

IC 4-13.5

ARTICLE 13.5. CONSTRUCTION OF STATE OFFICE BUILDINGS AND OTHER FACILITIES

IC 4-13.5-1

Chapter 1. General Provisions

IC 4-13.5-1-1

Definitions

Sec. 1. The following definitions apply throughout this article:

- (1) "Commission" means the Indiana finance authority established by IC 4-4-11-4.
- (2) "Communications system infrastructure" has the meaning set forth in IC 5-26-5-1.
- (3) "Construction" means the erection, renovation, refurbishing, or alteration of all or any part of buildings, improvements, or other structures, including installation of fixtures or equipment, landscaping of grounds, site work, and providing for other ancillary facilities pertinent to the buildings or structures.
- (4) "Correctional facility" means a building, a structure, or an improvement for the custody, care, confinement, or treatment of committed persons under IC 11.
- (5) "Department" refers to:
 - (A) the integrated public safety commission, for purposes of a facility consisting of communications system infrastructure; and
 - (B) the Indiana department of administration, for purposes of all other facilities.
- (6) "Mental health facility" means a building, a structure, or an improvement for the care, maintenance, or treatment of persons with mental or addictive disorders.
- (7) "Facility" means all or any part of one (1) or more buildings, structures, or improvements (whether new or existing), or parking areas (whether surface or an above or below ground parking garage or garages), owned or leased by the commission under this article or the state for the purpose of:
 - (A) housing the personnel or activities of state agencies or branches of state government;
 - (B) providing transportation or parking for state employees or persons having business with state government;
 - (C) providing a correctional facility;
 - (D) providing a mental health facility;
 - (E) providing a regional health facility; or
 - (F) providing communications system infrastructure.
- (8) "Person" means an individual, a partnership, a corporation, a limited liability company, an unincorporated association, or a governmental entity.
- (9) "Regional health facility" means a building, a structure, or an improvement for the care, maintenance, or treatment of

adults or children with mental illness, developmental disabilities, addictions, or other medical or rehabilitative needs.
(10) "State agency" means an authority, a board, a commission, a committee, a department, a division, or other instrumentality of state government, but does not include a state educational institution.

As added by Acts 1977, P.L.31, SEC.1. Amended by P.L.27-1985, SEC.1; P.L.240-1991(ss2), SEC.37; P.L.8-1993, SEC.23; P.L.273-1999, SEC.191; P.L.291-2001, SEC.76; P.L.123-2002, SEC.2; P.L.235-2005, SEC.55; P.L.2-2007, SEC.40.

IC 4-13.5-1-1.3

"Loan contract"

Sec. 1.3. As used in this article, "loan contract" means a debt instrument other than a revenue bond and includes but is not limited to a note.

As added by P.L.15-1986, SEC.1.

IC 4-13.5-1-1.5

Repealed

(Repealed by P.L.235-2005, SEC.212.)

IC 4-13.5-1-2

Repealed

(Repealed by P.L.235-2005, SEC.212.)

IC 4-13.5-1-2.5

Application to the Indiana finance authority

Sec. 2.5. This article:

- (1) applies to the Indiana finance authority only when acting as the commission under this article for the purposes set forth in this article; and
- (2) does not apply to the Indiana finance authority when acting under any other statute for any other purpose.

As added by P.L.235-2005, SEC.56.

IC 4-13.5-1-3

Powers

Sec. 3. (a) The commission may:

- (1) accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, other financing and assistance, and any other aid from any source and agree to and comply with any attached conditions;
- (2) acquire real property, or any interest in real property, by lease, conveyance (including purchase) in lieu of foreclosure, or foreclosure, own, manage, operate, hold, clear, improve, and construct facilities on real property, and sell, assign, exchange, transfer, convey, lease, mortgage, or otherwise dispose of or encumber real property, or interests in real property or facilities on real property, if the use is necessary or appropriate to the

purposes of the commission;

(3) procure insurance against any loss in connection with its operations in amounts, and from insurers, as it considers necessary or desirable;

(4) borrow funds as set forth in IC 4-13.5-4 and issue revenue bonds of the commission, payable solely from revenues, as set forth in IC 4-13.5-4, or from the proceeds of bonds issued under this article and earnings on bonds, or both, for the purpose of carrying out its purposes under this article, including paying all or any part of the cost of acquisition or construction of any one

(1) or more facilities, or for the purpose of refunding any other bonds or loan contracts of the commission;

(5) establish reserves or sinking funds from the proceeds of the sale of bonds or from other funds, or both, to secure the payment of the bonds;

(6) invest any funds held in reserve or in sinking fund accounts or any money not required for immediate disbursement, in obligations of the state, the United States, or their agencies or instrumentalities, and other obligors as may be permitted under the terms of any resolution authorizing the issuance of the commission's bonds or other obligations;

(7) include in any borrowing or issue amounts considered necessary by the commission to pay financing charges, interest on the obligations (for a period not exceeding the period of construction and a reasonable time after the period of construction or, if the facility is completed, two (2) years from the date of issue of the obligations), consultant, advisory, and legal fees, and other expenses necessary or incident to the borrowing or issue;

(8) make, execute, and effectuate contracts, agreements, or other documents with any governmental agency or any person, corporation, limited liability company, association, partnership, or other organization or entity necessary or convenient to accomplish the purposes of this article;

(9) acquire in the name of the commission by the exercise of the right of condemnation, in the manner provided in this section, public or private lands, or rights in lands, rights-of-way, property, rights, easements, and interests, as it considers necessary for carrying out this article; and

(10) do any and all acts and things necessary, proper, or convenient to carry out this article.

(b) The commission may provide for facilities for state agencies or branches of state government if the general assembly, by statute:

(1) finds that the state needs renovation, refurbishing, or alteration of existing facilities or construction of additional facilities; and

(2) authorizes the commission to provide for the facilities.

In providing for the facilities, the commission shall proceed under this article.

(c) If the commission is unable to agree with the owners, lessees,

or occupants of any real property selected for the purposes of this article, it may proceed to procure the condemnation of the property under IC 32-24-1. The commission may not institute a proceeding until it has adopted a resolution that:

- (1) describes the real property sought to be acquired and the purpose for which the real property is to be used;
- (2) declares that the public interest and necessity require the acquisition by the commission of the property involved; and
- (3) sets out any other facts that the commission considers necessary or pertinent.

The resolution is conclusive evidence of the public necessity of the proposed acquisition and shall be referred to the attorney general for action, in the name of the commission, in the circuit or superior court of the county in which the real property is located.

(d) The title to all property acquired in any manner by the commission shall be held in the name of the commission.

As added by Acts 1977, P.L.31, SEC.1. Amended by Acts 1980, P.L.16, SEC.1; P.L.27-1985, SEC.4; P.L.8-1993, SEC.24; P.L.2-2002, SEC.26; P.L.235-2005, SEC.57.

IC 4-13.5-1-3.1

Repealed

(Repealed by P.L.235-2005, SEC.212.)

IC 4-13.5-1-4

Repealed

(Repealed by P.L.235-2005, SEC.212.)

IC 4-13.5-1-5

Attorney general as legal adviser

Sec. 5. The attorney general shall serve as the legal adviser for the commission and represent it in any legal proceeding.

As added by Acts 1977, P.L.31, SEC.1.

IC 4-13.5-1-6

Contracts for performance of work and purchase or sale of materials

Sec. 6. Subject to section 8 of this chapter, the commission may not enter into:

- (1) a contract for the performance of work, other than a contract of employment with a professional person or a commission employee; or
- (2) a contract for the purchase or sale of materials or supplies; without complying with IC 4-13-2 and the rules and procedures of the department.

As added by Acts 1977, P.L.31, SEC.1. Amended by P.L.123-2002, SEC.3.

IC 4-13.5-1-7

(Repealed by P.L.11-1993, SEC.8.)

IC 4-13.5-1-8

Employment of professionals; plans and specifications; award of contracts; minority and women's businesses

Sec. 8. (a) The commission may employ architects, engineers, space planners, construction managers, and other professional persons it considers necessary to prepare complete plans and specifications necessary for bidding for construction. The commission shall consider economy of operation to the extent practicable in preparing and approving plans and specifications.

(b) The plans and specifications shall be presented for approval to:

- (1) the department;
- (2) if the facility is designed to house the supreme court or court of appeals, the administrator of the supreme court for approval by the courts;
- (3) if the facility is a correctional facility, the department of correction; and
- (4) if the facility consists of communications system infrastructure, the integrated public safety commission.

(c) After the plans and specifications have been approved by the commission under subsection (b), the commission shall advertise for and receive construction bids and award contracts to the best bidders in the same manner as required by law for the department. However, with respect to a facility that consists of communications system infrastructure, if the commission finds that the integrated public safety commission has already advertised for and received construction bids or awarded contracts to the best bidders, or both, substantially in the same manner as required by law for the Indiana department of administration, the commission is not required to repeat the advertisement, receipt of bids, or award of contracts. In making the finding described in this subsection, the commission may rely upon a certificate of the integrated public safety commission. If the commission makes the finding described in this subsection, that is all the authority the commission needs to accept the assignment of the bids or contracts or both, from the integrated public safety commission, and all the authority the integrated public safety commission needs to assign the bids or contracts, or both, to the commission.

(d) With regard to participation by minority and women's business enterprises (as defined in IC 4-13-16.5-1 and IC 4-13-16.5-1.3), the commission shall act in the same manner as required by law for the department.

As added by Acts 1980, P.L.16, SEC.2. Amended by P.L.27-1985, SEC.6; P.L.240-1991(ss2), SEC.38; P.L.195-2001, SEC.7; P.L.123-2002, SEC.4.

IC 4-13.5-1-9

Conveyance of real property by state to commission

Sec. 9. The governor may convey, transfer, or sell, with or without

consideration, real property (including the buildings, structures, and improvements), title to which is held in the name of the state, to the commission, without being required to advertise or solicit bids or proposals, in order to accomplish the governmental purposes of this article.

As added by P.L.27-1985, SEC.7.

IC 4-13.5-1-10

Renovation of state facilities; contracts

Sec. 10. The department may enter into a contract with the commission to renovate, refurbish, or alter a facility owned by the state without advertising or soliciting bids or proposals under IC 4-13.6 or IC 5-22. However, in accomplishing the project to renovate, refurbish, or alter a facility owned by the state, the commission shall comply with IC 4-13.5-1-8.

As added by P.L.27-1985, SEC.8. Amended by P.L.49-1997, SEC.17.

IC 4-13.5-1-11

General assembly finding of need for correctional facilities; general assembly finding of need for state museum; authorization to state office building commission to provide for correctional facilities, state museum; borrowing money, issuance of bonds; codification of noncode statute; effect

Sec. 11. (a) The general assembly finds that the state needs construction, equipping, renovation, refurbishing, or alteration of the following correctional facilities for use by the department of correction:

- (1) One (1) additional medium security correctional facility for adult males, also known as phase I of the Miami Correctional Facility.
- (2) One (1) additional correctional facility for male juveniles.
- (3) One (1) special needs facility that is converted from an existing state institution.

(b) The general assembly finds that the state will have a continuing need for use and occupancy of the correctional facilities described in subsection (a).

(c) The general assembly authorizes the state office building commission to provide under this chapter and IC 4-13.5-4 the correctional facilities described in subsection (a), including the borrowing of money or the issuance and sale of bonds, or both, under IC 4-13.5-4, subject to the approval of the budget agency after review by the budget committee.

(d) The general assembly finds that the state needs the construction of a state museum facility and authorizes the state office building commission to provide the museum under this chapter and IC 4-13.5-4, including the borrowing of money or the issuance and sale of bonds, or both, under IC 4-13.5-4, subject to the approval of the budget agency after review by the budget committee.

(e) This section codifies P.L.260-1997, SECTION 36.

(f) This section does not authorize any:

(1) construction; or
(2) issuance of bonds or other evidences of indebtedness;
other than authorized by P.L.260-1997, SECTION 36.
As added by P.L.220-2011, SEC.29.

IC 4-13.5-1-12

General assembly finding of need for medium security correctional facilities; general assembly finding of need for mental health facility; authorization to state office building commission to provide for correctional facilities, mental health facility; codification of noncode statute; effect

Sec. 12. (a) The general assembly finds that the state needs the construction, equipping, renovation, refurbishing, or alteration of one (1) additional medium security correctional facility.

(b) The general assembly finds that the state will have a continuing need for use and occupancy of the correctional facility described in subsection (a). The general assembly authorizes the state office building commission to provide the correctional facility described in subsection (a) under this chapter and IC 4-13.5-4.

(c) The general assembly finds that the state needs the construction, equipping, renovation, refurbishing, or alteration of one (1) additional mental health facility.

(d) The general assembly finds that the state will have a continuing need for use and occupancy of the mental health facility described in subsection (c). The general assembly authorizes the state office building commission to provide the mental health facility described in subsection (c) under this chapter and IC 4-13.5-4.

(e) This section codifies P.L.273-1999, SECTION 38.

(f) This section does not authorize any:

(1) construction; or
(2) issuance of bonds or other evidences of indebtedness;
other than authorized by P.L.273-1999, SECTION 38.
As added by P.L.220-2011, SEC.30.

IC 4-13.5-1-13

General assembly finding of need for regional health centers; authorization to state office building commission to provide for regional health centers; codification of noncode statute; effect

Sec. 13. (a) The general assembly finds that the state needs the construction, equipping, renovation, refurbishing, or alteration of up to three (3) regional health centers.

(b) The general assembly finds that the state will have a continuing need for use and occupancy of the health centers described in subsection (a). The general assembly authorizes the state office building commission to provide the health centers described in subsection (a) under this chapter and IC 4-13.5-4.

(c) This section codifies P.L.291-2001, SECTION 43.

(d) This section does not authorize any:

(1) construction; or
(2) issuance of bonds or other evidences of indebtedness;

other than authorized by P.L.291-2001, SECTION 43.
As added by P.L.220-2011, SEC.31.

IC 4-13.5-1-14

General assembly finding of need for communications system infrastructure; authorization to state office building commission to provide for communications system infrastructure; codification of noncode section; effect

Sec. 14. (a) The general assembly finds that the state needs the construction, equipping, purchasing, leasing, renovation, refurbishing, or alteration of communications system infrastructure (as defined in IC 5-26-5-1).

(b) The general assembly finds that the state will have a continuing need for use and occupancy of the communications system infrastructure described in subsection (a). The general assembly authorizes the state office building commission to provide under this chapter and IC 4-13.5-4 the communications system infrastructure described in subsection (a), including the borrowing of money or the issuance and sale of bonds, or both, under IC 4-13.5-4.

(c) This section codifies P.L.123-2002, SECTION 61.

(d) This section does not authorize any:

(1) construction; or

(2) issuance of bonds or other evidences of indebtedness;

other than authorized by P.L.123-2002, SECTION 61.

As added by P.L.220-2011, SEC.32.

IC 4-13.5-1-15

General assembly finding of need for regional health center; authorization to state office building commission to provide for regional health center; codification of noncode statute; effect

Sec. 15. (a) The general assembly finds that the state needs the construction, equipping, renovation, refurbishing, or alteration of not more than one (1) regional health center.

(b) The general assembly finds that the state will have a continuing need for use and occupancy of the health center described in subsection (a). The general assembly authorizes the state office building commission to provide under this chapter and IC 4-13.5-4 the health center described in subsection (a).

(c) This section codifies P.L.224-2003, SECTION 111.

(d) This section does not authorize any:

(1) construction; or

(2) issuance of bonds or other evidences of indebtedness;

other than authorized by P.L.224-2003, SECTION 111.

As added by P.L.220-2011, SEC.33.

IC 4-13.5-1-16

General assembly finding of need for laboratory facilities for state agencies and department of toxicology; authorization to state office building commission to provide for laboratory facilities; codification of noncode statute; effect

Sec. 16. (a) As used in this section, "laboratory facilities" means land, buildings, structures, improvements and equipment, and related facilities for the use and occupancy of state agencies and the state department of toxicology.

(b) The general assembly finds that the state needs the construction, equipping, purchasing, leasing, renovation, refurbishing, or alteration of laboratory facilities for the use of agencies of the state, including the state police department created by IC 10-11-2-4, the state department of health established by IC 16-19-1-1, and, notwithstanding section 1 of this chapter, the state department of toxicology of the Indiana University School of Medicine established under IC 21-45-3-1.

(c) The general assembly finds that the state will have a continuing need for use and occupancy of the laboratory facilities.

(d) The general assembly authorizes the state office building commission to provide under this chapter and IC 4-13.5-4 the laboratory facilities, including the borrowing of money or the issuance and sale of bonds, or both, under IC 4-13.5-4.

(e) This section codifies P.L.224-2003, SECTION 112.

(f) This section does not authorize any:

(1) construction; or

(2) issuance of bonds or other evidences of indebtedness;

other than authorized by P.L.224-2003, SECTION 112.

As added by P.L.220-2011, SEC.34.

IC 4-13.5-1-17

General assembly finding of need for parking facilities; authorization to state office building commission to provide for parking facilities; codification of noncode statute; effect

Sec. 17. (a) The general assembly finds that the state of Indiana needs additional parking facilities in the area of the state capitol complex and the White River State Park for:

(1) employees of the state and the facilities located in the area of the state capitol complex and White River State Park; and

(2) visitors to or persons having business at facilities located in the area of the state capitol complex and White River State Park.

(b) The general assembly finds that the state of Indiana will have a continuing need for use and occupancy of the parking facilities described in subsection (a).

(c) The general assembly authorizes the Indiana finance authority to proceed with the projects described in subsection (a) under this chapter and IC 4-13.5-4.

(d) The Indiana finance authority shall present a feasibility plan and cost estimate to the budget committee when the feasibility plan and cost estimate become available.

(e) This section codifies P.L.234-2007, SECTION 187.

(f) This section does not authorize any:

(1) construction; or

(2) issuance of bonds or other evidences of indebtedness;

other than authorized by P.L.234-2007, SECTION 187.
As added by P.L.220-2011, SEC.35.