade of the structure maintain the  
39           architectural integrity of the existing streetscape;
- 40           (2) ensure that the structure meets the federal Americans with  
41           Disabilities Act in an aesthetically pleasing manner;
- 42           (3) deny a request from a state agency to locate or to relocate



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1 outside a downtown area unless it is documented that no  
 2 reasonable alternative exists. Lack of onsite parking is not  
 3 alone sufficient documentation when alternative parking is  
 4 available in a downtown area; and

5 (4) coordinate the location of state constructed facilities with  
 6 existing public and private sector organizations committed to  
 7 community development, downtown revitalization, and  
 8 historic preservation.

9 Sec. 11. Not later than July 1 of each year, the department shall  
 10 report to the general assembly concerning the implementation of  
 11 this chapter.

12 Sec. 12. The report submitted under section 10 of this chapter  
 13 must include the following information:

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

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

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

21 (4) The number of leases and state constructed facilities that  
 22 included the restoration and reuse, or both, of an existing  
 23 structure.

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

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

29 (b) The department shall adopt rules under IC 4-22-2 to  
 30 implement IC 4-13-1.1, as added by this act, not later than January  
 31 1, 2001.

32 (c) Notwithstanding IC 4-13-1.1-10, as added by this act, the  
 33 department shall submit the department's first report to the  
 34 general assembly not later than July 1, 2002.

35 (d) This SECTION expires July 2, 2002.

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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

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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.)

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