

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.

## SENATE ENROLLED ACT No. 542

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

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

SECTION 1. IC 4-13-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. The department shall, subject to this chapter, do the following:

- (1) Execute and administer all appropriations as provided by law, and execute and administer all provisions of law that impose duties and functions upon the executive department of government, including executive investigation of state agencies supported by appropriations and the assembly of all required data and information for the use of the executive department and the legislative department.
- (2) Supervise and regulate the making of contracts by state agencies.
- (3) Perform the property management functions required by IC 4-20.5-6.
- (4) Assign office space and storage space for state agencies in the manner provided by IC 4-20.5-5.
- (5) Maintain and operate the following for state agencies:
  - (A) Central duplicating.
  - (B) Printing.
  - (C) Machine tabulating.

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(D) Mailing services.

(E) Centrally available supplemental personnel and other essential supporting services.

(F) Information services.

(G) Telecommunication services.

The department may require state agencies to use these general services in the interests of economy and efficiency. The general services rotary fund, the telephone rotary fund, and the data processing rotary fund are established through which these services may be rendered to state agencies. The budget agency shall determine the amount for each rotary fund.

(6) Control and supervise the acquisition, operation, maintenance, and replacement of state owned vehicles by all state agencies. The department may establish and operate, in the interest of economy and efficiency, a motor vehicle pool, and may finance the pool by a rotary fund of not to exceed two hundred fifty thousand dollars (\$250,000).

(7) Promulgate and enforce rules relative to the travel of officers and employees of all state agencies when engaged in the performance of state business. These rules may allow reimbursement for travel expenses by any of the following methods:

(A) Per diem.

(B) For expenses necessarily and actually incurred.

(C) Any combination of the methods in clauses (A) and (B).

The rules must require the approval of the travel by the commissioner and the head of the officer's or employee's department prior to payment.

(8) Administer IC 4-13.6.

(9) Prescribe the amount and form of certified checks, deposits, or bonds to be submitted in connection with bids and contracts when not otherwise provided for by law.

(10) Rent out, with the approval of the governor, any state property, real or personal:

(A) not needed for public use; or

(B) for the purpose of providing services to the state or employees of the state;

the rental of which is not otherwise provided for or prohibited by law. Property may not be rented out under this subdivision for a term exceeding ~~four (4)~~ **ten (10)** years at a time. **However, if property is rented out for a term of more than four (4) years, the commissioner must make a written determination stating**

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**the reasons that it is in the best interests of the state to rent property for the longer term.** This subdivision does not include the power to grant or issue permits or leases to explore for or take coal, sand, gravel, stone, gas, oil, or other minerals or substances from or under the bed of any of the navigable waters of the state or other lands owned by the state.

(11) Have charge of all central storerooms, supply rooms, and warehouses established and operated by the state and serving more than one (1) agency.

(12) Enter into contracts and issue orders for printing as provided by IC 4-13-4.1.

(13) Sell or dispose of surplus property under IC 5-22-22, or if advantageous, to exchange or trade in the surplus property toward the purchase of other supplies, materials, or equipment, and to make proper adjustments in the accounts and inventory pertaining to the state agencies concerned.

(14) With respect to power, heating, and lighting plants owned, operated, or maintained by any state agency:

(A) inspect;

(B) regulate their operation; and

(C) recommend improvements to those plants to promote economical and efficient operation.

SECTION 2. IC 4-20.5-1-11.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 11.9. "State educational institution" has the meaning set forth in IC 20-12-0.5-1.**

SECTION 3. IC 4-20.5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

**Chapter 1.5. Application of Article to Certain Agencies**

**Sec. 1. This chapter applies to an agency that is an entity that holds title to or possesses property in the name of, or on behalf of, the state.**

**Sec. 2. Notwithstanding another provision of this article, but subject to sections 3 and 4 of this chapter, an agency described in section 1 of this chapter may perform the functions assigned to the department under this article with respect to property the agency holds title to or possesses in the name of, or on behalf of, the state.**

**Sec. 3. An agency described in section 1 of this chapter may request that the department perform any of the functions assigned to the department under this article with respect to property the agency holds title to or possesses in the name of, or on behalf of, the**



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**Sec. 4. The requirements of this article for filing instruments with the state land office apply to an agency described in section 1 of this chapter.**

SECTION 4. IC 4-20.5-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) If an agency's needs cannot be met under section 6 of this chapter, the department may approve the leasing of facilities for the agency or lease facilities in its own name and assign them to the agency. A lease approved under this subsection must satisfy all the following:

- (1) Must be approved under IC 4-13-2-14.1.
- (2) May not be for a term of more than four (4) years.
- (3) May provide for the state to make improvements on the leased property if authorized by the public works division of the department.
- (4) Notwithstanding IC 4-13-2-20, may provide for payment to the lessor at any time during the term of the lease for leasehold improvements made by the lessor.

(b) Notwithstanding subsection (a)(2), **the following apply:**

- (1) A lease entered into under this section may be renewed for successive terms.
- (2) **The term of a lease may be for more than four (4) years, but not more than ten (10) years, if the commissioner makes a written determination stating the reason that it is in the best interests of the state to rent property for a term of more than four (4) years.**

SECTION 5. IC 4-20.5-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. The department shall notify the **following of the proposed transfer:**

- (1) **Other state agencies.**
- (2) **State educational institutions.**
- (3) **The division of historic preservation and archeology of the department of natural resources of the proposed transfer** as required by IC 14-21-1-14.

SECTION 6. IC 4-20.5-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) If the commissioner finds **that** another agency **or a state educational institution** can use the property, the property may be transferred to the other agency **or the state educational institution.**

(b) The agency head of the accepting agency **or the state educational institution** must do the following:

- (1) Find that the property is necessary or convenient to the

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accepting agency's **or state educational institution's** use or purpose.

(2) Request, in writing, approval of the governor to transfer possession of the property from the transferring agency.

(c) With the approval of the budget agency, the accepting agency **or state educational institution** may transfer funds to the transferring agency in consideration of the transfer.

(d) The offer to the **transferring** agency must remain open for thirty (30) days after the offer was made. If an offer has not been rejected or accepted by the agency within thirty (30) days, the department ~~shall make the notifications described in section 7.1 of~~ **may dispose of the property as otherwise permitted under** this chapter.

SECTION 7. IC 4-20.5-7-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7.1. (a) ~~If a state agency does not accept or reject the property within thirty (30) days under section 7 of this chapter,~~ **At the time the department notifies state agencies and state educational institutions of the availability of the property,** the department:

(1) shall notify:

(A) the municipality within which the property is located; and

(B) the county within which the property is located; and

(2) may notify any other political subdivision within which the property is located;

of the availability of the property.

(b) If the state does not receive a response from a municipality, county, or other political subdivision within ~~sixty (60)~~ **thirty (30)** days, the state may dispose of the property as provided for under this chapter.

SECTION 8. IC 4-20.5-7-7.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 7.3. If more than one (1) state agency, state educational institution, or political subdivision expresses interest in acquiring surplus property, the department shall give priority for transfer of the property in the following order:**

**(1) To a state agency.**

**(2) To a state educational institution.**

**(3) To a political subdivision.**

SECTION 9. IC 4-20.5-7-10.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 10.7. (a) This section does not apply if the value of the state property is more than ten thousand dollars (\$10,000).**



**(b) The department may transfer state property to a person in exchange for property of like value transferred by the person to the state:**

- (1) to settle a dispute relating to either or both of the properties; and**
- (2) without offering to transfer the state property:**
  - (A) to state agencies, state educational institutions, or a political subdivision under this chapter; or**
  - (B) after a sale of the property under this chapter.**

**(c) The department must establish that properties exchanged under this section are of like value through appraisals or other means approved by the commissioner.**

SECTION 10. IC 4-20.5-7-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. **(a)** Except as provided in **subsection (b) and** section 10 of this chapter, the governor must approve a sale of the property for a price less than the appraised value of the property.

- (b) The department may grant an easement in property without:**
  - (1) money consideration; and**
  - (2) the approval of the governor.**

SECTION 11. IC 4-20.5-20 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

**Chapter 20. Miscellaneous Property Transactions With the United States**

**Sec. 1.** The department, with the approval of the governor, may enter into transactions with the United States involving property not otherwise provided for in this article.

**Sec. 2. (a)** A transaction described in section 1 of this chapter is subject to the same procedures required by this article that would be required to be followed under this article if the transaction were conducted with a person other than the United States.

**(b)** The department has the same powers to conduct a transaction described in section 1 of this chapter as the department has to conduct the same transaction under this article with a person other than the United States.

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