

IC 4-13-1.1

Chapter 1.1. Location of State Agencies in Downtown Areas

IC 4-13-1.1-1

"Americans with Disabilities Act" defined

Sec. 1. As used in this chapter, "Americans with Disabilities Act" refers to the federal Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and any amendments and regulations related to the act. *As added by P.L.252-1999, SEC.1.*

IC 4-13-1.1-2

"Commissioner" defined

Sec. 2. As used in this chapter, "commissioner" refers to the commissioner of the Indiana department of administration. *As added by P.L.252-1999, SEC.1.*

IC 4-13-1.1-3

"Department" defined

Sec. 3. As used in this chapter, "department" refers to the Indiana department of administration created under IC 4-13-1-2. *As added by P.L.252-1999, SEC.1.*

IC 4-13-1.1-4

"Downtown" defined

Sec. 4. As used in this chapter, "downtown" refers to:

- (1) the central business district of a city, town, or township;
- (2) any commercial or mixed use area within a neighborhood of a city, town, or township that has traditionally served, since the founding of the community, as the retail service and communal focal point within the community;
- (3) an enterprise zone established under IC 5-28-15; or
- (4) a brownfield revitalization zone established under IC 6-1.1-42.

As added by P.L.252-1999, SEC.1. Amended by P.L.4-2005, SEC.15.

IC 4-13-1.1-5

"State agency" defined

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

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

As added by P.L.252-1999, SEC.1.

IC 4-13-1.1-6

Policy establishment

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

As added by P.L.252-1999, SEC.1.

IC 4-13-1.1-7

Policy exemptions

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

As added by P.L.252-1999, SEC.1.

IC 4-13-1.1-8**Factors for consideration**

Sec. 8. The policy established under section 6 of this chapter must 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.
- (6) Ability to create positive impact on local small business.

As added by P.L.252-1999, SEC.1.

IC 4-13-1.1-9**Prohibition on increased taxes**

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.

As added by P.L.252-1999, SEC.1.

IC 4-13-1.1-10**Restoration or reuse of existing structures**

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

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

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

As added by P.L.252-1999, SEC.1.

IC 4-13-1.1-11**State construction of facilities**

Sec. 11. (a) The policy established by the department under section 6 of this chapter must give secondary consideration to state construction of facilities within a downtown area if the restoration or reuse, or both, of existing structures within a downtown area is not determined to be a reasonable alternative by the department.

(b) With regard to state constructed facilities, the policy

established by the department must provide that reasonable efforts shall be made to:

- (1) make the scale and facade of the structure maintain the architectural integrity of the existing streetscape;
- (2) ensure that the structure meets the federal Americans with Disabilities Act requirements in an aesthetically pleasing manner;
- (3) deny a request from a state agency to locate or to relocate outside a downtown area unless it is documented that no reasonable alternative exists. Lack of onsite parking is not alone sufficient documentation when alternative parking is available in a downtown area; and
- (4) coordinate the location of state constructed facilities with existing public and private sector organizations committed to community development, downtown revitalization, and historic preservation.

As added by P.L.252-1999, SEC.1.

IC 4-13-1.1-12

Report to legislative council; duty

Sec. 12. Not later than July 1 of each year, the department shall report in an electronic format under IC 5-14-6 to the legislative council concerning the implementation of this chapter.

As added by P.L.252-1999, SEC.1. Amended by P.L.28-2004, SEC.39.

IC 4-13-1.1-13

Report to legislative council; requirements

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

- (1) The total number of leased and state constructed facilities reviewed by the department during the prior year.
- (2) The number of leased and state constructed facilities that were located in downtown areas.
- (3) If a leased or state constructed facility was not located in a downtown area, the reason for the lease or facility being located outside a downtown area.
- (4) The number of leases and state constructed facilities that included the restoration and reuse, or both, of an existing structure.
- (5) Measures taken by the department to encourage state agencies to locate in downtown areas.

As added by P.L.252-1999, SEC.1.